

Introduced By: Sterling B. Cheatham, City Manager

Date: April 4, 2017

Ordinance Amending the Official Zoning Maps of the City Adopted March 27, 1984 to Rezone Property Containing 0.38 Acres Located at 2201 Burnett Boulevard from IND, Industrial District to O&I-1(CD), Office & Institutional District-1 (Conditional District) for a 3,600 Square-foot Professional Office (CD-15-317)

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, NCGS Section 160A-385 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 Section 160A-364 and Article 3, Section 18-117 of the Land Development Code.

THEREFORE, BE IT ORDAINED THAT:

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 IND, Industrial District and putting it in the O&I-1(CD), Office and Institutional District-1 (Conditional District) classification, said tract being more particularly described as follows:

Legal Description for
Conditional District Rezoning of
2201 Burnett Boulevard

Beginning at a point at the intersection of the southern boundary of Virginia Avenue, a 90-foot public right-of-way, with the eastern boundary of Burnett Boulevard, a 60-foot public right-of-way; and running thence with the Virginia Avenue right-of-way,

North $87^{\circ}20'31''$ East, 196.86 feet to a point at its intersection with the northwestern boundary of Southern Boulevard, a 60-foot public right-of-way; thence with the Southern Boulevard right-of-way,

South $43^{\circ}28'05''$ West, 252.06 feet to a point at its intersection with the eastern boundary of Burnett Boulevard; thence with the Burnett Boulevard right-of-way,

North $02^{\circ}40'25''$ West, 71.10 feet to a point; thence

Along a curve to the left, having a Radius of 362.73 feet and Length of 105.06 feet, a Chord of North $10^{\circ}58'17''$ West, 104.70 feet to the point and place of beginning, containing 16,393 square feet, or 0.38 acres, more or less.

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

1. The use and development of the 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 or local law, ordinance or regulation, as well as any condition 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 property shall be in accordance with the plan as submitted and approved.
5. The proposed use shall be limited to a two-story 3,600 square-foot professional office.
6. All existing protected trees not located within the building foot print or impacted by essential site improvements shall be preserved or mitigated.
7. A 5-foot wide sidewalk shall be required along all road frontages.
8. The use of pine straw as ground cover shall be prohibited within ten (10) feet of any combustible exterior construction.
9. Any freestanding sign(s) on the site shall be monument style with landscaping around the base of the sign; no pole signs shall be permitted.
10. The creative standard shall not be used to satisfy the streetyard landscaping requirements.
11. All city, state and federal regulations shall be followed.

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 18-52 of the Land Development Code.

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 immediately upon its adoption.

Bill Saffo, Mayor

Adopted at a _____, meeting
on _____, 2017.

Attest:

Approved As To Form:

Penelope Spicer-Sidbury, City Clerk

City Attorney

UNSIGNED