



FILE # 1830492

FOR REGISTRATION REGISTER OF DEEDS

Karen S. Hardesty

Carteret County, NC

July 2, 2024 03:17 PM

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FEE: \$26.00

FILE # 1830492



**TOWN OF MOREHEAD
CITY ORDINANCE NO.
2024-O-04**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOREHEAD CITY, NC, TO APPROVE THE REZONING OF 113 LAKE AVENUE (TAX PIN# 636615732771000) FROM CM (COMMERCIAL MARINA) DISTRICT TO O&P-CZ (OFFICE & PROFESSIONAL – CONDITIONAL ZONING) DISTRICT FOR A PROPOSED NINE (9) UNIT MULTIFAMILY DEVELOPMENT.

WHEREAS, The Cullipher Group, P.A., on behalf of property owner Peletier Partners, LLC, submitted a request to rezone 113 Lake Avenue (Tax PIN #636615732771000) from CM (Commercial Marina District) to O&P-CZ (Office and Professional - Conditional Zoning District) for a proposed nine (9) unit multifamily development; and

WHEREAS, after a public meeting published and held on March 19, 2024, the Planning Board, by unanimous vote, recommended approval of the rezoning request; and

WHEREAS, the Town Council Notice of Public Hearing date was published in accordance with G.S. 160D-601 in The Carteret County News-Times, a local newspaper, once each week for two (2) successive weeks, said notice having been published the first time not less than 10 days prior to the date of such hearing; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the City Council, does hereby find and determine that the adoption of an ordinance approving the rezoning and Sketch Development Plan is generally consistent with the Town's Land Use Plan, is reasonable and in the public interest, and adheres to the goals and objectives of the Town's plan; and

WHEREAS, the Town's public hearing was conducted at 5:30 p.m., Tuesday, April 9, 2024, and recessed and continued until May 14, 2024, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Morehead City that:

- 1) Ordinance No. 2024-O-04, rezoning from CM (Commercial Marina District) to O&P-CZ (Office and Professional - Conditional Zoning District) for a proposed nine (9) unit multifamily development is approved for a development at 113 Lake Avenue (Tax PIN #636615732771000).
- 2) Adoption of this Ordinance is contingent upon the applicant agreed-upon conditions of:
 - a) A maximum of 9 dwelling units.
 - b) A maximum of nine boat slips will be permitted for this development.
 - c) All boat slips must be deeded to condominium unit owners within the proposed development. No renting or leasing of boat slips will be permitted.

- d) Uses on the property will be limited to "dwelling, multifamily", "accessory building/use", (nonconforming) "recreation use, outdoor (marina)", and signage.
 - e) An encroachment agreement will be required for boat slip #1.
 - f) Approval will be contingent upon receipt of state permitting to include: water/sewer, stormwater, CAMA, sedimentation and erosion control (if / when applicable and required).
 - g) Submission of an instrument recorded at the Carteret County Register of Deeds which states that the garage parking must remain accessible and dedicated for vehicular parking prior to building permit issuance.
 - h) Submission of an approved lighting plan in accordance with 13-2.2 (K) of the UDO.
 - i) The development height will be capped at 63' above the average finished grade.
- 3) That this ordinance shall become effective immediately upon its adoption.
- 4) That if any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

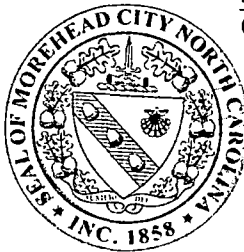
DULY ADOPTED THIS, the 14th day of May, 2024, with Commissioner(s) Abell, Ballou, Taylor, and Walker voting for; Commissioner Stiles voting against; and No Commissioner(s) absent.

TOWN OF MOREHEAD CITY

Gerald A. Jones, Jr., Mayor

ATTEST:

Cathy Campbell
Cathy Campbell, City Clerk



By its signature below, the petitioner certifies that it has proposed to the Town and has agreed to be bound by the above covenants and conditions as an integral part of the Town's approval of the Conditional Zoning request and multifamily plan, regardless of whether or not such covenants and conditions are specifically required by the Town's relevant development ordinances. If such covenants and conditions shall be violated, the petitioner understands and agrees that any approval of the multifamily site plan shall become null and void and of no effect, requiring the petitioner / owner, their heirs, successors, or assigns, to bring the development into compliance with the plan and associated conditions or forfeit the right to develop, maintain and/or retain the approved development.

Mark Stuckland

Petitioner(s)

STATE OF NORTH CAROLINA
COUNTY OF Wake

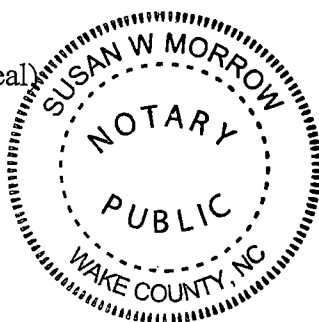
I certify that the following persons(s) personally appeared before me this day, and acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated:

Mark Stuckland, Member/Manager of Deleher Partners LLC.

Date: 06/26/2024

Susan W. Morrow
Susan W. Morrow
Notary Public

(Affix Seal)



Print Name: Susan W Morrow

My Commission Expires: Aug 8, 2028