



TOWN COUNCIL AGENDA

PUBLIC HEARING

**September 16, 2019 @ 5:00
PM or soon thereafter**

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

Call to order – Mayor Bloszinsky

Opening and purpose of hearing

Public Hearing # 1 – Reorganized and Renumbered Code of Ordinances

Date: Monday, September 16, 2019

Time: 5:00 pm or soon thereafter

Location: Town Hall at 117 Settlers Lane in Kure Beach

Purpose: Receive comments on the proposed reorganization and renumbering Code of Ordinances. No existing content of the Code has been changed or removed.

Public Hearing # 2 – Proposed text amendment to Code of Ordinances

Date: Monday, September 16, 2019

Time: 5:30 pm or soon thereafter – directly after Public Hearing #1 concludes

Location: Town Hall at 117 Settlers Lane in Kure Beach

Purpose: Receive comments on:

- a) Proposed text Amendment to Chapter 19 (Zoning), Article II (Administration), Division 3 (Amendments), Section 61 (Amendment and Changes)
- b) Proposed text adoption to Chapter 19 (Zoning) Article II (Administration), Division 3 (Amendments), Section 62 (Rezoning Applications)
Clarifies that only property owner or property buyer may apply for rezoning.
Current code allows anyone to apply

Notice of the public hearing was posted at Town Hall and on the Town's website on August 26, 2019 and published as legally required by N.C.G.S. 160A-20 in the newspaper on August 28th, and 4th, 2019.

Public Comments

(sign in at the podium, if you wish to comment)

Closing of public hearing – Mayor Bloszinsky

Council discussion and consideration

Adjournment

Motion to Adjourn

CODE OF ORDINANCES

REORGANIZATION AND RENUMBERING

MAINTENANCE OF CODE OF ORDINANCES

- The Office of the Town Clerk has always maintained and kept current the Code of Ordinances
- A Code of Ordinances is the combination of individual ordinances or laws passed by the Town Council into one document, organized by broad subject matters, to make finding and cross referencing multiple ordinances on the same subject matter easier.
- We currently have both a hard copy printed version in a black binder and a link on the Town's website to an electronic version.

CURRENT CODE UPDATE PROCESS

- The Town uses the third party vendor MuniCode to manage the formatting.
- Amendments to the Code originate as a word document. Once approved, the amendment is emailed to MuniCode to add to the Code format.
- This is a cumbersome process as amendments circulate from Planning & Zoning to the Town Council.
- Amendments go into a separate section of the Code on the website titled 'view what's changed' until we request the printed version called a Supplement. At that time, the amendments are incorporated into the formatted Code. This creates confusion if someone is searching the Code online and does not notice the 'view what's changed' section. Under this method it is possible to access the old Code by mistake, rather the amended one.

SELF PUBLISHING VERSION

- We are changing to what's called 'self publishing' software
- This means amendments will originate in the software itself, then once approved, staff will upload the change to the Code with no delay
- We will no longer use the small black book printed copies of the Code
- Hardcopies will be provided upon request and will be 8 1/2 x 11 inches in size

REORGANIZATION AND RENUMBERING

- As part of this change in software and publishing, we looked at the organization and numbering system of the current format.
- Our current Code format has Chapters, Articles, Divisions, Sections and Subsections, etc. to identify ordinances. An amendment may be referenced as 19-76, but translates to Chapter 19, Article III, Division 1, Section 76. This format is also labor intensive during the amendment process.

REORGANIZATION AND RENUMBERING

- The renumbered version will use ‘KBC’ reference for ‘Kure Beach Code’ and will be structured using a decimal numbering system which identifies the chapter and section (for example: 1.01.010).
 - The *first* number in the sequence (1.01.010) designates the **Chapter** level
 - The *second* series of numbers (1.01.010) designates the **Article** level
 - The *last* series (1.01.010) designates the **Section** level
 - If a *fourth* series exists comprising letters or numbers beyond a section level, it designates a **Subsection** level

NEW NUMBERING SYSTEM

- Chapter 19 (Zoning), Article III (District Regulations), Division 1 (Generally) Section 76 District becomes Chapter 15.08 or KBC 15.08 which is Chapter 15, Section .08
- Why Chapter 15 and not Chapter 19?
- Another change is that with reorganization of certain ordinances, the Code will no longer have 20 chapters, but 15
- Example – Chapter 6 on Fire Protection and Chapter 13 on Police will move into Chapter 2 on Administration, where other departments are established

OTHER EXAMPLES

Current Chapter 11 (Nuisances) will be incorporated under new Chapter 8 (Public Health and Safety). The new Chapter 11 will be Building and Building Regulations, which is currently Chapter 5.

Current Chapter 12 (Parks and Recreation) will move to Chapter 13 (Community Development and Public Facilities). The new Chapter 12 will be reserved for future Comprehensive Planning ordinances.

Chapter 9 (Miscellaneous Offenses) will move to Chapter 6 (Criminal Code). New Chapter 9 will be Animal Services and Control.

The renumbered/reorganized Code will have the following chapters which are broader in scope.

Chapter 1 General Provisions

Chapter 2 Administration

Chapter 3 Municipal Procedures

Chapter 4 General Revenue

Chapter 5 Licenses and Business Regulations

Chapter 6 Criminal Code

Chapter 7 Public Utilities

Chapter 8 Public Health and Safety

Chapter 9 Animal Service and Control

Chapter 10 Motor Vehicles and Traffic

Chapter 11 Buildings and Regulations

Chapter 12 Reserved (Comprehensive Planning)

Chapter 13 Community Development and Public Facilities

Chapter 14 Subdivisions (was Chapter 15)

Chapter 15 Zoning (was Chapter 19)

ADOPTION

- I am requesting Council adopt this renumbered/reorganized version of the Code at its August meeting.
- The Town Attorney has reviewed and approved; the Planning and Zoning (P&Z) Attorney has reviewed and approved and this was reviewed by the P&Z Commission at its July meeting.
- The Building Inspector/Code Enforcement Officer was provided a copy to review.
- No existing content of the Code has been changed or removed.
- Getting used to the new version will take time, but it will be a much easier way of organizing and grouping the multitude of data contained within the Code.
- Once approved, hard copies will be provided to P&Z and Council to give you a chance to familiarize yourselves with the changes in the Code.



Municipal Code 2



0 results

- ▶ PREFACE
- ▶ 1 GENERAL PROVISIONS
- ▶ 2 ADMINISTRATION
- ▶ 3 MUNICIPAL PROCEDURES
- ▶ 4 GENERAL REVENUE
- ▶ 5 LICENSES AND BUSINESS REGULATIONS
- ▶ 6 CRIMINAL CODE
- ▶ 7 PUBLIC UTILITIES
- ▶ 8 PUBLIC HEALTH AND SAFETY
- ▶ 9 ANIMAL SERVICES AND CONTROL
- ▶ 10 MOTOR VEHICLES AND TRAFFIC
- ▶ 11 BUILDINGS AND BUILDING REGULATIONS
- ▶ 12 (RESERVED)
- ▶ 13 COMMUNITY DEVELOPMENT AND PUBLIC UTILITIES
- ▶ 14 SUBDIVISION REGULATIONS
- ▶ 15 ZONING

PREFACE [Edit](#)

The Municipal Code of Kure Beach, North Carolina began in-house in 2019 with the assistance of Municipal Code Corporation. This Municipal Code shall be cited as Kure Beach Code or "KBC" as an acronym.

KBC references found within the code maintain a structure by subject matter using a decimal numbering system which identifies the chapter and section (for example: 1.01.010).

- The *first* number in the sequence (1.01.010) designates the **Chapter** level
- The *second* series of numbers (1.01.010) designates the **Article** level
- The *last* series (1.01.010) designates the **Section** level
- If a *fourth* series exists comprising letters or numbers beyond a section level, it designates a **Subsection** level.

This complete set of numbers is designed to aid in searching the Municipal Code and to assist in subsequent codification as new ordinances are added to the Municipal Code. Vacant titles, chapters, or sections may be designed for future use and may be marked "Reserved" to ease internal expansion.

To outline, give structure, and more granularly reference the legislation herein, the following list order or pattern of ascending alphanumeric characters is used: **A, 1, a, (1), (A), (a)**. Drafting future legislation with this list order reconciles it with the online code's list order. To forego the naming of each list item and to more granularly reference legislation that employs alphanumeric characters, use "subparagraph" (always capitalized) followed by the desired alphanumeric reference(s), comma separated. For example, "subparagraph B,7,d", specifically references item "d", of item "7", of item "B"—whereas "subparagraph B" refers more generally to any or all of subparagraph B's descendants.

References herein revealing "G.S." implies a reference to the "[North Carolina General Statutes](#)".

The Municipal Code is supplemented from time to time with amendments and additions made by the Town of Kure Beach. The specific legal sources that comprise this Municipal Code have been adopted during the codification process from the original formatting of the official hard copy. In the event of discrepancies between the online Municipal Code and the official hard copy, the official hard copy governs. Municipal Code Corporation.

CURRENT CODE

Chapter 2 ADMINISTRATION Edit

[ARTICLE 2-I IN GENERAL](#)

[ARTICLE 2-II TOWN COUNCIL](#)

[ARTICLE 2-III BOARDS, COMMISSIONS, COMMITTEES](#)

[ARTICLE 2-IV OFFICERS AND EMPLOYEES](#)

[ARTICLE 2-V TOWN PROPERTY](#)

[ARTICLE 2-VI EMERGENCY MANAGEMENT AGENCY](#)

[ARTICLE 2-VII IDENTITY THEFT AND FRAUD DETECTION AND PREVENTION](#)

Cross reference(s)—Alcoholic beverages, Ch. 3; animals, Ch. 4; garbage and trash, Ch. 7; licenses and business regulations, Ch. 8; nuisances, Ch. 11; taxation, Ch. 16; utilities, Ch. 17; zoning, Ch. 19.

State law reference(s)—Cities and towns, G.S. Ch. 160A; local government finance, G.S. Ch. 159; elections, G.S. Ch. 163; local development, G.S. Ch. 158; administrative offices, G.S. § 160A-146 et seq.

ARTICLE 2-I IN GENERAL Edit

[Sec 2-1 Town Seal](#)

[Sec 2-2 Custodian Of Town Seal](#)

[Sec 2-3 Town Logo](#)

PROPOSED CODE

2 ADMINISTRATION Edit

[2.02 IN GENERAL](#)

[2.04 TOWN COUNCIL](#)

[2.06 BOARDS, COMMISSIONS, COMMITTEES](#)

[2.08 OFFICERS AND EMPLOYEES](#)

[2.10 EMERGENCY MANAGEMENT AGENCY](#)

[2.12 FIRE DEPARTMENT](#)

[2.14 POLICE AUXILIARY](#)

Cross reference(s)—Alcoholic beverages, KBC 5.02; animals, KBC 9; garbage and trash, KBC 7.18; licenses and business regulations, KBC 5; nuisances, KBC 8; taxation, KBC 4.02; utilities, KBC 7; zoning, KBC 15.

State law reference(s)—Cities and towns, G.S. Ch. 160A; local government finance, G.S. Ch. 159; elections, G.S. Ch. 163; local development, G.S. Ch. 158; administrative offices, G.S. § 160A-146 et seq.

2.02 IN GENERAL Edit

[2.02.010 Town Seal](#)

[2.02.020 Custodian Of Town Seal](#)

[2.02.030 Town Logo](#)

CURRENT CODE

Chapter 19 ZONING Edit

[ARTICLE 19-I IN GENERAL](#)
[ARTICLE 19-II ADMINISTRATION](#)
[ARTICLE 19-III DISTRICT REGULATIONS](#)
[ARTICLE 19-IV SUPPLEMENTAL DISTRICT REGULATIONS](#)
[ARTICLE 19-V NONCONFORMING USES](#)
[ARTICLE 19-VI SIGNS](#)
[ARTICLE 19-VII CIVIL PENALTY](#)
[APPENDIX A EXTRACTION OF SIC CODES FOR ZONING](#)
[APPENDIX B CONVERSION TABLES](#)

[ARTICLE 19-I IN GENERAL](#) Edit

[Sec 19-1 Definitions](#)
[Sec 19-2 Rules Of Construction](#)
[Sec 19-3 Short Title](#)
[Sec 19-4 Purpose And Authority](#)
[Sec 19-5 Interpretation Purpose And Conflict](#)
[Sec 19-6 Effects On Rights And Liabilities Under Existing Zoning Ordinance](#)

PROPOSED CODE

[15 ZONING](#) Edit

[15 02 IN GENERAL](#)
[15 04 BOARD OF ADJUSTMENT](#)
[15 06 AMENDMENTS](#)
[15 08 DISTRICT REGULATIONS](#)
[15 10 RA-1 RESIDENTIAL DISTRICT](#)
[15 12 RA-1A RESIDENTIAL DISTRICT](#)
[15 14 RA-2 RESIDENTIAL DISTRICT](#)
[15 16 RA-2A RESIDENTIAL DISTRICT](#)
[15 18 RA-2T RESIDENTIAL TRAILER DISTRICT](#)
[15 20 RA-3 RESIDENTIAL DISTRICT](#)
[15 22 RA-3A RESIDENTIAL DISTRICT](#)
[15 24 RA-4 RESIDENTIAL DISTRICT](#)
[15 26 B-1 BUSINESS DISTRICT](#)
[15 28 B-2 NEIGHBORHOOD BUSINESS DISTRICT](#)
[15 30 B-3 BUSINESS DISTRICT](#)
[15 32 RB-1 RESIDENTIAL BUSINESS DISTRICT](#)
[15 34 B4 RESIDENTIAL/LABORATORY DISTRICT](#)
[15 36 SUPPLEMENTAL DISTRICT REGULATIONS](#)
[15 38 NONCONFORMING USES](#)
[15 40 SIGNS](#)
[15 42 CIVIL PENALTY](#)
[15 44 ZONING SIC CODES](#)

OLD CODE	RENUMBERED CODE	NOTES
Chapter 1 General Provisions	No changes other than numbering	
Chapter 2 Administration	No changes other than numbering	
Chapter 3 Alcoholic Beverages	Chapter 3 is now Chapter 5, section 5 .02	
Chapter 4 Animals	Chapter 4 is Animals now Chapter 9	
Chapter 5 Buildings and <u>Regs</u>	Chapter 5 is now Chapter 11	11.06 fire code – where did it come from?
Chapter 6 Fire protection	Chapter 6 is now Criminal Code	Chapter 6 Fire moved to Chapter 2 section .12 except Fire Code (art 6, <u>Div III</u>) moved to Chapter 11, section .06
Chapter 7 Garbage and Trash	Chapter 7 is now Public Utilities	Garbage and Trash is now Chapter 7 Section .18
Chapter 7.5 Removal of Regulated Vegetation	Chapter 7.5 moved to Chapter 13 Section .12	Chapter 7.5 is no longer a chapter
Chapter 8 License and Business <u>Regs</u>	Chapter 8 is now Public Health and Safety	Chapter 8 License and Business <u>Regs</u> moved to Chapter 5
Chapter 9 Miscellaneous Offenses	Chapter 9 is now Animal Services and Control	Chapter 9 Miscellaneous Offenses moved to Chapter 6 Section .02
Chapter 10 Motor Vehicles and Traffic	Chapter 10 now includes Vehicles for Hire	Chapter 10 now includes Vehicles for Hire
Chapter 11 Nuisances	Chapter 11 is now Building and Building <u>Regs</u>	Chapter 11 Nuisances moved to Chapter 8 Public Health and Safety
Chapter 12 Parks and Recreation	Chapter 12 is now Comprehensive Planning	Chapter 12 Parks and Rec moved to Chapter 13 Community Development and Public Facilities Section .14-.18
Chapter 13 Police	Chapter 13 is now Community Development	Chapter 13 Police moved to Chapter 2 Section .14
Chapter 14 Streets, Sidewalks & Other public places	Chapter 14 is now Subdivision Regulations	Chapter 14 Streets moved to Chapter 13 Community Development and Public Facilities Section .02-.10
Chapter 15 Subdivisions	Chapter 15 is now Zoning	Chapter 15 Subdivision moved to Chapter 14
Chapter 16 Taxation	Chapter 16 Taxation moved to Chapter 4 General Revenue Section .02, Beer and Wine Retail Licenses moved to Chapter 5 Section .02.010	Chapter 16 is no longer a Chapter

Chapter 17 Utilities	Chapter 17 Utilities moved to Chapter 7 Public Utilities	Chapter 17 is no longer a Chapter
Chapter 18 Vehicles for Hire	Chapter 18 Vehicles for Hire moved to Chapter 10 Section .14 Rental Vehicles and Section .16 Taxicabs	Chapter 18 is no longer a Chapter
Chapter 19 Zoning	Chapter 19 Zoning moved to Chapter 15	Chapter 19 is no longer a Chapter
Chapter 20 Flood Damage Prevention Ordinance	Chapter 20 Flood Damage moved to Chapter 13 Community Development Section .20	Chapter 20 is no longer a chapter

**Chapter 19, Secs. 19-62-75
(Proposed Amendments/Redline)**

DIVISION 3. AMENDMENTS

Sec. 19-61. Changes and amendments.

The town council may, on its own motion ~~or upon a rezoning application as provided for hereunder. motion-or-upon-petition-by-any-person-within-the-zoning-jurisdiction-of-the-town,~~ after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or maps which are part of this chapter, subject to the state law and this chapter. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interests and citizens shall have an opportunity to be heard.

Sec. 19-62. Rezoning Applications.

~~A rezoning application may be initiated by a reviewing or decision-making board of the town or by an owner or prospective vendee of the subject property and by an authorized agent of the owner or prospective vendee. In the event an applicant is an organization, including but not limited to corporations, limited liability companies, and partnerships, then the application shall include a written statement identifying the organization, its legal status, and the name and address of each person/entity owning a ten percent (10%) or greater share thereof.~~

Sec. 19-~~63~~-19-75. Reserved.



**TOWN OF KURE BEACH
PLANNING & ZONING COMMISSION**

PZC Meeting Date: August 7, 2019

Agenda Item No.: 1 (New Business)

**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. II, Div. 3, Secs. 61 *Changes and amendments* and 62 *Reserved*.

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.

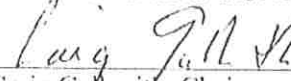
The Planning and Zoning Commission ("Commission") requests Town Council's consideration and adoption of Staff's proposed text amendments to Chapter 19 of the Kure Beach Code which are attached hereto and incorporated herein by reference. The proposed amendments provide that rezoning applications shall only be initiated by reviewing and decision-making boards and by owners, authorized agents of owners, and prospective vendees of the subject property.

The Commission finds that adopting the amendments will be reasonable and in the public interest inasmuch as they limit rezoning applications to those persons/entities having an actual or prospective ownership interest in the subject properties, said limitation being 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 that future development will be consistent with the historic small town nature of the community and that big box residential and high rise development will be avoided...and to ensure that that any uses of the land and water minimize negative environmental impact and avoid risks to public health, safety, and welfare, and will not exceed the capability of the land or man-made features to support such use.

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

**Chapter 19, Secs. 19-62-75
(Proposed Amendments/Blackline)**

DIVISION 3. AMENDMENTS

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The town council may, on its own motion or upon a rezoning application as provided for hereunder, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or maps which are part of this chapter, subject to the state law and this chapter. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interests and citizens shall have an opportunity to be heard.

Sec. 19-62. Rezoning Applications.

A rezoning application may be initiated by a reviewing or decision-making board of the town or by an owner or prospective vendee of the subject property and by an authorized agent of the owner or prospective vendee. In the event an applicant is an organization, including but not limited to corporations, limited liability companies, and partnerships, then the application shall include a written statement identifying the organization, its legal status, and the name and address of each person/entity owning a ten percent (10%) or greater share thereof.

Sec. 19-63-19-75. Reserved.