



TOWN COUNCIL AGENDA

PUBLIC HEARING

December 18, 2018 @ 5:30 p.m.

** To address council, please sign up at the podium*

CALL TO ORDER – Mayor Bloszinsky

OPENING AND PURPOSE OF HEARING – Mayor Bloszinsky

The purpose of this public hearing is to receive public comments on the proposed amendment to:

1. Article VI (Signs), Section 371 (Definitions) to add a new definition for 'Monument Sign'
2. Article III (Administration), Divisions 1, 2, 4, 6, 7, 10 and 12 on Permitted Uses to delete 'Churches and other places of worship including parish houses and Sunday schools (8661)' and add new verbiage regarding 'Religious institutions'

Official notice of this public hearing was posted on the Town's website and bulletin board on November 28, 2018 and was advertised in the Island Gazette on November 28th, December 5th and 12th 2018, thus meeting notification requirements.

Proposed amendments will: (1) provide a definition for "Monument Sign" in that Chapter 19 regulates such signs; (2) provide definitions for "Habilitation/Rehabilitation Facility" and "Homeless Shelter" and prohibit those uses; (iii) broaden the scope of the current definition for "church" by replacing it with a definition for "Religious Institution"; (iv) distinguish a secondary building used by a religious institution from a typical accessory building by defining such a structure as a "Religious Annex"; and (v) provide, as a permitted use within applicable districts, that a religious institution may use a religious annex to house, on a temporary basis, visiting religious groups and emergency relief workers providing services during states of emergencies.

PUBLIC COMMENTS

Opening of public comments – Mayor Bloszinsky

Closing of public comments – Mayor Bloszinsky

MOTION TO ADJOURN

**Recommend amending Code of Ordinances, Chapter 19 (Zoning), Article VI (Signs),
Section 371 (Definitions) to add a new definition for 'Monument Sign'**

**PROPOSED TEXT AMENDMENT
SEC. 19-371 OF THE KURE BEACH CODE**

Sec. 19-371. Definitions.

[Insert new definition]

Monument Sign shall mean a freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of concrete block, brick, or wood. All other freestanding sign types not meeting the definition of a monument sign shall be either a pole sign or a pylon sign.

- Recommend amending Code of Ordinances, Chapter 19 (Zoning):
 - Article I (Definitions) to add new definitions for ‘Habilitation/Rehabilitation Facility’; ‘Halfway House’; ‘Homeless shelter’; ‘Religious institution’; and ‘Religious annex’
 - Article III (Administration):
 - Division 1 (Generally), Section 79.5 (Permitted uses) to add ‘Habilitation/Rehabilitation Facility’; ‘Halfway House’; and ‘Homeless Shelter’ as new prohibited uses
 - Division 2 (RA-1 Residential district), Section 92 (Permitted uses), Subsection (2) to delete ‘Churches and other places of worship including parish houses and Sunday schools (8661)’ and add new verbiage regarding ‘Religious institutions’
 - Division 4 (RA-2 Residential district), Section 152 (Permitted uses), Subsection (4) to delete ‘Churches and other places of worship including parish houses and Sunday schools (8661)’ and add new verbiage regarding ‘Religious institutions’
 - Division 6 (RA-2T Residential trailer), Section 177 (Permitted uses), Subsection (5) to delete ‘Churches and other places of worship including parish houses and Sunday schools (8661)’ and add new verbiage regarding ‘Religious institutions’
 - Division 7 (RA-3 Residential district), Section 187 (Permitted uses), Subsection (7) to delete ‘Churches and other places of worship including parish houses and Sunday schools (8661)’ and add new verbiage regarding ‘Religious institutions’
 - Division 10 (B-1 district), Section 243 (Permitted uses), Subsection (5) to delete ‘Churches and other places of worship including parish houses and Sunday schools (8661)’ and add new verbiage regarding ‘Religious institutions’
 - Division 12 (B-3 Business district), Section 282 (Permitted uses), Subsection (7) to delete ‘Churches and other places of worship including parish houses and Sunday schools (8661)’ and add new verbiage regarding ‘Religious institutions’

Above Code amendments require a public hearing.

Add definitions for Habilitation/Rehabilitation Facility, Halfway House, Homeless Shelter, Religious Institutions, and Religious annex

**PROPOSED TEXT AMENDMENTS
SEC. 19-1 OF THE KURE BEACH CODE**

Sec. 19-1. Definitions.

[Insert new definitions]

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.

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

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.

**Add uses that are prohibited for
Habilitations/Rehabilitation, Halfway House and
Homeless Shelter**

CURRENT PROVISIONS
SEC. 19-79.5 OF THE KURE BEACH CODE

Sec. 19-79.5. Uses that are prohibited.

[The following uses are prohibited:]

Adult book and video stores: SIC codes 5731, 5192, 5947, 5932, 5942 and 5961.

Internet gaming devices: SIC codes 7993 and 7999.

Adult oriented dancing: SIC code 7911.

The use of containers as buildings.

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SEC. 19-79.5 OF THE KURE BEACH CODE**

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Habilitation/Rehabilitation Facility.

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Habilitation/Rehabilitation Facility.

Halfway House.

Homeless Shelter.

**Replace wording for churches and other places
of worship, with religious institutions**

CURRENT PROVISIONS
SEC. 19-92 OF THE KURE BEACH CODE

Sec. 19-92. Permitted uses.

The following are the permitted uses in the RA-1 residential district:

- (1) One-family dwellings;
- (2) Churches and other places of worship, including parish houses and Sunday schools (8661);
- (3) Colleges, schools, public libraries, public museums, art galleries, and other public buildings (8221, 8211, 8231, 8412); (S)
- (4) Accessory buildings to permitted uses, provided that no accessory building shall be rented or occupied. Provided, further, that accessory buildings shall be constructed at time or following construction of the main building;
- (5) Home occupations as defined in section 19-1.

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CURRENT PROVISIONS
SEC. 19-152 OF THE KURE BEACH CODE

Sec. 19-152. Permitted uses.

The following are the permitted uses in the RA-2 district:

- (1) One- and two-family dwellings;
- (2) Offices of resident members of recognized professions, such as doctors, dentists, engineers, lawyers, architects, where such professions are carried on in their respective residences (80-11, 21, 31, 41, 42, 43, 49; 8711, 12, 21; 8111);
- (3) Customary home occupations, such as dressmaking, music teaching, preserving, home cooking and laundering, but not including beauty parlors, provided that such occupation shall be engaged in only by residents on the premises, and not more than the equivalent of the area of one (1) floor shall be used for such occupations, that no display of products nor any advertising of any nature shall be visible from the street and that no accessory building shall be used for such home occupations;
- (4) Churches and other places of worship, including parish houses and Sunday schools (8661);
- (5) Colleges, schools, public libraries, public museums, art galleries, and other public buildings (8211, 8221, 8231, 8412); (S)
- (6) Accessory buildings to permitted uses, provided that no accessory building shall be rented or occupied. Provided further, that accessory buildings shall be constructed at time or following construction of the main building. Noncommercial recreational facilities, such as, clubhouse, swimming pools, and tennis court.

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CURRENT PROVISIONS
SEC. 19-177 OF THE KURE BEACH CODE

Sec. 19-177. Permitted uses.

The following are the permitted uses in the RA-2T district:

- (1) One- and two-family dwellings;
- (2) Manufactured/mobile homes;
- (3) Offices of resident members of recognized professions, dentists, engineers, lawyers, architects, where such professions are carried on in their respective residences (80-11, 21, 31, 41, 42, 43, 49; 8711, 12, 21; 8111);
- (4) Customary home occupations, such as dressmaking, music teaching, preserving, home cooking and laundering, but not including beauty parlors, provided that such occupation shall be engaged in only by residents on the premises and not more than the equivalent of the area of one (1) floor shall be used for such occupation, that no products nor any advertising of any nature shall from the street and that no accessory building; used for such home occupation;
- (5) Churches and other places of worship, include houses and Sunday schools (8661);
- (6) Colleges, schools, public libraries, public museums, libraries, and other public buildings (8221, 8211, 8231, 8412); (S)
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CURRENT PROVISIONS
SEC. 19-187 OF THE KURE BEACH CODE

Sec. 19-187. Permitted uses.

The following are the permitted uses in the RA-3 district:

- (1) One-family dwellings, two-family dwellings, and multiple family dwellings;
- (2) Boardinghouses, guest houses, tourist homes, apartment houses not involving the conduct of any business other than for the sole convenience of the guests thereof (7021); (S)
- (3) Hotels and motels (7011);
- (4) Hotels and motels with restaurants, provided they have a minimum of twenty (20) rental units and twenty (20) complete baths;
- (5) Schools, institutions of an educational nature (8211); (S)
- (6) Public buildings and facilities;
- (7) Churches, convents and parish houses (8661);
- (8) Public museums, art galleries, libraries, parks, playgrounds (8221, 8211, 8231, 8412, 7999); (S)
- (9) Hospitals and clinics (8062); (S)
- (10) Accessory buildings to permitted uses, provided that no accessory building shall be constructed at time or following construction of the main building;
- (11) Home occupations as defined in section 19-1;
- (12) Real estate (6531).

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CURRENT PROVISIONS
SEC. 19-243 OF THE KURE BEACH CODE

Sec. 19-243. Permitted uses.

The following are the permitted uses and special uses (S) in the B-1 district:

- (1) Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard;
- (3) Banks, finance and loan companies (6021, 6022);
- (4) Bus terminal (4173); (S)
- (5) Churches and other places of worship (8661);
- (8) Dwelling when constructed in conjunction with permitted use provided such dwellings are an integral part of the main building of such a permitted use; (S)
- (9) Eating and drinking establishments (5812, 5813);
- (10) Service stations (5541); (S)
- (11) Food stores (5411, 5431, 5441, 5451, 5461);
- (12) Hotels and motels (7011);
- (14) Parking lots (7521); (S)
- (15) Offices for professional business activities (80-11, 21, 31, 41, 42, 43, 49; 8711, 12, 21; 8111);
- (16) Personal service establishments such as barber and beauty shops (7231, 7241, 5611, 5651);
- (17) Public buildings and facilities;
- (18) Retail stores not otherwise listed: (5251, 5261, 5912, 5921, 5932, 5941, 5942, 5943, 5944, 5945, 5947, 5948, 5949, 5961, 5992, 5993, 5995, 5331, 5399, 5712, 5722, 5731);
- (19) Arcades (7993); (S)
- (20) Theaters when housed in a permanent structure (6512); (S)
- (21) Dance halls when at least five hundred (500) square feet of space is provided for dancing (7911);
- (23) Reserved;
- (24) Real estate offices (6531);
- (25) Home occupation as defined in section 19-1.

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- (14) Parking lots (7521); (S)
- (15) Offices for professional business activities (80-11, 21, 31, 41, 42, 43, 49; 8711, 12, 21; 8111);
- (16) Personal service establishments such as barber and beauty shops (7231, 7241, 5611, 5651);
- (17) Public buildings and facilities;
- (18) Retail stores not otherwise listed: (5251, 5261, 5912, 5921, 5932, 5941, 5942, 5943, 5944, 5945, 5947, 5948, 5949, 5961, 5992, 5993, 5995, 5331, 5399, 5712, 5722, 5731);
- (19) Arcades (7993); (S)
- (20) Theaters when housed in a permanent structure (6512); (S)
- (21) Dance halls when at least five hundred (500) square feet of space is provided for dancing (7911);
- (23) Reserved;
- (24) Real estate offices (6531);
- (25) Home occupation as defined in section 19-1.

CURRENT PROVISIONS
SEC. 19-282 OF THE KURE BEACH CODE

Sec. 19-282. Permitted uses.

The following are the permitted uses in the B-3 district:

- (1) Single-family dwellings;
- (2) Townhouses and condominiums;
- (3) Hotels and motels with or without restaurants (7011); (S)
- (4) Conference center, to be independent of and/or associated with hotel, motel; (S)
- (5) Schools, institutions of an educational nature (8211); (S)
- (6) Public buildings and facilities; (S)
- (7) Churches, convents and parish houses (8661); (S)
- (8) Museums, art galleries, libraries (8221, 8211, 8231, 8412); (S)
- (9) Hospital and clinics (8062); (S)
- (10) Banks, finance and loan companies (6021, 6022); (S)
- (11) Colleges, business colleges, trade schools, dancing schools, and similar organizations without students in residence; (S)
- (12) Food stores, personal service establishments such as barber and beauty shops and retail stores not otherwise listed (4451, 7231, 7241, 5611, 5651); (S)
- (13) Offices for professional business activities (80-11, 21, 31, 41, 42, 43, 49; 8711, 12, 21; 8111); (S)
- (14) Reserved;
- (15) Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard;
- (16) Noncommercial recreational facilities, such as, clubhouse, swimming pool and tennis court.

**PROPOSED TEXT AMENDMENTS
SEC. 19-282 OF THE KURE BEACH CODE**

Sec. 19-282. Permitted uses.

The following are the permitted uses in the B-3 district:

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- (2) Townhouses and condominiums;
- (3) Hotels and motels with or without restaurants (7011); (S)
- (4) Conference center, to be independent of and/or associated with hotel, motel; (S)
- (5) Schools, institutions of an educational nature (8211); (S)
- (6) Public buildings and facilities; (S)
- (7) ~~Churches, convents and parish houses (8661)~~ Religious institutions including parish houses, Sunday schools and religious annexes. A religious annex may be used for housing, on a temporary basis, only visiting groups from other religious institutions (hereinafter "visiting religious groups") and emergency relief workers providing services in conjunction with declared states of emergencies. A religious annex shall not be used for private benefit/inurement, lobbying, political campaign activity, or to generate unrelated business income. A religious institution shall not charge a fee for any temporary housing provided hereunder although it may receive donations to offset the cost of providing such housing. For the purposes of this sub-section, the temporary housing of a visiting religious group shall not exceed fourteen (14) days and the housing of emergency relief workers shall not exceed thirty (30) days; (S)
- (8) Museums, art galleries, libraries (8221, 8211, 8231, 8412); (S)
- (9) Hospital and clinics (8062); (S)
- (10) Banks, finance and loan companies (6021, 6022); (S)
- (11) Colleges, business colleges, trade schools, dancing schools, and similar organizations without students in residence; (S)
- (12) Food stores, personal service establishments such as barber and beauty shops and retail stores not otherwise listed (4451, 7231, 7241, 5611, 5651); (S)
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TEXT AMENDMENT
SEC. 19-282 OF THE KURE BEACH CODE

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TOWN OF KURE BEACH
PLANNING & ZONING COMMISSION

PZC Meeting Date: 11/07/2018

PZC Agenda Item No.: 5.b.

ZONING CONSISTENCY STATEMENT
N.C.G.S. 160A-383


- X Consideration of proposed text amendments to The Town of Kure Beach Code:
1. Chapter 19 Zoning, Art. I, Sec. 1. *Definitions.*
 2. Chapter 19 Zoning, Art. III, Div. 1, Sec. 79.5 *Uses that are prohibited.*
 3. Chapter 19 Zoning, Art. III, Div. 2, Sec. 92 *Permitted uses.*
 4. Chapter 19 Zoning, Art. III, Div. 4, Sec. 152 *Permitted uses.*
 5. Chapter 19 Zoning, Art. III, Div. 6, Sec. 177 *Permitted uses.*
 6. Chapter 19 Zoning, Art. III, Div. 7, Sec. 187 *Permitted uses.*
 7. Chapter 19 Zoning, Art. III, Div. 10, Sec. 243 *Permitted uses.*
 8. Chapter 19 Zoning, Art. III, Div. 12, Sec. 282 *Permitted uses.*
- X The proposed text amendments are CONSISTENT WITH the objectives/policies of the Town of Kure Beach Land Use Plan ("LUP").
- X The proposed text amendments are CONSISTENT WITH Part 3, Section 2.B. of the LUP.
- _____ The proposed text amendment is NOT CONSISTENT WITH Part _____, Section _____ of the LUP.

The Planning and Zoning Commission ("Commission") requests Town Council's consideration and adoption of Staff's proposed text amendments to Chapter 19 of the Kure Beach Code which are attached hereto and incorporated herein by reference. The proposed amendments provide definitions for and regulations governing a religious institution's use of religious annex buildings. The proposed amendments also provide definitions for certain other prohibited uses. The Commission finds that adopting the amendments will be reasonable and in the public interest inasmuch as they are consistent with the goal on land use compatibility as set forth in Part 3, Section 2.B. of the LUP which provides, in pertinent part, as follows:

Kure Beach desires to ensure [consistency] with the historic small town nature of the community...and will work to...ensure that any uses of the land and water minimize negative environmental impacts and avoid risks to public health, safety and welfare....

Based on these findings, the Commission recommends that Town Council adopt the proposed text amendments.

TOWN OF KURE BEACH
PLANNING AND ZONING COMMISSION:



Craig Galbraith, Chairman