

**TOWN OF KURE BEACH
ORDINANCE CHAPTER 11 AND 15**

NOW THEREFORE, be it ordained by the Council of the Town of Kure Beach, in the State of North Carolina, as follows:

SECTION 1: AMENDMENT “15.02.010 Definitions” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.02.010 Definitions

The terms for allowable uses are defined in this section and the extracts of the 1987 Standard Industrial Classification Manual (SIC) set forth in KBC 15.44.010 Appendix A, will be used to determine a uses classification.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building and use shall mean a subordinate building, the use of which is incidental to that of a principal building on the same parcel. (See KBC 15.36.040 and KBC 15.36.070)

Agriculture (8811) shall mean noncommercial farms, including horticulture, floriculture, dairying, livestock and poultry. No farms shall be operated for commercial purposes, nor shall there be farms for piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption of persons residing on the premises.

Alley shall mean a public or private thoroughfare, which affords only a secondary means of access to abutting property.

Alterations shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as altered or reconstructed.

Apartment shall mean any building or portion thereof used as a multifamily dwelling for the purpose of providing a complete rental dwelling unit may share means of egress.

Awning shall mean a roof like projection which extends from a building to shelter passerby from the weather. The sides of an awning, canopy, or marquee shall be open except for necessary supports, planting boxes and signs.

Balcony. An open platform projecting from the wall of a building usually supported by brackets and enclosed by a railing.

Barrier shall mean curbs, walls, fences, or similar protective and located to protect public right-of-way and devices designed adjoining properties.

Basement shall mean a story partly underground but having at least sixty (60) percent of its height above the average level of the adjoining ground.

Beach shall mean a stretch of land, either public or private, along the Atlantic Ocean starting within the town's jurisdiction, up to first row of vegetation or structure.

Block shall mean the length of street between two (2) street intersections.

Boardinghouse shall mean rooming house as defined herein.

Billboard shall mean any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from such display. (See definition of sign below).

Board of Adjustment see KBC 12.04.020.

Buffer shall mean an area or means of separating two (2) adjacent areas. The design, composition, height, and location of such facilities shall be approved by the town zoning enforcement officer.

Buffer strip shall mean an area or means of separating two (2) adjacent areas. The design, composition, height and location shall be approved by the zoning enforcement officer. The buffer strip shall be a solid fence, wall, or a planted strip composed of deciduous and or evergreen trees spaced not more than ten (10) feet apart, and not less than one (1) row of dense shrubs spaced not more than five (5) feet apart, which shall be established and maintained in perpetuity by the owner of property whenever required under the terms and provisions of this chapter.

Building shall mean any structure used or intended for supporting or sheltering any use or occupancy.

Building area shall mean a structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars and trailers; provided that, however, the term "building" shall not mean nor be construed so as to include a container. The term "building" shall be construed as if followed by the words or part thereof.

Building, front line of shall mean that face of the principal building nearest the front line of the lot, facing the road.

Building, height of shall mean the vertical distance from the mean elevation of the finished grade of the building site, (the land area immediately below said building) to the highest point

of the roof.

Building inspector shall mean the officer or other designated authority charged with the administration and enforcement of the building code or his duly authorized representative or agent.

Building line shall mean a line, which established the minimum allowable horizontal distance between the lot line and the nearest portion of any structure on the lot. (See yard requirements)

Building permit shall mean permission granted by the building inspector for the erection, relocation, reconstruction or structurally altering any building.

Building, principal shall mean a building in which is conducted the main or principal use of the lot on which said building is situated.

Cellar shall mean a story having more than forty (40) percent of its height below the average level of the adjoining ground.

Certificate of compliance shall mean a certificate that a premise conforms to provisions of the zoning regulations and building code and may be used or occupied.

Club shall mean an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, social or the like.

Collector street shall mean a collector street as identified in the thoroughfare plan for the town.

Common areas and facilities shall mean those areas of a housing project and of a property upon which it is located within the Town's planning and development regulation jurisdiction which are for the use and enjoyment of the owner of family units located in the project. The areas may include the land, roofs, main walls, elevators, staircases, lobbies, halls, parking space, and community facilities. Community facilities are noncommercial recreational facilities such as a club house, swimming pool, tennis court or beach access for the exclusive use and enjoyment of the owners of family units located in the project.

Common party walls shall mean a wall, used jointly by two (2) parties under easement agreement, erected upon a line separating two (2) parcels of land, each of which is a separate real estate entity.

Common open space shall mean open areas, the use of which is shared by all tenants and/or property owners, as distinguished from space designated for their private use.

Condominium shall mean a system of individual fee ownership of complete dwelling units in a multiunit structure, whose ownership is not time shared, combined with joint ownership or common areas of the structure and land.

Container shall mean any standardized shipping container used for intermodal freight transport. Also known as cargo or freight container, ISO or intermodal container, and shipping, sea or ocean container.

Deck. An open, unroofed porch or platform extending from or in near proximity from a house or other building.

Development shall mean any of the following: the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; the excavation, grading, filling, clearing, or alteration of land; the subdivision of land as defined in G.S. 160A-376; or the initiation of substantial change in the use of land or the intensity of the use of land.

Development Permit shall mean an administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including, but not being limited to any of the following: zoning permits; site plan approvals; special use permits; variances; certificates of appropriateness; plat approvals; development agreements; building permits; subdivision of land; state agency permits for development; driveway permits; erosion and sedimentation control permits; and sign permits.

Disability a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

Disability Ramp an inclined plane permanently installed in addition to or instead of stairs. Ramps permit an individual with a disability to more easily access a building.

District shall mean a portion of the incorporated and/or extra-territorial area of the town within which certain regulations and requirements or variances or combinations thereof apply under the provisions of this chapter. (See KBC 15.08.010)

Dome. A large hemispherical roof or ceiling.

Dwelling modular shall mean a movable or portable dwelling constructed to be transported as a unit and designed to be placed upon a permanent foundation.

Dwelling, multifamily shall mean a building that contains one or two dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling shall mean a building or portion thereof used or designed as a residence for three (3) or more families having complete independent dwelling units.

Dwelling, pre-fab shall mean a dwelling constructed from standardized sections fabricated beforehand for shipment and quick assembly.

Dwelling, single-family shall mean a detached building designed for occupancy exclusively by one (1) family. A mobile home or trailer is not included in this definition, regardless of the degree of permanence of its attachment to the land.

Dwelling, two-family shall mean a building designed for or occupied exclusively by two (2) families having complete independent dwelling units.

Dwelling, unit shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Established grade shall mean the elevation of the street grade as fixed by the town.

Expenditure shall mean a sum of money paid out in return for some benefit or to fulfill some obligation.

Extraterritorial area shall mean that land beyond the corporate limits extending for a distance of up to one (1) mile in all directions as delineated on the official zoning map for the town.

Family shall mean one (1) or two (2) persons or parents related by blood, marriage, or operation of law together with their lineal descendants, ascendants and/or adopted children and including the domestic employees thereof who occupy the whole or part of a dwelling unit and further comprise a single housekeeping unit, as distinguished from a group occupying a boardinghouse, rooming-house, hotel or motel.

Fire escape shall mean a fireproof stairway down an outside wall to help people escape from a burning building.

Flammable and combustible substances shall mean substances which will ignite easily and burn freely.

Flood shall mean a temporary rise in stream flow that results in water overtopping its banks and inundating areas adjacent to the watercourse.

Floodplain shall mean the relatively flat area or low land adjacent to the channel of a river, stream or watercourse, lake or other body of standing water which has been or may be covered by floodwater.

Floodproofing shall mean a combination of structural provisions, changes or adjustments to properties and/or structures subject to flooding primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings.

Flood protection elevation shall mean the elevation to which structures and uses regulated by this chapter are required to be elevated or flood proofed. This elevation is shown on the official Flood Hazard Boundary Map (FHBM).

Garage, private shall mean an area of the building whose primary purpose is the storage of private vehicles.

Gazebo. A freestanding, roofed structure open on the sides.

Gross floor area shall mean the total floor space within the exterior walls of the main structure on all floors of floor space devoted to a particular use including the space occupied by such

supporting facilities as storage areas, work areas, toilets, hallways, stairways, mechanical equipment and the like.

Habilitation/rehabilitation facility means a place providing care, treatment, habilitation, or rehabilitation of, or other services to the mentally ill, the developmentally disabled, or substance abusers.

Halfway house means a place for the housing, rehabilitation, and training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses.

Historic Preservation Commission see KBC 12.04.030.

Home occupation shall mean an occupation for gain or support conducted only by members of the immediate or extended family residing on the premises, provided use conducted entirely within a dwelling which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and provided that no article is sold or offered for sale except such as may be produced by members of the family residing on the premises. And that no display of products nor any advertising of any nature shall be visible from the street.

Homeless shelter means temporary housing available to individuals and families experiencing homelessness.

Hotel (7011) shall mean a building intended or designed to be used as tourist lodgings which are rented to short term transients where a general kitchen and dining room are provided within the building or in an accessory building. Typical hotel services must be offered including daily linen and maid service, and receipt and disbursement of keys and mail by the attendant at the desk in the lobby or office, for the occupants of the hotel. No hotel facility shall be converted to or used as a multifamily residential dwelling. (See tourist lodgings)

Impairment a physical impairment is a physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the body systems. A mental impairment is any mental or psychological disorder.

Individual with a Disability a person who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual or a record of such an impairment or is regarded as having such an impairment.

Industry group No. (a broad description of an industry), and

Industry No. (a more specific breakdown of an industry) are used for brevity at the end of a definition extracted from SIC.

Industry group No. 653, Industry number 6531: Real estate agents and managers: Establishments primarily engaged in renting, buying, selling, managing, and appraising real estate for others.

Industrial No. 7999 shall be acceptable for the following: Amusement and recreation; bath houses; independently operated bathing beaches; public bingo parlors; bridge clubs; bridge instruction; card rooms; golf courses, miniature; operation of golf driving ranges; golf professionals not operating retail stores; golf-pitch and put; gymnastics instruction; handball courts; (except membership clubs); judo instruction; karate instruction, lifeguard service.

Land development regulation shall mean any State statute, rule, regulation, or local ordinance affecting the development or use of real property, including any of the following: unified development ordinance; zoning regulation and zoning map; subdivision regulation; erosion and sedimentation control regulation; floodplain or flood damage prevention regulation; stormwater control regulation; wireless telecommunication facility regulation; historic preservation regulation; or housing code.

Landowner shall mean any owner of a legal or equitable interest in real property including heirs, devisees, successors, assigns, and the personal representatives of such owners. A landowner may allow a person holding a valid option to purchase the real property to act as his agent or representative for the purpose of submitting a proposed site specific development plan for approval.

Loft. A room or storage area within a sloping roof or attic.

Lot shall mean a parcel of land whose boundaries have been established by some legal instrument such as a deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. If a public road crosses a parcel of land otherwise characterized as a lot by this definition, the land on each side of the public road shall constitute a separate lot.

Lot, corner shall mean a lot at the junction of and abutting upon two (2) or more streets. (See KBC 15.36.060).

Lot, depth of shall mean the mean horizontal distance between the front and rear lot lines.

Lot, double frontage shall mean any interior lot having front-ages on two (2) more or less parallel streets as distinguished from a corner lot.

Lot, front of shall mean that side of the lot which fronts on a street. In the case of a corner lot the narrower side fronting on the street shall be considered the front of the lot. In case the corner lot has equal frontage on two (2) or more streets, the lot shall be considered to front on that street on which the greatest number of lots front, or if unplatted, on that which the greatest number of lots front, or if unplatted, on that street on which the greatest number of buildings have been erected.

Lot, interior shall mean a lot other than a corner lot.

Lot lines shall mean the lines bounding a lot as herein defined.

Lot, reversed corner shall mean a corner lot which does not front on the same street with the interior lots on the same side.

Lot, through shall mean lot, double frontage as defined herein.

Lot of record shall mean a parcel of land, the dimensions of which are shown on a recorded plat on file with the New Hanover County Register of Deeds.

Lot width shall mean the mean horizontal distance between the side lot lines measured at right angles to the depth.

Major thoroughfares shall mean the thoroughfare plan for the Town of Kure Beach.

Manufacturing shall mean the making of goods and articles by hand or by machinery with a division of labor.

Manufactured/Mobile home: A manufactured/mobile home shall mean a moveable or portable dwelling, a doublewide, consisting of a multi-sectional residential structure of two (2) or more sections with seven hundred fifty-six (756) sq. ft. minimum area constructed or manufactured in an off site manufacturing facility for installing or assembling on the building site bearing a seal certifying that it was built in compliance with the Federal Manufactured Housing and Construction and Safety Standards, and built after June 15, 1976, meeting all electrical, plumbing and safety standards as required by code. The tongue, axles, transporting lights and removable towing apparatus shall be removed after placement on the lot with the required anchoring and a continuous, permanent masonry wall, with no openings, except for required ventilation and access installed under the home after placement on the lot and before occupancy.

Manufactured/Mobile home park: shall mean a parcel of land, at least three (3) acres or more, which has been planned and improved for the placement of two (2) or more manufactured homes for dwelling purposes.

Manufactured home space/Lot: shall mean a parcel of land occupied or intended to be occupied by only 1 manufactured home for the exclusive use of the occupants of said manufactured home. Manufactured home space shall also mean a parcel of land in a manufactured home park described above, provided with the necessary utility connections, patio, and other appurtenances necessary for the erection thereon of only 1 manufactured home, and for the exclusive use of the occupants of said-manufactured home. This definition shall also apply to mobile home spaces.

Miscellaneous equipment rental and leasing (7359) shall be acceptable for the following: Electronic equipment rental and leasing, furniture rental and leasing; party supplies rental and leasing; musical instruments rental and leasing, rental and leasing of dishes, silverware and tables; television rental and leasing; hand tool rental and leasing; video recorder and player rental and leasing.

Mobile home shall mean a movable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be transported on its own chassis and designed without a permanent foundation, whether or not a permanent foundation is subsequently provided, which may include one (1) or more components that can be retracted for transporting purposes and subsequently expended for additional capacity, or two (2) or more units separately transportable but designed to be joined into one (1) integral unit, as well as a portable dwelling composed of a single unit.

Mobile home lot shall mean a plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Mobile home park shall mean any premises used or intended to be used or occupied by two (2) or more mobile homes, anchored in place or supported by a foundation or other stationary supports, together with automobile parking space, utility structures, and other required facilities incidental thereon. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection or sale.

Motel (7011) shall mean a building intended or designed to be used as tourist lodgings which are rented to short term transients where a general kitchen and dining room are not required. (See tourist lodgings)

Multi-phased development shall mean a development containing 25 acres or more that is both submitted for development permit approval to occur in more than one phase and is subject to a master development plan with committed elements showing the type and intensity of use of each phase.

Municipality shall mean the Town of Kure Beach.

Nonconformity, dimensional shall mean a nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Nonconforming lot shall mean a lot existing at the effective date of this ordinance from which this section was derived or any amendment to it and not created for the purpose of evading the restrictions of this chapter that cannot meet the minimum area or lot width requirements of the district in which the lot is located.

Nonconforming project shall mean any structure, development, or undertaking that is incomplete at the effective date of this ordinance from which this section was derived and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming situation shall mean a situation that occurs when, on the effective date of this ordinance from which this section was derived or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height or minimum floor-space limitations, because the relationship between existing buildings and the land in such matters as density and setback requirements is not in conformity with this chapter, or because land or buildings are used for purposes made unlawful by this chapter.

Nonconforming use shall mean a nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. For example, a commercial office building in a residential district may be a nonconforming use. The term also refers to the activity that constitutes the use made of the property. For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.

Obstruction shall mean any material body that impedes the natural flow of air, water, moving objects, vision and/or frequencies.

Off-street loading shall mean loading space located on the same lot as the principal use, shall mean parking spaces located on the same lot as the principal use. (See parking-remote)

On-street loading shall mean loading space located on public property near or adjacent to principal business. On-street parking shall mean parking spaces located on public streets.

Open porch shall mean a porch open except for wire screening. A porch shall not be considered open if enclosed by either a permanent or detachable glass sash.

Ordinance shall mean these zoning regulations, including any amendments thereto. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

Parking-remote shall mean parking space provided on any land within one thousand (1,000) feet of the main entrance to a principal use.

Parking area, gross shall mean the total area provided for the off-street parking of automobiles, including parking stalls and the necessary driveway access space thereto. Walkways, planting strips, and other landscaped areas shall not be counted as gross parking space.

Parking, combination space shall mean a lot used for parking that is shared by at least two (2) parties.

Parking space shall mean the off-street and on-street space available for the parking of motor vehicles.

Pergola. A structure consisting of parallel colonnades supporting an open roof of girders and cross rafters.

Planning and zoning commission see KBC 12.04.010.

Porch. A covered area adjoining an entrance to a building and usually having a separate roof.

Principal use shall mean the primary purpose of function that a parcel serves or is intended to serve.

Professional shall mean a person with four (4) years of college or four (4) years in an institute of higher learning with a degree in a field related to the profession. (For example, a doctor, lawyer, architect, etc.)

Professional, general shall mean any occupation, which is not of a professional nature.

Public buildings shall mean any building or structure meant to benefit the public and from which the town derives a franchise tax or other form of annual revenue other than property tax or privilege tax. (KBC 15.08.070)

Public notice shall mean notification to the public according to the general statutes as specified for public bodies and types of meetings or hearings.

Recreation shall mean any form of play, amusement, or relaxation.

Recreation, commercial shall mean any form of play, amusement, or relaxation used for monetary gain.

Recreation, commercial indoor shall mean any form of play, amusement or relaxation used for monetary gain conducted within an enclosed structure.

Recreation, commercial outdoor (7999) shall mean any form of play, amusement or relaxation used for monetary gain not conducted within an enclosed structure.

Religious institution means a church, mosque, synagogue, temple or other place of religious worship.

Religious annex means a building associated with a religious facility that is maintained and used by a religious organization in accordance with its doctrines, practices, or regulations. A religious annex and its use shall not be considered nor construed to constitute an accessory building and use.

Residence shall mean a dwelling that is used for long term occupancy (i.e., single family homes, two (2) family homes, multifamily units, townhouses and condominiums) as distinguished from tourist lodgings.

Retail, apparel and accessory stores (5611) shall mean stores primarily engaged in selling new clothing, shoes, hats, underwear, and related articles for personal wear and adornment. Furriers and custom tailors carrying stocks of materials are included. All industry group numbers in this major retail group are acceptable as retail stores for the purpose of these zoning regulations.

Retail, building materials, hardware and garden supply (5231 and 5251) shall mean establishments primarily engaged in selling lumber and other building materials; paint, glass, and wallpaper; hardware; lawn and garden supplies. Only industry group no.'s 5231 and 5251 are acceptable as retail stores for the purposes of these zoning regulations.

Retail, eating (5812) and drinking places (5813) shall mean establishments selling prepared foods and drinks for consumption on the premises, and lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption.

Retail, food stores shall mean stores primarily engaged in selling food for home preparation and consumption. Only industry group no.'s (5411, 5441, 5451, and 5461) are acceptable as retail food stores for the purposes of these zoning regulations.

Retail, general (5331) shall mean establishments engaged in selling of retail merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of the goods.

Retail, general merchandise stores shall mean stores, selling merchandise such as dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. Only industry group no. 5399 is acceptable as retail stores for the purposes of these zoning regulations.

Retail, home furniture, furnishings, and equipment stores (5712, 5722. and 5731) shall mean stores selling goods used for furnishing the home, such as furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances. Only industry group no.'s (5712, 5722. and 5731) are acceptable as retail stores for the purposes of these zoning regulations.

Retail, miscellaneous shall mean retail stores not found in other major groupings (drug and proprietary stores; liquor stores; used merchandise stores; sporting goods stores; book stores; stationery stores; jewelry stores; hobby, toy and game shops; camera and photographic supply stores; gift, novelty and souvenir shops; luggage and leather goods store, sewing, needlework, and piece goods stores; florists; tobacco stores; optical goods store). Industry numbers which are acceptable as retail stores for the purposes of these zoning regulations are (5912, 5921, 5932, 5941, 5942, 5943, 5944, 5945, 5946, 5947, 5948, 5949, 5961, 5992, 5993, and 5995.)

Roominghouse (7021) shall mean a tourist lodging that rents single rooms and which may have a common kitchen, living room and bath. (See tourist lodgings)

Setback shall mean the distance between the minimum building line and the street right-of-way

line required to obtain the front side, or rear yard open space provisions of this Chapter to provide for runoff control, health, safety, firefighting, free flow of air and adequate off-street parking. In the event there is not a street right-of-way involved, then the property line shall be used in establishing the setback.

Service station (5541) shall mean an establishment used for the servicing of automobiles, including the sale of gasoline, oil, grease, and minor accessories and washing and polishing, but excluding the sale of automobiles, body repairing and painting.

Sign shall mean any words, lettering, numerals, parts of letters, or numerals, figures, phrases, sentences, emblems, devices, trade names or trademarks by which anything is made known, including any surface, fabric or other material or structure designed to carry such devices, such as are used to designate or attracts attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are exposed to public view, and used to attract attention. This definition shall not include the flag, badge, or insignia of any governmental unit.

Site specific development plan shall mean a plan submitted to the Town describing with reasonable certainty the type and intensity of use for a specific parcel or parcels and including: the approximate boundaries of the site; significant topographical and other natural features effecting development on the site; the approximate location of proposed buildings, structures, and other improvements on the site; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. For purposes of this Chapter, approved site specific development plans which would establish a vested zoning right prior to the issuance of a building permit include subdivision plats and special use permits. A variance, in and of itself, or a sketch plan that fails to describe with reasonable certainty the type and intensity of use, shall not constitute a site specific development plan.*Spire*. A steeply pointed roof termination to a tower.

Stable, private shall mean a stable with capacity for not more than two (2) horses, provided, however, that a private stable may exceed a two-horse capacity if the premises whereon such stable is situated contains an area of not less than two thousand (2,000) square feet for each horse accommodated, provided, however, this chapter shall not be construed to repeal, alter, or amend any ordinance of the town relating to the maintenance of animals or livestock within the corporate limits.

Stand, as it relates to allowable business uses for the purpose of these zoning regulations, shall mean the same as building with all the building code regulations and setbacks applied to said stand. (It will be a stand in name only.)

Story shall mean that part of a building comprised between a floor and the floor or roof next above.

Story, half shall mean a story under a gable, hip or gambrel roof, the wall plates of which on at

least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street shall mean a public road, which affords the principal means of access to abutting property including avenue, place, way, drive, land, boulevard, highway, road, and any other thoroughfare except an alley.

Street line shall mean the street line is the dividing line between the street and the lot, as established by the town.

Structures shall mean anything constructed or erected, the use of which requires location on the land including freestanding billboards, signs and fences. The term structure shall be construed as if followed by the words, or part thereof.

Tourist lodgings (7011) shall mean a building containing rooms designed to be used for the most part as sleeping accommodations for tourist/vacationers or short term transients (i.e., hotel, motel, boardinghouse, roominghouse and bed breakfast) as distinguished from a residential dwelling. No more than five (5) percent of the individual units shall be occupied for more than ninety (90) continuous days by the same occupant. The individual unit will be no larger than four hundred twenty-five (425) square feet in size (exclusive of bathroom, closet and balcony areas). Any unit exceeding four hundred twenty-five (425) square feet in size will meet the dimensional and parking requirements of residential units KBC 15.36.120 and KBC 15.36.220. A tourist lodging will have one (1) water meter and one (1) electric meter. Individual metering is prohibited.

Town buildings and facilities shall mean those buildings and facilities that are owned and operated by the town . (KBC 15.08.060)

Town council shall mean the Mayor and members of the Town's governing body.

Townhouse shall mean an individually owned single family dwelling unit constructed in a series or group of attached units with lot line wall or property lines separating such units.

Trailer shall mean any vehicle, house car, camp car, or any portable or movable vehicle on wheels, skids, roller, or blocks either self-propelled or propelled by any other means, which is used or designed to be used for residential, living, sleeping, commercial or utility purposes, but not including mobile vehicles primarily designed for the transportation of goods.

Travel park (7033) shall mean an area intended and equipped for the temporary parking of vehicles and tents designed for travel, recreational and vacation dwellings

Travel trailer shall mean any vehicle or structure designed to be transported and intended for human occupancy as a dwelling for short periods of time, and containing limited or no kitchen or bathroom facilities. Travel trailers shall include the following:

- A. House trailer which shall mean a vehicular, portable structure built on a wheel designed to be towed by a self-propelled vehicle for use as a temporary dwelling for

travel, recreational and vacation uses, having a body length not exceeding thirty-two (32) feet when equipped for road travel.

- B. Pick-up coach which shall mean a portable structure for use as a temporary dwelling for travel, recreational and vacation uses, designed to be mounted on a truck chassis for transportation, and to be used for a temporary dwelling while either mounted or dismounted.
- C. Motor home which shall mean a portable, temporary dwelling to be used for travel, recreational and vacation uses, constructed as an integral part of a self-propelled vehicle.
- D. Camping trailer which shall mean a folding structure manufactured of metal, wood, canvas and/or other materials, mounted on wheels and designed for travel, recreational and vacation uses.
- E. Self-contained travel trailer which shall mean a travel trailer which can operate independent of connections to sewer, water and electrical systems. It contains a water-flushed toilet, lavatory, shower and kitchen, all of which are connected water storage and sewage holding tanks located within the unit.
- F. Dependent trailer which shall mean a travel trailer which does not have a flush toilet, a lavatory, bath or shower.

Use shall mean the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Variance shall mean a modification of the literal provisions of the zoning regulations granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which a variance is granted.

Vested right shall mean the right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

Warehouse shall mean a building where wares, or goods, are stored, as before distribution to retailers, or are kept in reserve, in bond, etc.

Way shall mean a street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicle.

Widow's walk. A railed observation platform usually atop a coastal house.

Yard shall mean an open space on the same lot with a building (primary and accessory), unoccupied and unobstructed from the ground upward except by trees, shrubbery, screen walls, fences, ground level decks and walkways, or as otherwise provided for or required under this chapter.

Yard, front shall mean a yard across the full width of the lot, extending from the front line of the nearest building on the lot to the front line of the lot.

Yard, rear shall mean a yard across the full width of the lot, as measured from the furthest rear point of the principal building to the rear line of the lot.

Yard, side shall mean a yard across the full width of the lot, extending from the side line of the principal building on the lot to the side line of the lot.

(Ord. of 11-20-07; Ord. of 4-15-08; Ord. of 3-17-09; Ords. of 5-17-16; Ord. of 2-20-18; Ord. of 12-18-18)

Cross reference(s)—Definitions and rules of construction generally, KBC 1.04.010.

AFTER AMENDMENT

15.02.010 Definitions

The terms for allowable uses are defined in this section and the extracts of the 1987 Standard Industrial Classification Manual (SIC) set forth in KBC 15.44.010 Appendix A, will be used to determine a uses classification.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building and use shall mean a subordinate building, the use of which is incidental to that of a principal building on the same parcel. (See KBC 15.36.040 and KBC 15.36.070)

Agriculture (8811) shall mean noncommercial farms, including horticulture, floriculture, dairying, livestock and poultry. No farms shall be operated for commercial purposes, nor shall there be farms for piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption of persons residing on the premises.

Alley shall mean a public or private thoroughfare, which affords only a secondary means of access to abutting property.

Alterations shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as altered or reconstructed.

Apartment shall mean any building or portion thereof used as a multifamily dwelling for the purpose of providing a complete rental dwelling unit may share means of egress.

Awning shall mean a roof like projection which extends from a building to shelter passerby from the weather. The sides of an awning, canopy, or marquee shall be open except for necessary supports, planting boxes and signs.

Balcony. An open platform projecting from the wall of a building usually supported by brackets and enclosed by a railing.

Barrier shall mean curbs, walls, fences, or similar protective and located to protect public right-of-way and devices designed adjoining properties.

Basement shall mean a story partly underground but having at least sixty (60) percent of its height above the average level of the adjoining ground.

Beach shall mean a stretch of land, either public or private, along the Atlantic Ocean starting within the town's jurisdiction, up to first row of vegetation or structure.

Bedroom a room 10x10 or larger, having a closet, and intended primarily for sleeping.

Block shall mean the length of street between two (2) street intersections.

Boardinghouse shall mean rooming house as defined herein.

Billboard shall mean any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from such display. (See definition of sign below).

Board of Adjustment see KBC 12.04.020.

Buffer shall mean an area or means of separating two (2) adjacent areas. The design, composition, height, and location of such facilities shall be approved by the town zoning enforcement officer.

Buffer strip shall mean an area or means of separating two (2) adjacent areas. The design, composition, height and location shall be approved by the zoning enforcement officer. The buffer strip shall be a solid fence, wall, or a planted strip composed of deciduous and or evergreen trees spaced not more than ten (10) feet apart, and not less than one (1) row of dense shrubs spaced not more than five (5) feet apart, which shall be established and maintained in perpetuity by the owner of property whenever required under the terms and provisions of this chapter.

Building shall mean any structure used or intended for supporting or sheltering any use or occupancy.

Building area shall mean a structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars and trailers; provided that, however, the term "building" shall not mean nor be construed so as to include a container. The term "building" shall be construed as if followed by the words or part thereof.

Building, front line of shall mean that face of the principal building nearest the front line of the lot, facing the road.

Building, height of shall mean the vertical distance from the mean elevation of the finished grade of the building site, (the land area immediately below said building) to the highest point of the roof.

Building inspector shall mean the officer or other designated authority charged with the administration and enforcement of the building code or his duly authorized representative or

agent.

Building line shall mean a line, which established the minimum allowable horizontal distance between the lot line and the nearest portion of any structure on the lot. (See yard requirements)

Building permit shall mean permission granted by the building inspector for the erection, relocation, reconstruction or structurally altering any building.

Building, principal shall mean a building in which is conducted the main or principal use of the lot on which said building is situated.

Cellar shall mean a story having more than forty (40) percent of its height below the average level of the adjoining ground.

Certificate of compliance shall mean a certificate that a premise conforms to provisions of the zoning regulations and building code and may be used or occupied.

Club shall mean an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, social or the like.

Collector street shall mean a collector street as identified in the thoroughfare plan for the town.

Common areas and facilities shall mean those areas of a housing project and of a property upon which it is located within the Town's planning and development regulation jurisdiction which are for the use and enjoyment of the owner of family units located in the project. The areas may include the land, roofs, main walls, elevators, staircases, lobbies, halls, parking space, and community facilities. Community facilities are noncommercial recreational facilities such as a club house, swimming pool, tennis court or beach access for the exclusive use and enjoyment of the owners of family units located in the project.

Common party walls shall mean a wall, used jointly by two (2) parties under easement agreement, erected upon a line separating two (2) parcels of land, each of which is a separate real estate entity.

Common open space shall mean open areas, the use of which is shared by all tenants and/or property owners, as distinguished from space designated for their private use.

Condominium shall mean a system of individual fee ownership of complete dwelling units in a multiunit structure, whose ownership is not time shared, combined with joint ownership or common areas of the structure and land.

Container shall mean any standardized shipping container used for intermodal freight transport. Also known as cargo or freight container, ISO or intermodal container, and shipping, sea or ocean container.

Deck. An open, unroofed porch or platform extending from or in near proximity from a house or other building.

Development shall mean any of the following: the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; the excavation, grading, filling, clearing, or alteration of land; the subdivision of land as defined in G.S. 160A-376; or the initiation of substantial change in the use of land or the intensity of the use of land.

Development Permit shall mean an administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including, but not being limited to any of the following: zoning permits; site plan approvals; special use permits; variances; certificates of appropriateness; plat approvals; development agreements; building permits; subdivision of land; state agency permits for development; driveway permits; erosion and sedimentation control permits; and sign permits.

Disability a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

Disability Ramp an inclined plane permanently installed in addition to or instead of stairs. Ramps permit an individual with a disability to more easily access a building.

District shall mean a portion of the incorporated and/or extra-territorial area of the town within which certain regulations and requirements or variances or combinations thereof apply under the provisions of this chapter. (See KBC 15.08.010)

Dome. A large hemispherical roof or ceiling.

Driveway a paved area between edge of pavement and property line providing an unobstructed passage from the roadway to an off-street area used for parking, or otherwise accommodating motor vehicles

Dwelling modular shall mean a movable or portable dwelling constructed to be transported as a unit and designed to be placed upon a permanent foundation.

Dwelling, multifamily shall mean a building that contains one or two dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling shall mean a building or portion thereof used or designed as a residence for three (3) or more families having complete independent dwelling units.

Dwelling, pre-fab shall mean a dwelling constructed from standardized sections fabricated beforehand for shipment and quick assembly.

Dwelling, single-family shall mean a detached building designed for occupancy exclusively by one (1) family. A mobile home or trailer is not included in this definition, regardless of the degree of permanence of its attachment to the land.

Dwelling, two-family shall mean a building designed for or occupied exclusively by two (2) families having complete independent dwelling units.

Dwelling, unit shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Established grade shall mean the elevation of the street grade as fixed by the town.

Expenditure shall mean a sum of money paid out in return for some benefit or to fulfill some obligation.

Extraterritorial area shall mean that land beyond the corporate limits extending for a distance of up to one (1) mile in all directions as delineated on the official zoning map for the town.

Family shall mean one (1) or two (2) persons or parents related by blood, marriage, or operation of law together with their lineal descendants, ascendants and/or adopted children and including the domestic employees thereof who occupy the whole or part of a dwelling unit and further comprise a single housekeeping unit, as distinguished from a group occupying a boardinghouse, rooming-house, hotel or motel.

Fire escape shall mean a fireproof stairway down an outside wall to help people escape from a burning building.

Flammable and combustible substances shall mean substances which will ignite easily and burn freely.

Flood shall mean a temporary rise in stream flow that results in water overtopping its banks and inundating areas adjacent to the watercourse.

Floodplain shall mean the relatively flat area or low land adjacent to the channel of a river, stream or watercourse, lake or other body of standing water which has been or may be covered by floodwater.

Floodproofing shall mean a combination of structural provisions, changes or adjustments to properties and/or structures subject to flooding primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings.

Flood protection elevation shall mean the elevation to which structures and uses regulated by this chapter are required to be elevated or flood proofed. This elevation is shown on the official Flood Hazard Boundary Map (FHBM).

Full Kitchen a room or space with typical appliances including a sink, oven, and/or stove.

Garage, private shall mean an area of the building whose primary purpose is the storage of

private vehicles.

Gazebo. A freestanding, roofed structure open on the sides.

Gross floor area shall mean the total floor space within the exterior walls of the main structure on all floors of floor space devoted to a particular use including the space occupied by such supporting facilities as storage areas, work areas, toilets, hallways, stairways, mechanical equipment and the like.

Habilitation/rehabilitation facility means a place providing care, treatment, habilitation, or rehabilitation of, or other services to the mentally ill, the developmentally disabled, or substance abusers.

Halfway house means a place for the housing, rehabilitation, and training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses.

Historic Preservation Commission see KBC 12.04.030.

Home occupation shall mean an occupation for gain or support conducted only by members of the immediate or extended family residing on the premises, provided use conducted entirely within a dwelling which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and provided that no article is sold or offered for sale except such as may be produced by members of the family residing on the premises. And that no display of products nor any advertising of any nature shall be visible from the street.

Homeless shelter means temporary housing available to individuals and families experiencing homelessness.

Hotel (7011) shall mean a building intended or designed to be used as tourist lodgings which are rented to short term transients where a general kitchen and dining room are provided within the building or in an accessory building. Typical hotel services must be offered including daily linen and maid service, and receipt and disbursement of keys and mail by the attendant at the desk in the lobby or office, for the occupants of the hotel. No hotel facility shall be converted to or used as a multifamily residential dwelling. (See tourist lodgings)

Impairment a physical impairment is a physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the body systems. A mental impairment is any mental or psychological disorder.

Impervious Surface an area that releases as runoff all or a majority of the precipitation that falls on it. Includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

Individual with a Disability a person who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual or a record of such an impairment or is regarded as having such an impairment.

Industry group No. (a broad description of an industry), and

Industry No. (a more specific breakdown of an industry) are used for brevity at the end of a definition extracted from SIC.

Industry group No. 653, Industry number 6531: Real estate agents and managers: Establishments primarily engaged in renting, buying, selling, managing, and appraising real estate for others.

Industrial No. 7999 shall be acceptable for the following: Amusement and recreation; bath houses; independently operated bathing beaches; public bingo parlors; bridge clubs; bridge instruction; card rooms; golf courses, miniature; operation of golf driving ranges; golf professionals not operating retail stores; golf-pitch and put; gymnastics instruction; handball courts; (except membership clubs); judo instruction; karate instruction, lifeguard service.

Kitchenette a room or space with a refrigerator, sink, and microwave.

Land development regulation shall mean any State statute, rule, regulation, or local ordinance affecting the development or use of real property, including any of the following: unified development ordinance; zoning regulation and zoning map; subdivision regulation; erosion and sedimentation control regulation; floodplain or flood damage prevention regulation; stormwater control regulation; wireless telecommunication facility regulation; historic preservation regulation; or housing code.

Landowner shall mean any owner of a legal or equitable interest in real property including heirs, devisees, successors, assigns, and the personal representatives of such owners. A landowner may allow a person holding a valid option to purchase the real property to act as his agent or representative for the purpose of submitting a proposed site specific development plan for approval.

Loft. A room or storage area within a sloping roof or attic.

Lot shall mean a parcel of land whose boundaries have been established by some legal instrument such as a deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. If a public road crosses a parcel of land otherwise characterized as a lot by this definition, the land on each side of the public road shall constitute a separate lot.

Lot, corner shall mean a lot at the junction of and abutting upon two (2) or more streets. (See KBC 15.36.060).

Lot, depth of shall mean the mean horizontal distance between the front and rear lot lines.

Lot, double frontage shall mean any interior lot having front-ages on two (2) more or less parallel streets as distinguished from a corner lot.

Lot, front of shall mean that side of the lot which fronts on a street. In the case of a corner lot the narrower side fronting on the street shall be considered the front of the lot. In case the corner lot has equal frontage on two (2) or more streets, the lot shall be considered to front on that street on which the greatest number of lots front, or if unplatted, on that which the greatest number of lots front, or if unplatted, on that street on which the greatest number of buildings have been erected.

Lot, interior shall mean a lot other than a corner lot.

Lot lines shall mean the lines bounding a lot as herein defined.

Lot, reversed corner shall mean a corner lot which does not front on the same street with the interior lots on the same side.

Lot, through shall mean lot, double frontage as defined herein.

Lot of record shall mean a parcel of land, the dimensions of which are shown on a recorded plat on file with the New Hanover County Register of Deeds.

Lot width shall mean the mean horizontal distance between the side lot lines measured at right angles to the depth.

Major thoroughfares shall mean the thoroughfare plan for the Town of Kure Beach.

Manufacturing shall mean the making of goods and articles by hand or by machinery with a division of labor.

Manufactured/Mobile home: A manufactured/mobile home shall mean a moveable or portable dwelling, a doublewide, consisting of a multi-sectional residential structure of two (2) or more sections with seven hundred fifty-six (756) sq. ft. minimum area constructed or manufactured in an off site manufacturing facility for installing or assembling on the building site bearing a seal certifying that it was built in compliance with the Federal Manufactured Housing and Construction and Safety Standards, and built after June 15, 1976, meeting all electrical, plumbing and safety standards as required by code. The tongue, axles, transporting lights and removable towing apparatus shall be removed after placement on the lot with the required anchoring and a continuous, permanent masonry wall, with no openings, except for required ventilation and access installed under the home after placement on the lot and before occupancy.

Manufactured/Mobile home park: shall mean a parcel of land, at least three (3) acres or more, which has been planned and improved for the placement of two (2) or more manufactured homes for dwelling purposes.

Manufactured home space/Lot: shall mean a parcel of land occupied or intended to be occupied by only 1 manufactured home for the exclusive use of the occupants of said

manufactured home. Manufactured home space shall also mean a parcel of land in a manufactured home park described above, provided with the necessary utility connections, patio, and other appurtenances necessary for the erection thereon of only 1 manufactured home, and for the exclusive use of the occupants of said-manufactured home. This definition shall also apply to mobile home spaces.

Miscellaneous equipment rental and leasing (7359) shall be acceptable for the following: Electronic equipment rental and leasing, furniture rental and leasing; party supplies rental and leasing; musical instruments rental and leasing, rental and leasing of dishes, silverware and tables; television rental and leasing; hand tool rental and leasing; video recorder and player rental and leasing.

Mobile home shall mean a movable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be transported on its own chassis and designed without a permanent foundation, whether or not a permanent foundation is subsequently provided, which may include one (1) or more components that can be retracted for transporting purposes and subsequently expended for additional capacity, or two (2) or more units separately transportable but designed to be joined into one (1) integral unit, as well as a portable dwelling composed of a single unit.

Mobile home lot shall mean a plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Mobile home park shall mean any premises used or intended to be used or occupied by two (2) or more mobile homes, anchored in place or supported by a foundation or other stationary supports, together with automobile parking space, utility structures, and other required facilities incidental thereon. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection or sale.

Motel (7011) shall mean a building intended or designed to be used as tourist lodgings which are rented to short term transients where a general kitchen and dining room are not required. (See tourist lodgings)

Multi-phased development shall mean a development containing 25 acres or more that is both submitted for development permit approval to occur in more than one phase and is subject to a master development plan with committed elements showing the type and intensity of use of each phase.

Municipality shall mean the Town of Kure Beach.

Nonconformity, dimensional shall mean a nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Nonconforming lot shall mean a lot existing at the effective date of this ordinance from which this section was derived or any amendment to it and not created for the purpose of evading the restrictions of this chapter that cannot meet the minimum area or lot width requirements of the district in which the lot is located.

Nonconforming project shall mean any structure, development, or undertaking that is incomplete at the effective date of this ordinance from which this section was derived and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming situation shall mean a situation that occurs when, on the effective date of this ordinance from which this section was derived or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height or minimum floor-space limitations, because the relationship between existing buildings and the land in such matters as density and setback requirements is not in conformity with this chapter, or because land or buildings are used for purposes made unlawful by this chapter.

Nonconforming use shall mean a nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. For example, a commercial office building in a residential district may be a nonconforming use. The term also refers to the activity that constitutes the use made of the property. For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.

Obstruction shall mean any material body that impedes the natural flow of air, water, moving objects, vision and/or frequencies.

Off-street loading shall mean loading space located on the same lot as the principal use, shall mean parking spaces located on the same lot as the principal use. (See parking-remote)

On-street loading shall mean loading space located on public property near or adjacent to principal business. On-street parking shall mean parking spaces located on public streets.

Open porch shall mean a porch open except for wire screening. A porch shall not be considered open if enclosed by either a permanent or detachable glass sash.

Ordinance shall mean these zoning regulations, including any amendments thereto. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

Parking-remote shall mean parking space provided on any land within one thousand (1,000) feet of the main entrance to a principal use.

Parking Area an area covered by concrete, gravel, wood, slate, pavers, turf blocks, concrete runners, etc. but not natural ground covering materials and used for required off street parking.

Parking area, gross shall mean the total area provided for the off-street parking of automobiles, including parking stalls and the necessary driveway access space thereto. Walkways, planting strips, and other landscaped areas shall not be counted as gross parking space.

Parking, combination space shall mean a lot used for parking that is shared by at least two (2) parties.

Parking space shall mean the off-street and on-street space available for the parking of motor vehicles.

Pergola. A structure consisting of parallel colonnades supporting an open roof of girders and cross rafters.

Planning and zoning commission see KBC 12.04.010.

Porch. A covered area adjoining an entrance to a building and usually having a separate roof.

Principal use shall mean the primary purpose of function that a parcel serves or is intended to serve.

Professional shall mean a person with four (4) years of college or four (4) years in an institute of higher learning with a degree in a field related to the profession. (For example, a doctor, lawyer, architect, etc.)

Professional, general shall mean any occupation, which is not of a professional nature.

Public buildings shall mean any building or structure meant to benefit the public and from which the town derives a franchise tax or other form of annual revenue other than property tax or privilege tax. (KBC 15.08.070)

Public notice shall mean notification to the public according to the general statutes as specified for public bodies and types of meetings or hearings.

Recreation shall mean any form of play, amusement, or relaxation.

Recreation, commercial shall mean any form of play, amusement, or relaxation used for monetary gain.

Recreation, commercial indoor shall mean any form of play, amusement or relaxation used for monetary gain conducted within an enclosed structure.

Recreation, commercial outdoor (7999) shall mean any form of play, amusement or relaxation

used for monetary gain not conducted within an enclosed structure.

Religious institution means a church, mosque, synagogue, temple or other place of religious worship.

Religious annex means a building associated with a religious facility that is maintained and used by a religious organization in accordance with its doctrines, practices, or regulations. A religious annex and its use shall not be considered nor construed to constitute an accessory building and use.

Residence shall mean a dwelling that is used for long term occupancy (i.e., single family homes, two (2) family homes, multifamily units, townhouses and condominiums) as distinguished from tourist lodgings.

Retail, apparel and accessory stores (5611) shall mean stores primarily engaged in selling new clothing, shoes, hats, underwear, and related articles for personal wear and adornment. Furriers and custom tailors carrying stocks of materials are included. All industry group numbers in this major retail group are acceptable as retail stores for the purpose of these zoning regulations.

Retail, building materials, hardware and garden supply (5231 and 5251) shall mean establishments primarily engaged in selling lumber and other building materials; paint, glass, and wallpaper; hardware; lawn and garden supplies. Only industry group no.'s 5231 and 5251 are acceptable as retail stores for the purposes of these zoning regulations.

Retail, eating (5812) and drinking places (5813) shall mean establishments selling prepared foods and drinks for consumption on the premises, and lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption.

Retail, food stores shall mean stores primarily engaged in selling food for home preparation and consumption. Only industry group no.'s (5411, 5441, 5451, and 5461) are acceptable as retail food stores for the purposes of these zoning regulations.

Retail, general (5331) shall mean establishments engaged in selling of retail merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of the goods.

Retail, general merchandise stores shall mean stores, selling merchandise such as dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. Only industry group no. 5399 is acceptable as retail stores for the purposes of these zoning regulations.

Retail, home furniture, furnishings, and equipment stores (5712, 5722, and 5731) shall mean stores selling goods used for furnishing the home, such as furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas

appliances. Only industry group no.'s (5712, 5722. and 5731) are acceptable as retail stores for the purposes of these zoning regulations.

Retail, miscellaneous shall mean retail stores not found in other major groupings (drug and proprietary stores; liquor stores; used merchandise stores; sporting goods stores; book stores; stationery stores; jewelry stores; hobby, toy and game shops; camera and photographic supply stores; gift, novelty and souvenir shops; luggage and leather goods store, sewing, needlework, and piece goods stores; florists; tobacco stores; optical goods store). Industry numbers which are acceptable as retail stores for the purposes of these zoning regulations are (5912, 5921, 5932, 5941, 5942, 5943, 5944, 5945, 5946, 5947, 5948, 5949, 5961, 5992, 5993, and 5995.)

Roominghouse (7021) shall mean a tourist lodging that rents single rooms and which may have a common kitchen, living room and bath. (See tourist lodgings)

Setback shall mean the distance between the minimum building line and the street right-of-way line required to obtain the front side, or rear yard open space provisions of this Chapter to provide for runoff control, health, safety, firefighting, free flow of air and adequate off-street parking. In the event there is not a street right-of-way involved, then the property line shall be used in establishing the setback.

Service station (5541) shall mean an establishment used for the servicing of automobiles, including the sale of gasoline, oil, grease, and minor accessories and washing and polishing, but excluding the sale of automobiles, body repairing and painting.

Sign shall mean any words, lettering, numerals, parts of letters, or numerals, figures, phrases, sentences, emblems, devices, trade names or trademarks by which anything is made known, including any surface, fabric or other material or structure designed to carry such devices, such as are used to designate or attracts attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are exposed to public view, and used to attract attention. This definition shall not include the flag, badge, or insignia of any governmental unit.

Site specific development plan shall mean a plan submitted to the Town describing with reasonable certainty the type and intensity of use for a specific parcel or parcels and including: the approximate boundaries of the site; significant topographical and other natural features effecting development on the site; the approximate location of proposed buildings, structures, and other improvements on the site; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. For purposes of this Chapter, approved site specific development plans which would establish a vested zoning right prior to the issuance of a building permit include subdivision plats and special use permits. A variance, in and of itself, or a sketch plan that fails to describe with reasonable certainty the type and intensity of use, shall not constitute a site specific

development plan. *Spire*. A steeply pointed roof termination to a tower.

Stable, private shall mean a stable with capacity for not more than two (2) horses, provided, however, that a private stable may exceed a two-horse capacity if the premises whereon such stable is situated contains an area of not less than two thousand (2,000) square feet for each horse accommodated, provided, however, this chapter shall not be construed to repeal, alter, or amend any ordinance of the town relating to the maintenance of animals or livestock within the corporate limits.

Stand, as it relates to allowable business uses for the purpose of these zoning regulations, shall mean the same as building with all the building code regulations and setbacks applied to said stand. (It will be a stand in name only.)

Story shall mean that part of a building comprised between a floor and the floor or roof next above.

Story, half shall mean a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street shall mean a public road, which affords the principal means of access to abutting property including avenue, place, way, drive, land, boulevard, highway, road, and any other thoroughfare except an alley.

Street line shall mean the street line is the dividing line between the street and the lot, as established by the town.

Structures shall mean anything constructed or erected, the use of which requires location on the land including freestanding billboards, signs and fences. The term structure shall be construed as if followed by the words, or part thereof.

Tourist lodgings (7011) shall mean a building containing rooms designed to be used for the most part as sleeping accommodations for tourist/vacationers or short term transients (i.e., hotel, motel, boardinghouse, roominghouse and bed breakfast) as distinguished from a residential dwelling. No more than five (5) percent of the individual units shall be occupied for more than ninety (90) continuous days by the same occupant. The individual unit will be no larger than four hundred twenty-five (425) square feet in size (exclusive of bathroom, closet and balcony areas). Any unit exceeding four hundred twenty-five (425) square feet in size will meet the dimensional and parking requirements of residential units KBC 15.36.120 and KBC 15.36.220. A tourist lodging will have one (1) water meter and one (1) electric meter. Individual metering is prohibited.

Town buildings and facilities shall mean those buildings and facilities that are owned and operated by the town. (KBC 15.08.060)

Town council shall mean the Mayor and members of the Town's governing body.

Townhouse shall mean an individually owned single family dwelling unit constructed in a series or group of attached units with lot line wall or property lines separating such units.

Trailer shall mean any vehicle, house car, camp car, or any portable or movable vehicle on wheels, skids, roller, or blocks either self-propelled or propelled by any other means, which is used or designed to be used for residential, living, sleeping, commercial or utility purposes, but not including mobile vehicles primarily designed for the transportation of goods.

Travel park (7033) shall mean an area intended and equipped for the temporary parking of vehicles and tents designed for travel, recreational and vacation dwellings

Travel trailer shall mean any vehicle or structure designed to be transported and intended for human occupancy as a dwelling for short periods of time, and containing limited or no kitchen or bathroom facilities. Travel trailers shall include the following:

- A. House trailer which shall mean a vehicular, portable structure built on a wheel designed to be towed by a self-propelled vehicle for use as a temporary dwelling for travel, recreational and vacation uses, having a body length not exceeding thirty-two (32) feet when equipped for road travel.
- B. Pick-up coach which shall mean a portable structure for use as a temporary dwelling for travel, recreational and vacation uses, designed to be mounted on a truck chassis for transportation, and to be used for a temporary dwelling while either mounted or dismounted.
- C. Motor home which shall mean a portable, temporary dwelling to be used for travel, recreational and vacation uses, constructed as an integral part of a self-propelled vehicle.
- D. Camping trailer which shall mean a folding structure manufactured of metal, wood, canvas and/or other materials, mounted on wheels and designed for travel, recreational and vacation uses.
- E. Self-contained travel trailer which shall mean a travel trailer which can operate independent of connections to sewer, water and electrical systems. It contains a water-flushed toilet, lavatory, shower and kitchen, all of which are connected water storage and sewage holding tanks located within the unit.
- F. Dependent trailer which shall mean a travel trailer which does not have a flush toilet, a lavatory, bath or shower.

Use shall mean the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Variance shall mean a modification of the literal provisions of the zoning regulations granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which a variance is granted.

Vested right shall mean the right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

Warehouse shall mean a building where wares, or goods, are stored, as before distribution to retailers, or are kept in reserve, in bond, etc.

Way shall mean a street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicle.

Widow's walk. A railed observation platform usually atop a coastal house.

Yard shall mean an open space on the same lot with a building (primary and accessory), unoccupied and unobstructed from the ground upward except by trees, shrubbery, screen walls, fences, ground level decks and walkways, or as otherwise provided for or required under this chapter.

Yard, front shall mean a yard across the full width of the lot, extending from the front line of the nearest building on the lot to the front line of the lot.

Yard, rear shall mean a yard across the full width of the lot, as measured from the furthest rear point of the principal building to the rear line of the lot.

Yard, side shall mean a yard across the full width of the lot, extending from the side line of the principal building on the lot to the side line of the lot.

(Ord. of 11-20-07; Ord. of 4-15-08; Ord. of 3-17-09; Ords. of 5-17-16; Ord. of 2-20-18; Ord. of 12-18-18)

Cross reference(s)—Definitions and rules of construction generally, KBC 1.04.010.

SECTION 2: AMENDMENT “15.14.040 Modification To Required Lot Area And Required Yards/Setbacks” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.14.040 Modification To Required Lot Area And Required Yards/Setbacks

- A. A dwelling together with its accessory buildings may be erected on a lot or plot having less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue or a recorded plat or deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961.
- B. The following modification to required lot area and required yards shall apply in this case:
 1. Front yards/setbacks shall not be modified;
 2. Rear yards/setbacks shall not be modified.

(Ord. of 2-20-18)

AFTER AMENDMENT

15.14.040 ~~Modification To Required Lot Area And Required Yards/Setbacks~~Reserved

- A. ~~A dwelling together with its accessory buildings may be erected on a lot or plot having less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue or a recorded plat or deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961. Front yards/setbacks shall not be modified; Rear yards/setbacks shall not be modified.~~
- B. ~~The following modification to required lot area and required yards shall apply in this case:~~

~~(Ord. of 2-20-18)~~

SECTION 3: AMENDMENT “15.18.040 Modification To Required Lot Area And Required Yards” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.18.040 Modification To Required Lot Area And Required Yards

- A. A dwelling together with its accessory buildings may be erected on a lot or plot having less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue or a recorded deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961.
- B. The following modification to required lot area and required yards shall apply in this case:
 - 1. Front yards/setbacks shall not be modified;
 - 2. Rear yards/setbacks shall not be modified.

(Ord. of 2-20-18)

AFTER AMENDMENT

15.18.040 ~~Modification To Required Lot Area And Required Yards~~Reserved

- A. ~~A dwelling together with its accessory buildings may be erected on a lot or plot having less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue or a recorded deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961. The following modification to required lot area and required yards shall apply in this case: Front yards/setbacks shall not be modified; Rear yards/setbacks shall not be modified.~~(Ord. of 2-20-18)

SECTION 4: AMENDMENT “15.36.020 Reduction Of Lot And Yards/Setbacks Prohibited” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.36.020 Reduction Of Lot And Yards/Setbacks Prohibited

No lot area shall be so reduced or diminished such that the yards/setbacks or other required open spaces shall be smaller than prescribed by this chapter. No yard/setback or other open space about any building or non-permitted structure shall be considered as providing a yard/setback or other open space for the purpose of complying with the provisions of this chapter.

(Ord. of 2-20-18)

AFTER AMENDMENT

15.36.020 ~~Reduction Of Lot And Yards/Setbacks Prohibited~~Reserved

~~No lot area shall be so reduced or diminished such that the yards/setbacks or other required open spaces shall be smaller than prescribed by this chapter. No yard/setback or other open space about any building or non-permitted structure shall be considered as providing a yard/setback or other open space for the purpose of complying with the provisions of this chapter.(Ord. of 2-20-18)~~

SECTION 5: AMENDMENT “15.36.030 Prerequisite To Construction, Demolition, Remodeling And Impervious Surfaces, Etc” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.36.030 Prerequisite To Construction, Demolition, Remodeling And Impervious Surfaces, Etc

Except as provided in KBC 11.02.030 subparagraph B, no building, building repairs remodeling, installation, driveway, parking lot, or other structures, other ground-covering impervious surfaces, or demolition thereof shall be commenced within the town's jurisdictional limits until a permit has been obtained from the building inspector.

No permit shall be issued if the total square footage of the buildings, other structures, and impervious ground-covering surface will exceed sixty-five (65) percent of the lot; excepting

therefrom, those structures located in the B-1 district and the established fire district of the town. Any type driveway or impervious surface across the town right-of-way shall be limited to twenty-four (24) feet wide total.

Impervious surface coverage in the side yard/setback area of residential lots shall be limited to fifteen (15) percent of the yard/setback.

Driveways located in the front yard/setback of residential lots shall be limited to thirty-six (36) feet in width. Driveways constructed of drip-through wooden, gravel or other permeable materials are permissible in any district when serving a single-family residence.

(Ord. of 2-16-10; Ord. of 9-18-12; Ord. of 2-20-18)

AFTER AMENDMENT

15.36.030 Prerequisite To Construction, Demolition, Remodeling And Impervious Surfaces, Etc

Except as provided in KBC 11.02.030 subparagraph B, no building, building repairs remodeling, installation, driveway, parking lot, or other structures, other ground-covering impervious surfaces, or demolition thereof shall be commenced within the town's jurisdictional limits until a permit has been obtained from the building inspector.

No permit shall be issued if the total square footage of the buildings, other structures, and impervious ground-covering surface will exceed sixty-five (65) percent of the lot; excepting therefrom, those structures located in the B-1 district and the established fire district of the town. Any type driveway or impervious surface across the town right-of-way shall be limited to ~~twenty-four (24) feet wide total.~~ 49% of lot width not inclusive of 18 inch flares on each side.

Impervious surface coverage in the side yard/setback area of residential lots shall be limited to fifteen (15) percent of the yard/setback.

Driveways located in the front yard/setback of residential lots shall be limited to 72% of lot width ~~thirty-six (36) feet in width.~~ Driveways and parking areas constructed of drip-through wooden, gravel, turf blocks, slate, pavers or other permeable materials are permissible ~~in any district when serving a single-family residence.~~ but may not exceed coverage or widths allowed regardless of permeability.

(Ord. of 2-16-10; Ord. of 9-18-12; Ord. of 2-20-18)

SECTION 6: AMENDMENT “15.36.050 Adjoining And Vacant Lots Of Record” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.36.050 Adjoining And Vacant Lots Of Record

If two (2) or more adjoining and vacant lots of record are in a single ownership at anytime after the adoption of the ordinance from which this chapter was derived and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located such lots shall be considered as a single lot or which meet several lots the minimum requirements of this chapter for the district in which such lots are located.

AFTER AMENDMENT

15.36.050 ~~Adjoining And Vacant Lots Of Record~~ Reserved

~~If two (2) or more adjoining and vacant lots of record are in a single ownership at anytime after the adoption of the ordinance from which this chapter was derived and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located such lots shall be considered as a single lot or which meet several lots the minimum requirements of this chapter for the district in which such lots are located.~~

SECTION 7: AMENDMENT “15.36.080 Exceptions And Modifications” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.36.080 Exceptions And Modifications

The dimensional requirements of this chapter shall be complied with in all respects except that under the specific conditions as outlined in this chapter the requirements may be waived or modified as stated, and in addition the dimensional requirements may be changed or modified by the board of adjustment as provided in KBC 15.04.010 et seq.

AFTER AMENDMENT

15.36.080 ~~Exceptions And Modifications~~ Reserved

~~The dimensional requirements of this chapter shall be complied with in all respects except that under the specific conditions as outlined in this chapter the requirements may be waived or modified as stated, and in addition the dimensional requirements may be changed or modified by the board of adjustment as provided in KBC 15.04.010 et seq.~~

SECTION 8: AMENDMENT “15.36.090 Modification To Front Yards/Setbacks In Residential Districts” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.36.090 Modification To Front Yards/Setbacks In Residential Districts

Where lots comprising twenty-five (25) percent or more of the frontage on one side of a block are developed with buildings at the time of the adoption of this ordinance, no building hereafter erected or structurally altered shall project beyond the average front yard/setback line established by the preexisting buildings, provided that, however, this regulation shall not be construed or so interpreted so as to require a front yard/setback of more than thirty (30) feet.

(Ord. of 2-20-18)

AFTER AMENDMENT

15.36.090 ~~Modification To Front Yards/Setbacks In Residential Districts~~ Reserved

~~Where lots comprising twenty-five (25) percent or more of the frontage on one side of a block are developed with buildings at the time of the adoption of this ordinance, no building hereafter erected or structurally altered shall project beyond the average front yard/setback line established by the preexisting buildings, provided that, however, this regulation shall not be construed or so interpreted so as to require a front yard/setback of more than thirty (30) feet.
(Ord. of 2-20-18)~~

SECTION 9: AMENDMENT “15.36.120 Density Control Requirements For Residential Units” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.36.120 Density Control Requirements For Residential Units

The minimum building site area shall be one (1) lot or parcel of land having five thousand (5,000) square feet in area for a single and/or two (2) family residential unit. For family units in excess of two (2) family units, two thousand five hundred (2,500) square feet shall be required for each residential unit.

A bedroom is defined as any room ten (10) feet by ten (10) feet or larger, having a closet, and at the discretion of the building inspector.

(Ord. of 10-16-07(2), § 3)

AFTER AMENDMENT

15.36.120 Density Control Requirements For Residential Units

The minimum building site area shall be one (1) lot or parcel of land having five thousand

(5,000) square feet in area for a single and/or two (2) family residential unit. For family units in excess of two (2) family units, two thousand five hundred (2,500) square feet shall be required for each residential unit.

~~A bedroom is defined as any room ten (10) feet by ten (10) feet or larger, having a closet, and at the discretion of the building inspector.~~

(Ord. of 10-16-07(2), § 3)

SECTION 10: AMENDMENT “15.36.150 Height Limit Exceptions” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.36.150 Height Limit Exceptions

- A. On through lots one hundred (100) feet or less in depth the height of a building may be measured from the average elevation of the finished grade along the front of the building, considering the end facing either street as the front. On through lots more than one hundred (100) feet in depth the height regulations and basis of height measurements for the street front permitting the greater height shall apply to a depth of not more than one hundred (100) feet from the street.
- B. Chimneys, cooling towers, elevators, bulkheads, scenery, lofts, monuments, domes, spires, parapet walls, and masonry mechanical appurtenances may be erected, to any height in accordance with existing or hereafter adopted ordinances.
- C. Structures that exceed the height limitation established must be approved by the building inspector's office.

AFTER AMENDMENT

15.36.150 Height Limit Exceptions

- A. On ~~through lots one hundred (100) feet or less in depth~~ all new construction or renovations, the height of a building may be measured from top of the slab at the front entry of the structure. ~~the average elevation of the finished grade along the front of the building, considering the end facing either street as the front. On through lots more than one hundred (100) feet in depth the height regulations and basis of height measurements for the street front permitting the greater height shall apply to a depth of not more than one hundred (100) feet from the street.~~
- B. Chimneys, cooling towers, elevators, bulkheads, scenery, lofts, monuments, domes, spires, parapet walls, and masonry mechanical appurtenances may be erected, ~~to any height in accordance with existing or hereafter adopted ordinances.~~ in accordance with applicable code provisions.
- C. ~~Structures that exceed the height limitation established must be approved by the building inspector's office.~~

SECTION 11: AMENDMENT “15.36.220 Minimum Parking Requirements” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.36.220 Minimum Parking Requirements

The number of off-street parking spaces required by this section shall be provided on the same or contiguous lot with the principal use of this section and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this chapter. For purpose of this chapter an off-street parking space shall be no less than nine (9) feet in width and twenty (20) feet in length in an area within a minimum ten (10) feet ingress and egress provided for the off-street parking area.

<i>Residential and related uses</i>	<i>Required parking</i>
(1) Any residential use consisting of one (1) or two dwelling units.	Two (2) parking spaces for up to three (3) bedrooms and one (1) additional parking space for each bedroom thereafter per each dwelling unit.
(2) Multiple family dwelling	Two (2) parking spaces for up to two (2) bedrooms and one (1) additional parking space for each bedroom thereafter per each dwelling unit.
(3) Rooming or boarding-houses, and tourist homes.	One (1) parking space for each one (1) room to be rented, plus two (2) for management.
(4) Motels and hotels.	One point two (1.2) parking spaces per unit in which each space must be unobstructed, plus two (2) spaces for management, of which one may be obstructed. Any hotel or motel hereafter constructed or any existing hotel or motel which hereafter expands if there is a structural change to accommodate additional capacity shall have designated area for employees on duty to park.
	Zero (0)—twenty (20) units must have one (1) additional parking space for employees.
	Twenty (20)—forty (40) units shall have two (2) additional parking spaces for employees and every twenty (20) units thereafter shall one (1) additional space for employees.
(5) Home occupation in operator's residence.	Parking spaces in addition to residential requirements as per approval by the building inspector.
(6) Professional office in	Parking spaces in addition to residential requirements as per

home.	approval by the building inspector.
<i>Clinics, churches, auditoriums, etc.</i>	<i>Required parking</i>
(7) Medical clinic or doctor's office.	Six (6) parking spaces for each doctor plus one (1) for each employee.
(8) Church.	One (1) parking space for each ten (10) feet of pew space.
(9) Municipal auditoriums and recreational buildings.	One (1) parking space for each eight (8) single fixed seats or one (1) parking space for each one hundred and fifty (150) square feet of gross floor area without fixed seats. Should the building be a combination of these two (2) definitions; then and in that event, the number of parking spaces shall be the sum of each of the formulas.
(10) Restaurants.	One (1) parking space for each four (4) seats inside or outside, plus one (1) parking space for each employee. Every two (2) feet of bench space equals one (1) seat.
(11) Restaurant or conference center within a hotel or motel.	One (1) extra parking space for each eight (8) single seats in restaurant and conference center plus requirements for (4) above.
(12) General or professional offices other than medical doctors, including real estate offices.	Three (3) parking spaces for each individual or professional in business.
(13) Banks	One (1) parking space for each two hundred (200) square feet plus one (1) for each employee on duty.
(14) <i>Reserved.</i>	
<i>Public and semipublic uses</i>	<i>Required parking</i>
(15) Theaters.	One (1) parking space for each four (4) single seats.
(16) Retail uses not listed.	One (1) parking space for each two hundred (200) sq. ft. of gross floor space plus one (1) for each employee and/or manager.
(17) Real estate parking	Two (2) spaces per agent plus one (1) for each employee.

(18) Any item not listed in above categories shall derive its parking requirements from the occupancy capacity of the building as determined by either the state or municipal fire code, whichever is applied to the rating building capacity. One (1) parking space per four (4) persons and an additional parking space for any fraction over shall be required. The capacity for the building shall be posted in plain view in the main entrance. The fire marshal shall determine

the occupancy capacity.

(Ord. of 5-18-04; Ord. of 10-16-07(2), §§ 1, 2; Ord. of 4-16-13)

AFTER AMENDMENT

15.36.220 Minimum Parking Requirements

The number of off-street parking spaces required by this section shall be provided on the same or contiguous lot with the principal use of this section and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this chapter. For purpose of this chapter an off-street parking space shall be no less than nine (9) feet in width and twenty (20) feet in length in an area within a minimum ten (10) feet ingress and egress provided for the off-street parking area.

<i>Residential and related uses</i>	<i>Required parking</i>
(1) Any residential use consisting of <u>a single family dwelling.</u> one (1) or two dwelling units.	Two (2) parking spaces for up to three (3) bedrooms and one (1) additional parking space for each bedroom thereafter per each dwelling unit.
(2) Multiple family dwelling	Two (2) parking spaces for up to two (2) bedrooms and one (1) additional parking space for each bedroom thereafter per each dwelling unit.
(3) Rooming or boarding-houses, and tourist homes.	One (1) parking space for each one (1) room to be rented, plus two (2) for management.
(4) Motels and hotels.	One point two (1.2) parking spaces per unit in which each space must be unobstructed, plus two (2) spaces for management, of which one may be obstructed. Any hotel or motel hereafter constructed or any existing hotel or motel which hereafter expands if there is a structural change to accommodate additional capacity shall have designated area for employees on duty to park.
	Zero (0)—twenty (20) units must have one (1) additional parking space for employees.
	Twenty (20)—forty (40) units shall have two (2) additional parking spaces for employees and every twenty (20) units thereafter shall one (1) additional space for employees.
(5) Home occupation in operator's residence.	Parking spaces in addition to residential requirements as per approval by the building inspector.
(6) Professional office in	Parking spaces in addition to residential requirements as per

home.	approval by the building inspector.
<i>Clinics, churches, auditoriums, etc.</i>	<i>Required parking</i>
(7) Medical clinic or doctor's office.	Six (6) parking spaces for each doctor plus one (1) for each employee.
(8) Church.	One (1) parking space for each ten (10) feet of pew space.
(9) Municipal auditoriums and recreational buildings.	One (1) parking space for each eight (8) single fixed seats or one (1) parking space for each one hundred and fifty (150) square feet of gross floor area without fixed seats. Should the building be a combination of these two (2) definitions; then and in that event, the number of parking spaces shall be the sum of each of the formulas.
(10) Restaurants.	One (1) parking space for each four (4) seats inside or outside, plus one (1) parking space for each employee. Every two (2) feet of bench space equals one (1) seat.
(11) Restaurant or conference center within a hotel or motel.	One (1) extra parking space for each eight (8) single seats in restaurant and conference center plus requirements for (4) above.
(12) General or professional offices other than medical doctors, including real estate offices.	Three (3) parking spaces for each individual or professional in business.
(13) Banks	One (1) parking space for each two hundred (200) square feet plus one (1) for each employee on duty.
(14) <i>Reserved.</i>	
<i>Public and semipublic uses</i>	<i>Required parking</i>
(15) Theaters.	One (1) parking space for each four (4) single seats.
(16) Retail uses not listed.	One (1) parking space for each two hundred (200) sq. ft. of gross floor space plus one (1) for each employee and/or manager.
(17) Real estate parking	Two (2) spaces per agent plus one (1) for each employee.

(18) Any item not listed in above categories shall derive its parking requirements from the occupancy capacity of the building as determined by either the state or municipal fire code, whichever is applied to the rating building capacity. One (1) parking space per four (4) persons and an additional parking space for any fraction over shall be required. The capacity for the building shall be posted in plain view in the main entrance. The fire marshal shall determine the occupancy capacity.

(Ord. of 5-18-04; Ord. of 10-16-07(2), §§ 1, 2; Ord. of 4-16-13)

SECTION 12: **AMENDMENT** “11.02.040 Permits” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.040 Permits

A. Prerequisite to Construction, Repair, Replacement, Demolition, Remodeling, and Development

1. Except as otherwise provided, no: building construction, repairs, replacement, or remodeling; installation of driveways, parking lots, or other ground covering impervious surfaces; other construction, development, or demolition shall be commenced in the Town until a permit has been obtained from the Building Inspector. This subsection shall be applicable to all development on or abutting ocean beaches within the Town.
2. No permit shall be issued if the total square footage of the buildings and impervious ground covering surface will exceed 65 percent of the lot; excepting therefrom, those structures located in the B-1 District or deemed commercial and within the established fire district of the Town.
3. Any commercial construction requiring review by the New Hanover County Building Safety Department pertaining to mechanical, electrical, plumbing, or fire permits shall be obtained in conjunction with a building permit being issued by the Town's Building Inspector.
4. Any type of impervious surface across any town right-of-way shall be limited to 24 feet total.
5. No development shall occur seaward of the Town's development line except as allowed under 15A NCAC 07H.0309.
6. A building permit issued hereunder shall expire by limitation in 6 months after the date of issuance if the work authorized under the permit has not been commenced. In the event the authorized work has been commenced but is discontinued for a period of 12 months, the permit shall immediately expire. Any work authorized under a permit that has expired cannot be performed until a new permit has been issued.
7. After a building permit has been issued, there no changes or deviations from the terms of the permit application, plans and specifications, and the permit, excepting such changes and deviations which are clearly permissible under the State Building Code, shall be made unless and until specific written approval of the proposed changes and/or deviations has been obtained from the Building Inspections Department.
8. The Building Inspector may revoke and require the return of any building permit by notifying the permit holder in writing and stating the reasons for the

revocation. Building permits shall be revoked for: any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of any applicable federal State or local law: or for false statements or misrepresentations made in obtaining the permit.

9. An owner or builder may appeal, in accordance with the provisions of KBC 12.06.040, from a stop work order involving the alleged violation of KBC Chapter 15 or the revocation of a building permit.

(Code 1973, § 6-17; Ord. of 12-17-91; Ord. of 4-10-96; Ord. of 6-19-01; Ord. of 5-15-07; Ord. of 3-21-17) **State law reference(s)**—Permits, G.S. § 160D-417.

- B. *Fees.* All building permit fees are on file in the Town Clerk's office. (Code 1973, § 6-18) **Cross reference(s)**—Town clerk, KBC 2.08.030 subparagraph A; Town treasurer, KBC 2.08.040 subparagraph A. **State law reference(s)**—Permit requirements, G.S. § 160D-417.
- C. *Permits Applied for After Construction.* For any permit that is applied for after construction has begun, the fee for such permit shall be the established fee plus \$50.00 or twice the established fee, whichever is greater. (Ord. of 5-18-93)
- D. *Clean Up Waste Material and Debris.* It shall be the responsibility of each person undertaking construction activity to make their own private arrangement for the removal or disposal of waste material and debris. Air-borne materials subject to wind distribution shall be containerized for safety and cleanliness. The general contractor or the person undertaking the construction activity shall be responsible for meeting the above requirements which shall be performed daily at the end of each work day to cleanse the surrounding public and private property of all building material, waste and debris generated by construction activity to the satisfaction of the Building Inspector. (Ord. 96-1, 3-19-96) **Cross reference(s)**—See KBC 13.02.010.
- E. *Public Access to and From Beach; Permits*
 1. No person or owner of any property abutting the project easement line to the Atlantic Ocean shall create a path or cause to be created a path for access across the grass on any point upon the berm or dune to gain access to the beach; excepting therefrom, any existing public access points established or approved walkovers across the berm or dune, whether public or private.
 2. Any person desiring to have access from his/her property abutting the project easement line, may apply for a permit for the purpose of constructing a walkover according to the plans and specifications established by the existing laws for such purpose.
 3. Any person or owner of property abutting the project easement line to the Atlantic Ocean as recorded in the Register of Deeds Office of New Hanover County, North Carolina, who shall violate this subsection, or any person who shall be found upon the berm or dune destroying the vegetation thereon, shall be charged with a misdemeanor under KBC 1.08.010 or be subject to civil penalties under KBC 1.08.020. Each incident of violation of this subsection shall constitute a separate offense for which a charge shall be made against such violator.

4. This subsection shall become effective immediately upon its passage. (Ord. of 6-17-97; Ord. of 7-20-99, exh. A) **Cross reference(s)**—Motor vehicles on the beach strand, KBC 10.06.040 subparagraph A; disregarding public access to and from beach; penalty

F. *Special Events*

1. Definitions. The following terms shall have, when used in this section, the meanings set forth below unless a different meaning clearly appears from the context:

Beach strand: Area to include mean high tide line to the westward edge of the Town's beach renourishment easement line. *Event director*: Person who is planning and running the event; also considered the spokesperson for the group. *Inspection*: The inspection for litter, refuse, debris, garbage, left behind on any public area, and any dune area of a private oceanfront property after a special event takes place. *Loud noises*: Noises of such frequency or volume as to annoy or disturb any citizen, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boardinghouse or other type of residence. *Special Events Coordinator ("SEC")*: Kure Beach Building Inspector or designee.

2. Planned outdoor group activities, such as weddings, sporting events, meetings, organized entertainment or celebrations on Kure Beach public property require a special events permit, and must conform to the requirements below.
 - a. A permit application must be completed and submitted prior to any authorized event. After application is made, and the fees are paid, permission for the special event will be given in writing.
 - b. For any event, or at the discretion of the SEC, a \$250.00 refundable deposit must be made in addition to the permit fees. Deposit will be refunded upon successful inspection of event location after event.
 - c. The event director shall be responsible for providing sufficient parking for guests, and must provide a parking schematic or written plan along with special event application.
 - d. Obstruction of any public beach right-of-way, parking area or public street is prohibited without Town Council approval.
 - e. Any tents, banners, stages, nets, etc. on public property, may not be set up more than 12 hours prior to the activity, and shall be removed within 12 hours afterwards. Procurement of a fire permit is required if the tent is over 200 square feet.
 - f. Any amplified music within the Town must be approved by the SEC. Any amplified music or PA system on the beach strand must be directed toward the ocean and away from any residences. The volume of the music must not create loud and disturbing noises. All noises (music, loudspeaker, etc.) must be terminated by 11:00 p.m. This subsection shall be enforced by the Town of Kure Beach Police Department and/or other authorized Town personnel.

- g. The event director shall be responsible for litter pickup of public/private areas used. If activity is on the beach strand, any litter (boxes, etc.) that will not fit in cans must be removed from the beach strand. All food litter must be removed from the beach strand. All plastic and aluminum litter must be recycled and the use of styrofoam and glass products for serving refreshments is prohibited. No balloons or plastic confetti may be used as part of any decorations placed on public property. All decorations (flowers, streamers, etc.) must be removed from the site immediately following the event. Littering shall be subject to a \$250.00 fine.
- h. For events with expected attendance of 100 people or more, portable toilets shall be provided by the event director. Portable toilets may not be set up more than 48 hours prior to the activity, and shall be removed within 48 hours afterwards.
- i. Merchandise sales or donation solicitations by a person or group for the purpose of raising money for a charity or nonprofit group may only be conducted on public property with an approved special event permit. Information concerning nonprofit vending activities must be included in the special event permit application. "For-profit" vendors must be disclosed in the special event permit application and must be approved by Town Council. Food vendors must also obtain a permit from the health department.
- j. Town ordinance prohibits fires or cooking of any kind on the beach strand. No open flames are allowed on the beach strand including fireworks and tiki torches.
- k. Town ordinance prohibits the consumption of alcoholic beverages of any kind on the beach strand or any public property.
- l. The event director shall coordinate traffic and crowd control with the SEC.
- m. This subparagraph may be used in conjunction with any and all other applicable subparagraphs.
(Ord. of 3-20-12)

State law reference(s)—Permits, G.S. § 160D-417; time limitations or validity of permits, G.S. § 160D-418.

AFTER AMENDMENT

11.02.040 Permits

A. Prerequisite to Construction, Repair, Replacement, Demolition, Remodeling, and Development

- 1. Except as otherwise provided, no: building construction, repairs, replacement, or remodeling; installation of driveways, parking lots, or other ground

covering impervious surfaces; other construction, development, or demolition shall be commenced in the Town until a permit has been obtained from the Building Inspector. This subsection shall be applicable to all development on or abutting ocean beaches within the Town.

2. No permit shall be issued if the total square footage of the buildings and impervious ground covering surface will exceed 65 percent of the lot; excepting therefrom, those structures located in the B-1 District or deemed commercial and within the established fire district of the Town.
3. Any commercial construction requiring review by the New Hanover County Building Safety Department pertaining to mechanical, electrical, plumbing, or fire permits shall be obtained in conjunction with a building permit being issued by the Town's Building Inspector.
4. Any type of impervious surface across any town right-of-way shall be limited to 49% of lot width, 24 feet total.
5. No development shall occur seaward of the Town's development line except as allowed under 15A NCAC 07H.0309.
6. Prior to commencing construction, safeguards must be in place to protect adjoining properties, including silt fence around sides and rear of property, gravel along edge of pavement at construction entry and egress, trash receptacles, and porta lets.
7. Fill installation shall not exceed elevations of neighboring properties without written permission from the Building Inspector and the Public Works Director that includes a description of the method of properly discard stormwater runoff.
8. A building permit issued hereunder shall expire by limitation in 6 months after the date of issuance if the work authorized under the permit has not been commenced. In the event the authorized work has been commenced but is discontinued for a period of 12 months, the permit shall immediately expire. Any work authorized under a permit that has expired cannot be performed until a new permit has been issued.
9. After a building permit has been issued, there no changes or deviations from the terms of the permit application, plans and specifications, and the permit, excepting such changes and deviations which are clearly permissible under the State Building Code, shall be made unless and until specific written approval of the proposed changes and/or deviations has been obtained from the Building Inspections Department.
10. The Building Inspector may revoke and require the return of any building permit by notifying the permit holder in writing and stating the reasons for the revocation. Building permits shall be revoked for: any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of any applicable federal State or local law: or for false statements or misrepresentations made in obtaining the permit.
11. An owner or builder may appeal, in accordance with the provisions of KBC 12.06.040, from a stop work order involving the alleged violation of KBC Chapter 15 or the revocation of a building permit.

(Code 1973, § 6-17; Ord. of 12-17-91; Ord. of 4-10-96; Ord. of 6-19-01; Ord. of 5-15-07; Ord. of 3-21-17) **State law reference(s)**—Permits, G.S. § 160D-417.

- B. *Fees.* All building permit fees are on file in the Town Clerk's office. (Code 1973, § 6-18) **Cross reference(s)**—Town clerk, KBC 2.08.030 subparagraph A; Town treasurer, KBC 2.08.040 subparagraph A. **State law reference(s)**—Permit requirements, G.S. § 160D-417.
- C. *Permits Applied for After Construction.* For any permit that is applied for after construction has begun, the fee for such permit shall be the established fee plus \$50.00 or twice the established fee, whichever is greater. (Ord. of 5-18-93)
- D. *Clean Up Waste Material and Debris.* It shall be the responsibility of each person undertaking construction activity to make their own private arrangement for the removal or disposal of waste material and debris. Air-borne materials subject to wind distribution shall be containerized for safety and cleanliness. The general contractor or the person undertaking the construction activity shall be responsible for meeting the above requirements which shall be performed daily at the end of each work day to cleanse the surrounding public and private property of all building material, waste and debris generated by construction activity to the satisfaction of the Building Inspector. (Ord. 96-1, 3-19-96) **Cross reference(s)**—See KBC 13.02.010.

E. *Public Access to and From Beach; Permits*

1. No person or owner of any property abutting the project easement line to the Atlantic Ocean shall create a path or cause to be created a path for access across the grass on any point upon the berm or dune to gain access to the beach; excepting therefrom, any existing public access points established or approved walkovers across the berm or dune, whether public or private.
2. Any person desiring to have access from his/her property abutting the project easement line, may apply for a permit for the purpose of constructing a walkover according to the plans and specifications established by the existing laws for such purpose.
3. Any person or owner of property abutting the project easement line to the Atlantic Ocean as recorded in the Register of Deeds Office of New Hanover County, North Carolina, who shall violate this subsection, or any person who shall be found upon the berm or dune destroying the vegetation thereon, shall be charged with a misdemeanor under KBC 1.08.010 or be subject to civil penalties under KBC 1.08.020. Each incident of violation of this subsection shall constitute a separate offense for which a charge shall be made against such violator.
4. This subsection shall become effective immediately upon its passage. (Ord. of 6-17-97; Ord. of 7-20-99, exh. A) **Cross reference(s)**—Motor vehicles on the beach strand, KBC 10.06.040 subparagraph A; disregarding public access to and from beach; penalty

F. *Special Events*

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(Ord. of 3-20-12)

State law reference(s)—Permits, G.S. § 160D-417; time limitations or validity of permits, G.S. § 160D-418.

SECTION 13: **AMENDMENT** “11.08.020 Drainage Of Water From Buildings” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

11.08.020 Drainage Of Water From Buildings

All gutters, pipes or leaders now used for conducting rainwater from buildings in the Town or which may be hereafter constructed and used for such purposes, shall be so constructed that no runoff shall be allowed to flow upon the adjoining property owner; and that such flow of water shall be carried or directed to flow to a proper drainage area or into an appropriate storm drainpipe, whichever is most appropriate or efficient.

(Code 1973, § 6-3; Ord. of 9-29-87)

AFTER AMENDMENT

11.08.020 Drainage Of Water From Buildings

All gutters, pipes or leaders now used for conducting rainwater from buildings in the Town or which may be hereafter constructed and used for such purposes, shall be so constructed that no runoff shall be allowed to flow upon the adjoining property owner; and that such flow of water shall be carried or directed to flow to a proper drainage area or into an appropriate storm drainpipe, whichever is most appropriate or efficient.

All new construction shall be required to install gutters and downspouts and pipe underground to the nearest stormwater facility or practical dumping site based upon discretion of the Building Inspector and Public Works Director.

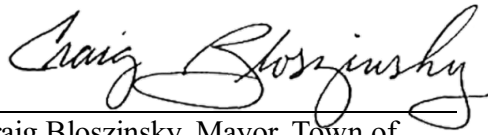
(Code 1973, § 6-3; Ord. of 9-29-87)

PASSED AND ADOPTED BY THE TOWN OF KURE BEACH COUNCIL JANUARY 18, 2023.

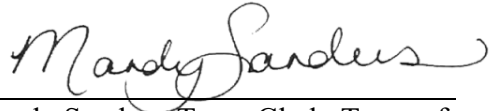
	AYE	NAY	ABSENT	ABSTAIN
Commissioner John Ellen	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Allen Oliver	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Commissioner David Heglar	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Joseph Whitley	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Mayor Craig Bloszinsky	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Craig Bloszinsky, Mayor, Town of
Kure Beach



Mandy Sanders, Town Clerk, Town of
Kure Beach

