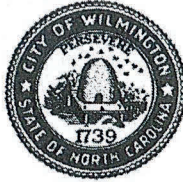


Ordinance



City Council
 City of Wilmington
 North Carolina

Introduced By: Anthony N. Caudle, City Manager

Date: 6/21/2022

Ordinance Amending the Official Zoning Map of the City to Rezone Property Containing 0.45 of an Acre of Land Located at 1415 & 1417 42nd Street from R-10, Residential to RB(CD), Regional Business (Conditional District) to Allow an Existing Nightclub and Beauty Salon to Continue and Add a Retail Plant Shop as a Permitted Use (CD-22-422)

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 Article 7, Division 1, and 2 of the City of Wilmington Land Development Code.

THEREFORE, BE IT ORDAINED:

SECTION 1: The Official Zoning Maps of the City of Wilmington are hereby amended by removing the hereinafter described tract of land from the present R-10, Residential and putting it in a new RB(CD), Regional Business (Conditional District), said tract being more particularly described as follows:

COMMENCING AT A POINT IN THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF PEACHTREE AVENUE AND THE EASTERN RIGHT OF WAY OF 42ND STREET THENCE SOUTHERLY ALONG THE EASTERN LINE OF 42ND STREET A DISTANCE OF +/- 75.72 FEET TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID RIGHT OF WAY S83° 57' 41"E A DISTANCE OF +/-64.00 FEET TO A POINT;

THENCE S06° 02' 19"W A DISTANCE OF +/-91.00 FEET TO A POINT;

THENCE S83° 57' 41"E A DISTANCE OF +/-87.50 FEET TO A POINT IN THE EASTERN LINE OF LANDS OWNED BY LILLIAN M BELLAMY HRS ETAL;

THENCE WITH SAID PROPERTY LINE S06° 02' 19"W A DISTANCE OF +/- 91.00 FEET;

THENCE LEAVING SAID PROPERTY LINE AND ALONG THE SOUTHERN PROPERTY

LINE OF LANDS OWNED BY LILLIAN M BELLAMY HRS ETAL N83° 57' 41"W A DISTANCE OF +/- 151.50 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF 42ND STREET;

THENCE NORTHERLY ALONG SAID RIGHT OF WAY N06° 02' 19"E +/- 182.00 FEET TO THE POINT OF BEGINNING CONTAINING APPROXIMATELY 0.45 ACRES.

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 City of Wilmington *Technical Standards and Specifications Manual* and any other applicable federal, state, and local law, ordinance, or regulation, as well as the conditions stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.
2. Approval of this conditional district rezoning does not constitute technical approval of the site plan. Final approval by the technical review committee and the issuance of all required permits must occur prior to release of the project for construction.
3. 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.
4. The use and development of the subject property shall be in accordance with the site plan as submitted and accepted by City Council on August 2, 2022.
5. The proposed uses shall be limited to the existing nightclub and personal service use, along with the proposed retail garden shop.
6. An 8-foot-tall opaque wooden fence shall be required along the northern and eastern property lines adjacent to the R-10, Residential zoning district.

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

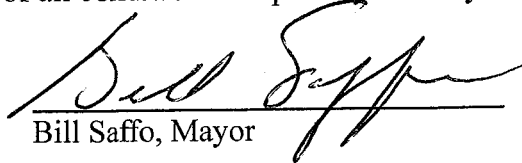
SECTION 4: That any person violating the provisions of this ordinance, including the approved site plan, shall be subject to the penalties set forth in Section 18-648 of the City of Wilmington Land Development Code.

SECTION 5: Any prior rezoning related to this property that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

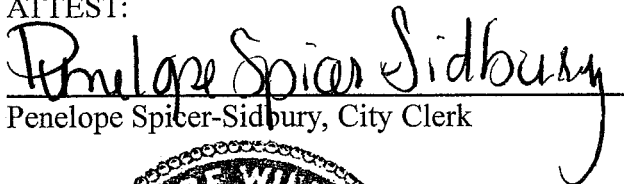
SECTION 6: If any section, subsection, paragraph, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions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

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

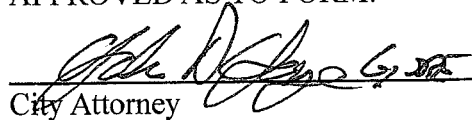
Adopted at a regular meeting
on August 2, 2022


Bill Saffo, Mayor

ATTEST:


Penelope Spicer-Sidbury, City Clerk

APPROVED AS TO FORM:


City Attorney

