

Ordinance 26-1287

Town of Carolina Beach
Town Council



AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN TO REZONE PROPERTY CONTAINING 1.1478 ACRES OF LAND LOCATED AT 1608 BOWFIN LANE IN THE MIXED USE DISTRICT (MX) TO CONDITIONAL ZONING (CZ) FOR A PRIVATE TENNIS COURT

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 1608 Bowfin Lane

1608 BOWFIN LANE

ATLANTIC TOWERS COMMON AREA (200 X 250)

PID: R09018-013-005-000

As more specifically described on Deed Recorded in Book 1268, Page 2041 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 5/5/26.
3. The proposed use shall be limited to one 36 x 54 temporary pickleball court.

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4. The pickleball court shall be approved for a 1-year trial period. The court shall be subject to another conditional zoning review on 5/12/27.
5. The court shall be closed beginning the Friday before Memorial Day through Labor Day.
6. The court shall operate from 9:00 – 6:00 p. The gate shall be locked at all times when the court is not in use.
7. The use of the court shall be for Atlantic Towers owners and their guests only.
8. No additional lighting for the court is approved.
9. Final project must be designed to provide the required 149 parking spaces and must comply with Article 3 of the Carolina Beach Unified Development Ordinance.
10. The applicant shall install a temporary 6' fence with a wind screen or sound blocking material. The fence shall be anchored to the parking lot.
11. No amplified music is permitted.
12. 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.
13. 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.

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Be it ordained by the Town Council of the Town of Carolina Beach. Adopted this 12th day of May 2026.

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