

**TOWN OF KURE BEACH
ORDINANCE 15.08.076**

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

SECTION 1: **ADOPTION** “15.08.076 Permit Choice Rule” of the Town of Kure Beach Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.08.076 Permit Choice Rule (Non-existent)

AFTER ADOPTION

15.08.076 Permit Choice Rule(*Added*)

A. In the event an applicant submits a development permit application for any type of development and an ordinance, land development regulation, or rule is amended or changed between the time that application is submitted and a decision on the application is made, the applicant may choose which adopted version of the ordinance, land development regulation, or rule shall apply to the permit and use of the building, structure, or land indicated on the application.

B. In the event the permit applicant chooses the version of the ordinance, land development regulation, or rule that was applicable at the time the permit application was submitted, then the applicant shall not be required to await the outcome of a proposed amendment to said ordinance, land development regulation, or rule prior to acting on the development permit.

C. In the event an applicable ordinance, land development regulation, or rule is amended after a development permit is wrongfully denied or after an illegal condition is imposed, then the applicant may choose which adopted version of the ordinance, land development regulation, or rule shall apply to the permit and use of the building, structure or land indicated on the application.

D. Amendments to land development regulations shall not be applicable or enforceable without the written consent of the landowner regarding the following:

1. Buildings or uses of buildings and land for which a development permit application has been submitted and issued in accordance with the Permit Choice Rule.

2. Subdivisions of land for which a development permit application has been submitted and issued in accordance with the Permit Choice Rule.

3. An established vested right that remains valid and unexpired.

4. A vested right established under the terms of an authorized development agreement.

5. A multi-phased development which shall be vested for the entire development with the land development regulations then in place at the time site plan approval was issued for the initial phase of the development. A vested right established for a multi-phased development shall remain vested for a period of seven (7) years from the time site plan approval was issued for the initial phase of the multi-phased development.

E. In the event multiple development permits are required to complete the development, the permit applicant may choose the version of each of the applicable land development regulations then in place at the time the application for the initial development permit was submitted. This provision applies only to subsequent permit applications filed within eighteen (18) months after the date on which the initial permit application was approved. For the purposes of this sub-section, an erosion and sedimentation control permit or a sign permit shall not be considered an initial development permit.

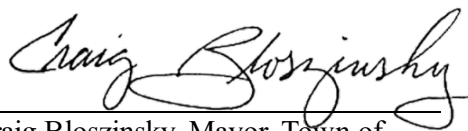
F. In the event a permit application is placed on hold at the request of the applicant for a period of six (6) months or more, or in the event an applicant fails to respond to comments or provide additional information reasonably requested by the Town for a period of six (6) months or more, the application review shall be discontinued and the land development regulations in effect at the time the application process is renewed shall be applied to the application.

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


	AYE	NAY	ABSENT	ABSTAIN
Commissioner John Ellen	X	_____	_____	_____
Commissioner Allen Oliver	X	_____	_____	_____
Commissioner David Heglar	X	_____	_____	_____
Commissioner Joseph Whitley	X	_____	_____	_____
Mayor Craig Bloszinsky	X	_____	_____	_____

Presiding Officer

Attest



 Craig Bloszinsky, Mayor, Town of
 Kure Beach



 Mandy Sanders, Town Clerk Town of
 Kure Beach

