

**TOWN OF KURE BEACH  
ORDINANCE 15.08.080**

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

**SECTION 1:**        **AMENDMENT** “15.08.080 Special Use Permits” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

15.08.080 Special Use Permits

It is the intention of the town council to create a list of special uses that may be allowed in several zoning districts where those uses would not otherwise be acceptable without appropriate conditions or safeguards. By means of controls exercised through special use permit procedures established below the council can delineate the areas of concern connected with each special use. Permitted special uses are identified with an "S"; i.e., a special use is designated to show that there is something unique about the business and would require special conditions placed upon them. Those businesses are identified with an "(S)".

*Procedures:*

- A. Applications for special use permits shall be processed, considered and voted upon by the town council after a public hearing and after the planning and zoning commission review and make recommendations. Hearings shall be conducted in the same manner as required in KBC 15.12, amendments, except that the town council shall follow quasi-judicial procedures. The planning and zoning commission in recommending approval may include conditions which assure that the proposed use will be harmonious with the area and will meet the intent of this ordinance.
- B. Special use permit applications shall only be submitted by the property owner(s), or their duly authorized agent. Upon receiving the recommendations of the planning and zoning commission and holding a public hearing, the town council may grant or deny the special use permit. The special use permit, if granted shall include such approved plans as may be required. In granting the special use permit the council shall make the following findings:
  1. That the use will not materially endanger the public health or safety if located where proposed and approved;
  2. That the use meets all required conditions and specifications;
  3. That the use will not substantially injure the value of adjoining property, or that the use is a public necessity; and
  4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and other plans for the area.
- C. In granting a special use permit the town council may recommend and impose more restrictive requirements and conditions that it may deem necessary to address the impacts expected to be generated by the use and to assure its conformity with the ordinance and other development plans. Where appropriate, such conditions may also include requirements that street and utility rights-of-way be dedicated to the public and that provisions be made for recreational space and facilities. If the special use permit is denied, the council shall enter the reasons for its action in the findings. Applicants must wait six (6)

months after the date of denial to file a new application for the same property.

- D. Unless expired or discontinued, any special use permit shall be perpetually binding upon the property unless substantially changed or amended as provided for in this section, or until a use otherwise permitted in the zoning district is established. Special use permits shall become null and void after two (2) years unless use of the property has begun and/or a foundation inspection has been approved.
- E. The planning and zoning commission is authorized to approve minor changes in the approved plans for a special use permit as long as they are in harmony with the requirements and conditions of the original special use permit. Such approval shall not be granted should the proposed revisions cause or contribute to:
  - 1. Any change in the character of the development.
  - 2. [Reserved.]
  - 3. Any increase in intensity of use such as square footage, number of dwelling units, or site coverage.
  - 4. [Reserved.]
  - 5. Substantial changes to traffic circulation or access.
  - 6. [Reserved.]
  - 7. Any reduction in the approved setbacks.

Other changes and amendments of a special use permit require the approval of the town council and shall be handled as a new application.

- F. If the owner fails to comply with the plans or any conditions approved by the town council, or if for any reason any condition imposed pursuant to this section is found to be illegal or invalid, such special use permit shall thereupon immediately become null and void and of no effect.

(Ord. of 3-18-08(1); Ord. of 4-19-11, § 3)

## AFTER AMENDMENT

### 15.08.080 Special Use Permits

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required. In granting the special use permit the council shall make the following findings:

1. That the use will not materially endanger the public health or safety if located where proposed and approved;
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  3. That the use will not substantially injure the value of adjoining property, or that the use is a public necessity; and
  4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and other plans for the area.
- C. In granting a special use permit the town council may recommend and impose more restrictive requirements and conditions that it may deem necessary to address the impacts expected to be generated by the use and to assure its conformity with the ordinance and other development plans. Where appropriate, such conditions may also include requirements that street and utility rights-of-way be dedicated to the public and that provisions be made for recreational space and facilities. Such conditions shall not, however, include requirements for which the Town does not have statutory authority to regulate or which the courts have held to be unenforceable by municipalities including, without limitation, taxes, impact fees, building design elements for any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings, driveway-related improvements in excess of those set forth in G.S. 136-18(29), or other unauthorized limitations on development or use of land. If the special use permit is denied, the council shall enter the reasons for its action in the findings. Applicants must wait six (6) months after the date of denial to file a new application for the same property.
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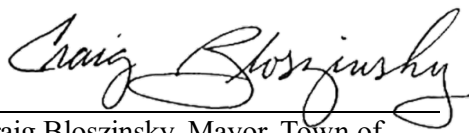
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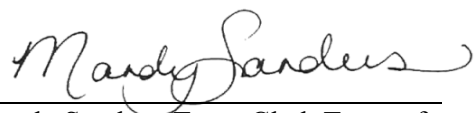
PASSED AND ADOPTED BY THE TOWN OF KURE BEACH COUNCIL MARCH 12, 2020.

	<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

