Ordinance 25-1271

Town of Carolina Beach
Town Council

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN TO REZONE PROPERTY CONTAINING 1.75 ACRES OF LAND LOCATED AT 223, 225, 227, 235, 237, 239, 234, 236 CAROLINA BEACH AVENUE NORTH IN THE CENTRAL BUSINESS DISTRICT (CBD) TO CONDITIONAL ZONING (CZ) FOR A HOTEL, RESTAURANT, AND MEETING SPACE

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, NCGS §§ 160D-102, 160D-108(d), 160D-603, and 160D-702 authorizes local governments to change or modify zoning boundaries within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS § 160D-601 and Part III of the Carolina Beach Land Development Code.

THEREFORE, BE IT ORDAINED:

SECTION 1: The Official Zoning Maps of the Town of Carolina Beach are hereby amended by removing the hereinafter described tract of land from the present CBD, Central Business District and putting it in the Conditional Zoning (CZ) classification, said tract being more particularly described as follows:

Legal Description for Conditional Rezoning of 223, 225, 227, 235, 237, 239, 234, 236 Carolina Beach Avenue North

223 CAROLINA BEACH AVE N
2 PT 3/13 CAR BCH
PID: R09006-005-015-000
As more specifically described on Deed Recorded in Book 6684, Page 566 of the New Hanover County Register of Deeds.

225 CAROLINA BEACH AVE N
2 4 CAR BCH
PID: R09006-005-016-000
As more specifically described on Deed Recorded in Book 6684, Page 566 of the New Hanover County Register of Deeds.

227 CAROLINA BEACH AVE N
LOT 5-6 BLK 2 CAR BCH (WHITTS MOTEL)
PID: R09006-005-019-000
As more specifically described on Deed Recorded in Book 6684, Page 566 of the New Hanover County Register of Deeds.

235 CAROLINA BEACH AVE N
2 7/8 PT 17/18 CAR BCH
PID: R09006-005-020-000
As more specifically described on Deed Recorded in Book 6769, Page 847 of the New Hanover County Register of Deeds.

237 CAROLINA BEACH AVE N
LOT 9 PT 19 BLK 2 CAROLINA BCH
PID: R08818-019-001-000
As more specifically described on Deed Recorded in Book 6769, Page 847 of the New Hanover County Register of Deeds.

239 CAROLINA BEACH AVE N
LOT 10 BLK 2 CAROLINA BEACH
PID: R08818-019-002-000
As more specifically described on Deed Recorded in Book 6769, Page 847 of the New Hanover County Register of Deeds.

234 CAROLINA BEACH AVE N
LOTS 7, 8, 9 BLK 1 CAROLINA BEACH
PID: R09006-006-001-000
As more specifically described on Deed Recorded in Book 6769, Page 852 of the New Hanover County Register of Deeds.

236 CAROLINA BEACH AVE N
LOT 10 BLK 1 CAROLINA BCH
PID: R08818-018-001-000
As more specifically described on Deed Recorded in Book 6769, Page 852 of the New Hanover County Register of Deeds.

SECTION 2: The following rules, regulations, and conditions shall apply to the property described in this ordinance

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Land Development Code, the Town of Carolina Beach Technical Standards and Specifications Manual and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below.
2. The use and development of the subject properties shall be in substantial accordance with the site plan submitted and approved which was prepared by Paramounte Engineering dated 9/22/25.
3. The proposed use shall be limited to a hotel with 140 sleeping rooms, meeting space, and restaurant.

4. The Applicant shall provide 5’ sidewalks and crosswalks around the entire project, including the oceanfront portion of Pelican Lane.
5. The Applicant shall pave the oceanfront portion of Pelican Lane and provide 2 golf cart spaces for public use.
6. The Applicant shall provide an easement or maintenance agreement for the portion of the sidewalk on private property.
7. Lighting shall be provided on the sides of the buildings for the street and sidewalk. All lighting shall be aimed, located, designed, fitted, shielded, and maintained so as not to present a hazard to drivers, pedestrians, or sea turtles by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
8. The Applicant shall bury all power lines.
9. The Applicant shall Install all recommendations of the traffic impact analysis.
10. Provide daily usage of water & sewer and make improvements as required by Public Utilities.
11. A stormwater plan must be submitted and approved prior to issuance of a building permit. The stormwater system must be installed according to approved plans and a letter signed and sealed by a licensed engineer must be provided verifying that the system is properly installed and functioning prior to issuance of certificate of occupancy.
12. Drainage plan must be submitted and approved prior to issuance of a building permit and signed and sealed by a licensed engineer verifying that the system is properly installed and functioning prior to issuance of a certificate of occupancy.
13. The buildings shall be designed to meet VE 16 and AE 11 standards.
14. A CAMA Major permit must be obtained prior to issuance of a Building Permit.
15. An Approval Letter from the Division of Water Quality for Stormwater Permit must be obtained prior to the issuance of a Building Permit.
16. An Approval Letter from Division of Land Quality for Sedimentation and Erosion Control Permit must be obtained prior to the issuance of a Building Permit.
17. Approval Letter from the Division of Water Quality for construction authorization for public water supply must be obtained prior to the issuance of a Building Permit.
18. Sign permits must be obtained for any new signs located on the property.
19. Prior to issuance of a building permit a recombination plat shall be recorded at the New Hanover County Register of Deeds.
20. The hotel shall be limited to 73’ in height. Prior to the issuance of a certificate of occupancy, certification by an engineer or architect must be submitted and approved by the Town.
21. Final project must be designed to provide the required 140 parking spaces and must comply with Article 3 of the Carolina Beach Unified Development Ordinance.
22. The final project must be constructed to meet the fire code. 14’ of clearance shall be maintained in the right-of-way beneath the pedestrian sky bridge.
23. A Final site plan must include cross-section of paving detail and indicate on the site plan all areas to be paved.
24. A Type D buffer shall be provided, for every 50 linear feet of frontage, or fraction thereof, the street yard shall contain one understory tree with sidewalks or planters built within the

sidewalk. A total of 13 trees shall be provided. Any waivers shall be delineated on the site plan.

25. An as built and certification shall be provided that all improvements, including but not limited to zoning, paving, drainage, stormwater, and landscaping, shall be constructed and maintained according to the site plan approved by the Director of Planning or his designee prior to Certificate of Occupancy.
26. Prior to the issuance of a building permit a plan that includes a grading schedule, and construction schedule shall be approved by the Technical Review Committee.
27. Prior to the issuance of a building permit, all approval letters and final site plan shall be submitted, and items mentioned above shall be submitted and approved by the Town of Carolina Beach Technical Review Committee that includes the Town Manager, Planning and Development, Building Inspections, Operations/Stormwater/Public Works and Fire.
28. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.

Approval of this site-specific vesting plan establishes a vested right under G.S. 160D-108. Unless terminated at an earlier date, the vested right shall be valid until the date two years after the date executed by the town.

SECTION 3: The Town Clerk and the Community Development Director are hereby authorized and directed under the supervision of the Town Manager to change the Zoning Maps on file in the office of the Town Clerk and the Community Development Department, to conform with this ordinance.

SECTION 4: That any person violating the provisions of this ordinance, including the approved site plan, shall be subject to the penalties set forth in the Unified Development Ordinance.

SECTION 5: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6: If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7: That this ordinance shall be effective upon its adoption by Town Council, and the Town's receipt of written acceptance by the Applicant of all conditions adopted by the Town.

Be it ordained by the Town Council of the Town of Carolina Beach. Adopted this 12th day of November 2025.

Applicant Signature: _____Date:_____

Applicant Printed Name: _____Date:_____

Property Owner Signature: _____Date:_____

Property Owner Printed Name: _____Date:_____

TOWN OF CAROLINA BEACH

_____
Albert L. Barbee, Mayor

ATTEST:

_____
Kimberlee Ward, Town Clerk