

**TOWN OF KURE BEACH  
ORDINANCE 15.08.075**

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

**SECTION 1:**        **ADOPTION** “15.08.075 Vested Rights” of the Town of Kure Beach Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.08.075 Vested Rights (Non-existent)

AFTER ADOPTION

15.08.075 Vested Rights(*Added*)

A. A vested right shall be established upon the valid approval of a site specific development plan following notice and public hearing by the Town. A vested right confers upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the approved plan; such a plan deemed approved as of the effective date of the Town’s action or ordinance relating thereto. The Town shall not require a landowner to waive any vested rights as a condition of developmental approval.

B. Except as set forth in sub-section C herein, a vested right shall remain vested for a period of two (2) years and the vesting shall not be extended by any amendments or modifications to the site specific development plan unless expressly provided for by the Town.

C. The Town may provide that developmental rights shall be vested for a period exceeding two (2) years but not exceeding five (5) years where extended vesting is warranted, in consideration of all relevant circumstances, by the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions.

D. A vested right shall terminate at the end of the vesting period with respect to buildings and uses for which no valid building permit application has been filed.

E. Nothing herein shall prohibit the Town from revoking the original approval of the site specific development plan for failure to comply with the terms and conditions of the approval or with the provisions of this Chapter.

F. A vested right is not a personal right and shall attach to and run with the property such that all successors to the landowner who obtained the original approval shall be entitled to exercise the rights obtained under that approval.

G. A vested right precludes any zoning action by the Town which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property except:

1. With the written consent of the landowner;

2. Upon findings, by ordinance and after notice and a public hearing, that hazards on or in the immediate vicinity of the property, if uncorrected, pose a serious threat to public health, safety, and

welfare if development were to proceed as set forth in the approved plan;

3. To the extent the landowner is compensated for all costs, expenses, and losses the landowner incurred;

4. Upon findings, by ordinance and after notice and a public hearing, that the landowner intentionally supplied inaccurate information or made material misrepresentations which made a difference in the Town approving the site specific development plan; or

5. Upon the enactment or promulgation of a State or federal law or regulation precluding the development contemplated under the approved site specific development plan. In such an event, the Town may modify the affected provisions of the approved plan upon finding, by ordinance and after notice and a public hearing, that the change in State or federal law has a fundamental effect on the approved plan.

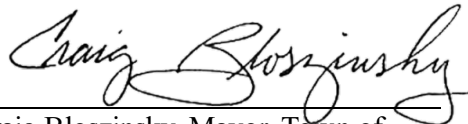
H. A landowner claiming a statutory or common law vested right may submit information to and request a determination from the Town's Zoning Officer as to whether such a vested right exists. The landowner may appeal that determination to the Town's Board of Adjustment which shall review the question of whether the vested right exists de novo.

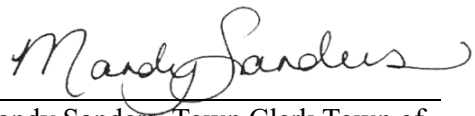
PASSED AND ADOPTED BY THE TOWN OF KURE BEACH COUNCIL MARCH 12, 2020.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
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

  
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Craig Bloszinsky, Mayor, Town of  
Kure Beach

  
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Mandy Sanders, Town Clerk Town of  
Kure Beach

