



# PLANNING & ZONING COMMISSION AGENDA

**REGULAR MEETING**

**Wednesday, March 4, 2020 @ 6:30 pm**

**CALL TO ORDER – Chairman Galbraith**

**ADOPTION OF AGENDA**

**APPROVAL OF MEETING MINUTES:**

- February 11, 2020 Regular Meeting

**PUBLIC COMMENTS**

**OLD BUSINESS**

1. Graffiti Ordinance (Galbraith)
2. \*Legislative update and recommendations (Eldridge)
  - Proposed text amendments to Chapter 11 Buildings and Building Regulations
  - Proposed text amendments to Chapter 14 Subdivision Regulations
3. Light Pollution ordinance and Dark Sky regulations (Garceau)
4. Prohibited Uses (Galbraith)

**NEW BUSINESS**

**MEMBER ITEMS**

**ADJOURNMENT**



# PLANNING & ZONING COMMISSION MINUTES

## REGULAR MEETING

Tuesday, February 11, 2020 @ 6:30 pm

The Kure Beach Planning and Zoning Commission (P&Z) held its regular meeting on, February 11, 2020. A quorum of members was present and Attorney Jim Eldridge attended.

### P&Z MEMBERS PRESENT

Member Bill Moore  
Member David Garceau  
Member Kenneth Richardson  
Member Robert Young

### P&Z MEMBERS ABSENT

Chairman Craig Galbraith

### STAFF PRESENT

Mandy Sanders, Town Clerk  
Beth Chase, Deputy Town Clerk  
John Batson, Building Inspector

### CALL TO ORDER

Vice-Chairman Moore called the meeting to order at 6:30 pm.

MOTION- Member Garceau made a motion to excuse Chairman Galbraith from the meeting

SECOND- Member Garibay

VOTE- Unanimous

### APPROVAL OF AGENDA

MOTION – Member Moore made a motion to table item number 1 and number 3 under Old Business

SECOND – Member Richardson

VOTE - Unanimous

MOTION- Member Richardson made a motion to approve the agenda as amended

SECOND- Member Garibay

VOTE- Unanimous

### APPROVAL OF MEETING MINUTES:

- January 14<sup>th</sup>, 2020 Regular Meeting

MOTION – Member Richardson made a motion to approve the meeting minutes for January 14<sup>th</sup>, 2020 as amended

SECOND – Member Garibay

VOTE- Unanimous



# PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Tuesday, February 11, 2020 @ 6:30 pm

## OLD BUSINESS

### 1. Legislative update and recommendations

Attorney Eldridge stated:

- Recent session of the NC General Assembly made substantial changes to planning and land development statutes which impacts P&Z's advisory function
- The bulk of these changes involve a re-codification of city and county planning and development statutes into a new Chapter 160D which will become effective in January 2021. There are also a significant number of legislative changes which became effective in July 2019.
- Some of the current changes involve quasi-judicial proceedings and Attorney Eldridge held a training session for the Kure Beach Board of Adjustment in January including a provision that allows an applicant who was denied a development permit to, under specified conditions, forgo an appeal to the BOA and go straight to the superior court to seek, in addition to this/her claims, an award of attorney's fees against the Town
- The agenda item for tonight is PZC's review and report on proposed text amendments to Chapter 15 (Zoning) to conform that chapter to the legislative changes that became effective last July
- The first set of proposed text amendments involves KBC 15.02.010 Definitions where legislative changes
- Require the definitions for buildings, dwellings, and dwelling units to be consistent with the definitions of the same as provided for in the State Building Code
- The second proposed text amendment is KBC 15.06.020 Rezoning which prohibits an applicant from requesting downzoning without the written consent of the landowner unless the down-zoning amendment is initiated by the Town
- The next amendment is the insertion of a new KBC 15.08.075 Vested Rights that sets forth how a vested right is obtained, the duration of the right, and how it may be terminated
- The next amendment is a proposed new KBC 15.08.076 provision for the Permit Choice Rule. That doctrine generally provides that when the rules governing a development permit are changed between the time a permit application is submitted and before a decision on that application is made, then the permit applicant can decide whether the old or new rules apply when deciding the application
- The last text amendment is an insertion into KBC 15.08.080 Special Use Permit setting forth those conditions which cannot be imposed on an approved special use permit
- Next month, Attorney Eldridge will bring forth the proposed text amendments to conform Chapters 11 and 14 to the legislative changes that became effective last July



# PLANNING & ZONING COMMISSION MINUTES

## REGULAR MEETING

Tuesday, February 11, 2020 @ 6:30 pm

MOTION- Member Garceau made a motion to recommend to the Town Council at the February Town Council meeting \*Proposed text amendment to Chapter 15(Zoning), Article 02 (In General) Section 10 (Definitions) Proposed text amendment to Chapter 15 (Zoning) Article 06 (Amendments) Section 20 (Rezoning Applications) Proposed text adoption to Chapter 15 (Zoning) Article 08 (District Regulations) Section 75 (Vested Rights) Proposed text adoption to Chapter 15 (Zoning) Article 08 (District Regulation) Section 76 (Permit Choice Rule) Proposed text amendment to Chapter 15 (Zoning) Article 08 (District Regulation) Section 80 (Special Use Permit)

SECOND- Member Moore

VOTE-Unanimous

MOTION- Member Garceau made a motion to adopt the Zoning Consistency Statement for these proposed text amendments as presented in the agenda packet

SECOND- Member Garibay

VOTE- Unanimous

### 2. Prohibited Uses

Vice-Chairman Moore commented members of the Planning and Zoning Commission have brought forward recommendations regarding a list of prohibited uses for the Town. The Commission needs to determine the prohibited uses in Kure Beach as if they're not identified it is considered an allowed use.

Member Richardson stated he will provide a list to Deputy Town Clerk Chase and she will create a spreadsheet categorizing the prohibited uses.

## NEW BUSINESS

### 1. Oath of Office for Kathleen Zielinski as alternate member

Town Clerk Sanders administered the oath of office for Kathleen Zielinski.

## MEMBER ITEMS

## ADJOURNMENT

MOTION- Member Richardson made a motion to adjourn the meeting at 7:18 p.m.

SECOND- Member Garceau

VOTE- Unanimous



# PLANNING & ZONING COMMISSION MINUTES

**REGULAR MEETING**

**Tuesday, February 11, 2020 @ 6:30 pm**

ATTEST: \_\_\_\_\_  
Mandy Sanders, Town Clerk

\_\_\_\_\_  
Craig Galbraith, Chairman

NOTE: These are action minutes reflecting items considered and actions taken by Planning and Zoning Commission. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government > planning and zoning.



## MEMORANDUM

**FROM: JAMES E. ELDRIDGE**  
**TO: PLANNING & ZONING COMMISSION and TOWN COUNCIL**  
**DATE: MARCH 4, 2020**  
**RE: PROPOSED TEXT AMENDMENTS: CHAPTERS 11 AND 14**

As previously discussed, the enactment of Session Law 2019-111 made significant changes to planning and land development statutes. The bulk of these changes concern the re-codification of municipal and county planning and development statutes into a new unified Chapter 160D which will not become effective until January 1, 2021.

SL 2019-111 also provides legislative changes to current planning and development statutes and these changes became effective on July 1, 2019. Most of those changes involved Chapter 15 *Zoning* of the Town Code and the text amendments necessary for conforming that chapter to SL 2019-111 have already been drafted by Staff, reviewed by PZC, and acted on by Town Council. This leaves amending Chapters 11 *Buildings and Building Regulations* and 14 *Subdivision Regulations* to finish conforming the code to the July 2019 changes.

The proposed amendments to Chapters 11 and 14 are summarized as follows:

### **1. Chapter 11:**

- Moving the definitions set forth in Secs. 11.02.030 and -10.040 to a unified section at the front of the chapter to make it more “user-friendly.”
- Inserting/revising definitions of “development,” “development permit,” and “land development regulation,” which are featured prominently in the current and pending changes enacted under SL 2019-111.
- Revising/inserting the definitions of “building,” “dwelling,” and “dwelling unit” to conform to SL 2019-111’s mandate that the definitions for those terms are consistent with the definitions of the same as set forth in, *inter alia*, the State Building Code.
- A copy of the proposed text amendments to Chapter 11 are attached hereto.

### **2. Chapter 14:**

- Session Law 2019-79 rewrote G.S. 160A-372’s provisions governing subdivision performance guarantees. The proposed text amendment to Chapter 14 conforms the Town Code to the changes under SL 2019-79.
- A copy of the proposed text amendments to Chapter 14 are attached hereto.

**TOWN OF KURE BEACH  
ORDINANCE 11.02.030**

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

**SECTION 1:        ADOPTION** “11.02.030 Definitions” of the Town of Kure Beach Municipal Code is hereby *added* as follows:

**BEFORE ADOPTION**

11.02.030 Definitions (Non-existent)

**AFTER ADOPTION**

11.02.030 Definitions (*Added*)

The following terms shall have, when used in this chapter, the meanings set forth below unless a different meaning clearly appears from the context:

*Building* means any structure used or intended for supporting or sheltering any use or occupancy.

*Development* means any of the following: the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; the excavation, grading, filling, clearing, or alteration of land; the subdivision of land as defined in G.S. 160A-376; or the initiation of substantial change in the use of land or the intensity of the use of land.

*Development line* means the line established by the town in accordance with 15A NCAC 07J.1300 representing the seaward-most allowable location of oceanfront development whereby the vegetation line or measurement line shall be used as the reference point for measuring oceanfront setbacks instead of the static vegetation line subject to the provisions of 15A NCAC 07H.0306(a)(2); "vegetation line," "measurement line," and "static vegetation line" being defined under 15A NCAC 07H.0305.

*Dwelling* means a building that contains one or two dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

*Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Governing body* means the Town Council or Board of Commissioners of the Town of Kure Beach or vice-versa.

*Manufactured home or mobile home* means a structure as defined in G.S. § 143-145(7).

*Owner* means the holder of the title in fee simple and every mortgagee of record.

Parties in interest means all individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof. Public authority means any housing authority or any officer who is in charge of any department or branch of the government of the town relating to health, fire, building regulations, or other activities concerning dwellings in the town.

Public officer means the officer or officers who are authorized by ordinance adopted hereunder to exercise the power prescribed by the Ordinance and the General Statutes of North Carolina.

Town or city means the incorporated Town of Kure Beach.

PASSED AND ADOPTED BY THE TOWN OF KURE BEACH COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Commissioner John Ellen	_____	_____	_____	_____
Commissioner Allen Oliver	_____	_____	_____	_____
Commissioner David Heglar	_____	_____	_____	_____
Commissioner Joseph Whitley	_____	_____	_____	_____
Mayor Craig Bloszinsky	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Craig Bloszinsky, Mayor, Town of Kure Beach

\_\_\_\_\_  
Mandy Sanders, Town Clerk Town of Kure Beach



**TOWN OF KURE BEACH  
ORDINANCE 11.02.040**

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

**SECTION 1:****AMENDMENT** "11.02.030 Permits" of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

11.02.030 Permits

*A. Prerequisite To Construction, Repair, Replacement, Demolition, Remodeling, And Development*

1. Definitions. *Development*: Any activity within a duly designated area of environmental concern, as defined in 15A NCAC 7H, involving, requiring, or consisting of: the construction, repair, or replacement of structures, decks, swimming pools, and walkways; the excavation, dredging, filling, dumping, or removal of clay, silt, sand, gravel, or minerals; the bulkheading, driving of pilings, and clearing or installing land as an adjunct of any such construction, repair, or replacement; and the alteration or removal of sand dunes, the shore, bank, or the bottom of the Atlantic Ocean or any bay, sound, river, creek, stream, lake, or canal. *Development line*: The line established by the town in accordance with 15A NCAC 07J.1300 representing the seaward-most allowable location of oceanfront development whereby the vegetation line or measurement line shall be used as the reference point for measuring oceanfront setbacks instead of the static vegetation line subject to the provisions of 15A NCAC 07H.0306(a)(2); "vegetation line," "measurement line," and "static vegetation line" being defined under 15A NCAC 07H.0305
2. Except as provided in subparagraph B, no building construction, repairs, replacement, or remodeling; installation of driveways, parking lots, or other ground covering impervious surfaces, other construction, development, or demolition shall begin in the town until a permit has been obtained from the building inspector. This subparagraph shall be applicable to all development on or abutting ocean beaches within the town.
3. No permit shall be issued if the total square footage of the buildings and impervious ground covering surface will exceed sixty-five (65) percent of the lot; excepting therefrom, those structures located in the B-1 District or deemed commercial and within the established fire district of the town.
4. Any commercial construction requiring review by the New Hanover County Building Safety Department pertaining to mechanical, electrical, plumbing, or fire permits shall be obtained in conjunction with a building permit being issued by the town's building inspector.
5. Any type of impervious surface across any town right-of-way shall be limited to twenty-four (24) feet total.
6. No development shall occur seaward of the town's development line except as allowed under 15A NCAC 07H.0309.

(Code 1973, § 6-17; Ord. of 12-17-91; Ord. of 4-10-96; Ord. of 6-19-01; Ord. of 5-15-07; Ord. of 3-21-17) **State law reference(s)**—Permits, G.S. § 160A-417.

B. *Fees*. All building permit fees are on file in the town clerk's office. (Code 1973, § 6-18) **Cross reference(s)**—Town clerk. KBC 2.08.030 subparagraph A; town treasurer. KBC 2.08.040 subparagraph A. **State law reference(s)**—Permit requirements, G.S. § 160A-417.

C. *Permits Applied For After Construction*. Any permit that is applied for after construction has begun, the fee for such permit shall be the established fee plus fifty dollars (\$50.00) or twice the established fee, whichever is greater. (Ord. of 5-18-93)

D. *Clean Up Waste Material And Debris*. It shall be the responsibility of each person undertaking construction activity to make their own private arrangement for the removal or disposal of waste material and debris. Air-borne materials subject to wind distribution shall be containerized for safety and cleanliness. The general contractor or the person undertaking the construction activity shall be responsible for meeting the above requirements which shall be performed daily at the end of each work day to cleanse the surrounding public and private property of all building material, waste and debris generated by construction activity to the satisfaction of the building inspector. (Ord. 96-1, 3-19-96) **Cross reference(s)**—See KBC 13.02.010.

E. *Public Access To And From Beach Permits*

1. No person or owner of any property abutting the project easement line to the Atlantic Ocean shall create a path or cause to be created a path for access across the grass on any point upon the berm or dune to gain access to the beach; excepting therefrom, any existing public access points established or approved walkovers across the berm or dune, whether public or private.

2. Any person desiring to have access from his property which abuts the project easement line, may apply for a permit for the purpose of constructing a walkover according to the plans and specifications established by the existing laws for such purpose.

3. Any person or owner of property which abuts the project easement line to the Atlantic Ocean as recorded in the Register of Deeds Office of New Hanover County, North Carolina, who shall violate this subparagraph, or any person who shall be found upon the berm or dune destroying the vegetation thereon, shall be charged with a misdemeanor under KBC 1.08.010 or be subject to civil penalties under KBC 1.08.020. Each incident of violation of this subparagraph shall constitute a separate offense for which a charge shall be made against such violator.

4. This subparagraph shall become effective immediately upon its passage. (Ord. of 6-17-97; Ord. of 7-20-99, exh. A) **Cross reference(s)**—Motor vehicles on the beach strand, KBC 10.06.040 subparagraph A; disregarding public access to and from beach; penalty

F. *Special Events*

1. *Definitions*. *Beach strand*: Area to include mean high tide line to the westward edge of the town's beach renourishment easement line. *Event director*: Person who is planning and running the event; also considered the spokesperson for the group. *Inspection*: The inspection for litter, refuse, debris, garbage, left behind on any public area, and any dune area of a private oceanfront property after a special event takes place. *Loud noises*: Noises of such frequency or volume as to annoy or disturb any citizen, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace

or repose of any person in any dwelling, hotel, boardinghouse or other type of residence. *Special events coordinator (SEC)*: Kure Beach Building Inspector or designee.

2. Planned outdoor group activities, such as weddings, sporting events, meetings, organized entertainment or celebrations on Kure Beach public property require a special events permit, and must conform to the requirements below.
  - a. A permit application must be completed and submitted prior to any authorized event. After application is made, and the fees are paid, permission for the special event will be given in writing.
  - b. For any event, or at the discretion of the SEC, a two hundred fifty dollar (\$250.00) refundable deposit must be made in addition to the permit fees. Deposit will be refunded upon successful inspection of event location after event.
  - c. The event director will be responsible for sufficient parking for guests, and must provide a parking schematic or written plan along with special event application.
  - d. Obstruction of any public beach right-of-way, parking area or public street is prohibited without town council approval.
  - e. Any tents, banners, stages, nets, etc. on public property, may not be set up more than twelve (12) hours prior to the activity, and must be removed within twelve (12) hours afterwards, and are required to procure a fire permit if tent is over two hundred (200) square feet.
  - f. Any amplified music within Kure Beach must be approved by the SEC. Any amplified music or PA system on the beach strand must be directed toward the ocean and away from any residences. The volume of the music must not create loud and disturbing noises. All noises (music, loudspeaker, etc.) must be terminated by 11:00 p.m. This subparagraph will be enforced by the Town of Kure Beach Police and/or other town personnel.
  - g. The event director will be responsible for litter pickup of public/private areas used. If activity is on the beach strand, any litter (boxes, etc.) that will not fit in cans must be removed from the beach strand. All food litter must be removed from the beach strand. All plastic and aluminum litter must be recycled; use of styrofoam and glass products for serving refreshments is prohibited. No balloons or plastic confetti may be used as part of any decorations placed on public property. All decorations (flowers, streamers, etc.) must be removed from the site immediately following the event. Litter subject to a two hundred fifty dollar (\$250.00) fine.
  - h. For events with expected attendance of one hundred (100) people or more, portable toilets must be provided by the event director. Portable toilets may not be set up more than forty-eight (48) hours prior to the activity, and must be removed within forty-eight (48) hours afterwards.
  - i. Merchandise sales or donation solicitations by a person or group for the purpose of raising money for a charity or nonprofit group may only be conducted on public property with an approved special event permit. Information concerning nonprofit vending activities must be included in the special event permit application. "For-profit" vendors must be disclosed in the special event permit application and must be approved by the Kure Beach Town Council. If approved, vendors must purchase

- a privilege license from the Town of Kure Beach prior to the event. Food vendors must also obtain a permit from the health department.
- j. Town ordinance prohibits fires or cooking of any kind on the beach strand. No open flames are allowed on the beach strand including fireworks and tiki torches.
- k. Town ordinance prohibits the consumption of alcoholic beverages of any kind on the beach strand or any public property.
- l. The event director will coordinate traffic and crowd control with the Kure Beach SEC.
- m. This subparagraph may be used in conjunction with any and all other applicable subparagraphs.  
(Ord. of 3-20-12)

State law reference(s)—Permits, G.S. § 160A-417; time limitations or validity of permits, G.S. § 160A-418.

## AFTER AMENDMENT

### 11.02.030040 Permits

#### A. Prerequisite To Construction, Repair, Replacement, Demolition, Remodeling, And Development

~~1. Definitions: *Development*: Any activity within a duly designated area of environmental concern, as defined in 15A NCAC 7H, involving, requiring, or consisting of: the construction, repair, or replacement of structures, decks, swimming pools, and walkways; the excavation, dredging, filling, dumping, or removal of clay, silt, sand, gravel, or minerals; the bulkheading, driving of pilings, and clearing or installing land as an adjunct of any such construction, repair, or replacement; and the alteration or removal of sand dunes, the shore bank, or the bottom of the Atlantic Ocean or any bay, sound, river, creek, stream, lake, or canal. *Development line*: The line established by the town in accordance with 15A NCAC 07J.1300 representing the seaward-most allowable location of oceanfront development whereby the vegetation line or measurement line shall be used as the reference point for measuring oceanfront setbacks instead of the static vegetation line subject to the provisions of 15A NCAC 07H.0306(a)(2); "vegetation line," "measurement line," and "static vegetation line" being defined under 15A NCAC 07H.0305~~

2. Except as provided in subparagraph B, no building construction, repairs, replacement, or remodeling; installation of driveways, parking lots, or other ground covering impervious surfaces, other construction, development, or demolition shall begin in the town until a permit has been obtained from the building inspector. This subparagraph shall be applicable to all development on or abutting ocean beaches within the town.
3. No permit shall be issued if the total square footage of the buildings and impervious ground covering surface will exceed sixty-five (65) percent of the lot; excepting therefrom, those structures located in the B-1 District or deemed commercial and within the established fire district of the town.
4. Any commercial construction requiring review by the New Hanover County Building Safety Department pertaining to mechanical, electrical, plumbing, or fire permits shall be obtained in conjunction with a building permit being issued by the town's building inspector.

5. Any type of impervious surface across any town right-of-way shall be limited to twenty-four (24) feet total.
  6. No development shall occur seaward of the town's development line except as allowed under 15A NCAC 07H.0309.  
(Code 1973, § 6-17; Ord. of 12-17-91; Ord. of 4-10-96; Ord. of 6-19-01; Ord. of 5-15-07; Ord. of 3-21-17) **State law reference(s)**—Permits, G.S. § 160A-417.
- B. *Fees.* All building permit fees are on file in the town clerk's office. (Code 1973, § 6-18) **Cross reference(s)**—Town clerk, KBC 2.08.030 subparagraph A; town treasurer, KBC 2.08.040 subparagraph A. **State law reference(s)**—Permit requirements, G.S. § 160A-417.
- C. *Permits Applied For After Construction.* Any permit that is applied for after construction has begun, the fee for such permit shall be the established fee plus fifty dollars (\$50.00) or twice the established fee, whichever is greater. (Ord. of 5-18-93)
- D. *Clean Up Waste Material And Debris.* It shall be the responsibility of each person undertaking construction activity to make their own private arrangement for the removal or disposal of waste material and debris. Air-borne materials subject to wind distribution shall be containerized for safety and cleanliness. The general contractor or the person undertaking the construction activity shall be responsible for meeting the above requirements which shall be performed daily at the end of each work day to cleanse the surrounding public and private property of all building material, waste and debris generated by construction activity to the satisfaction of the building inspector. (Ord. 96-1, 3-19-96) **Cross reference(s)**—See KBC 13.02.010.
- E. *Public Access To And From Beach Permits*
1. No person or owner of any property abutting the project easement line to the Atlantic Ocean shall create a path or cause to be created a path for access across the grass on any point upon the berm or dune to gain access to the beach; excepting therefrom, any existing public access points established or approved walkovers across the berm or dune, whether public or private.
  2. Any person desiring to have access from his property which abuts the project easement line, may apply for a permit for the purpose of constructing a walkover according to the plans and specifications established by the existing laws for such purpose.
  3. Any person or owner of property which abuts the project easement line to the Atlantic Ocean as recorded in the Register of Deeds Office of New Hanover County, North Carolina, who shall violate this subparagraph, or any person who shall be found upon the berm or dune destroying the vegetation thereon, shall be charged with a misdemeanor under KBC 1.08.010 or be subject to civil penalties under KBC 1.08.020. Each incident of violation of this subparagraph shall constitute a separate offense for which a charge shall be made against such violator.
  4. This subparagraph shall become effective immediately upon its passage.  
(Ord. of 6-17-97; Ord. of 7-20-99, exh. A) **Cross reference(s)**—Motor vehicles on the beach strand, KBC 10.06.040 subparagraph A; disregarding public access to and from beach; penalty
- F. *Special Events*
1. Definitions. The following terms shall have, when used in this section, the meanings set forth below unless a different meaning clearly appears from the context:

*Beach strand:* Area to include mean high tide line to the westward edge of the town's beach renourishment easement line. *Event director:* Person who is planning and running the event; also considered the spokesperson for the group. *Inspection:* The inspection for litter, refuse, debris, garbage, left behind on any public area, and any dune area of a private oceanfront property after a special event takes place. *Loud noises:* Noises of such frequency or volume as to annoy or disturb any citizen, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boardinghouse or other type of residence. *Special events coordinator (SEC):* Kure Beach Building Inspector or designee.

2. Planned outdoor group activities, such as weddings, sporting events, meetings, organized entertainment or celebrations on Kure Beach public property require a special events permit, and must conform to the requirements below.
  - a. A permit application must be completed and submitted prior to any authorized event. After application is made, and the fees are paid, permission for the special event will be given in writing.
  - b. For any event, or at the discretion of the SEC, a two hundred fifty dollar (\$250.00) refundable deposit must be made in addition to the permit fees. Deposit will be refunded upon successful inspection of event location after event.
  - c. The event director will be responsible for sufficient parking for guests, and must provide a parking schematic or written plan along with special event application.
  - d. Obstruction of any public beach right-of-way, parking area or public street is prohibited without town council approval.
  - e. Any tents, banners, stages, nets, etc. on public property, may not be set up more than twelve (12) hours prior to the activity, and must be removed within twelve (12) hours afterwards, and are required to procure a fire permit if tent is over two hundred (200) square feet.
  - f. Any amplified music within Kure Beach must be approved by the SEC. Any amplified music or PA system on the beach strand must be directed toward the ocean and away from any residences. The volume of the music must not create loud and disturbing noises. All noises (music, loudspeaker, etc.) must be terminated by 11:00 p.m. This subparagraph will be enforced by the Town of Kure Beach Police and/or other town personnel.
  - g. The event director will be responsible for litter pickup of public/private areas used. If activity is on the beach strand, any litter (boxes, etc.) that will not fit in cans must be removed from the beach strand. All food litter must be removed from the beach strand. All plastic and aluminum litter must be recycled; use of styrofoam and glass products for serving refreshments is prohibited. No balloons or plastic confetti may be used as part of any decorations placed on public property. All decorations (flowers, streamers, etc.) must be removed from the site immediately following the event. Litter subject to a two hundred fifty dollar (\$250.00) fine.
  - h. For events with expected attendance of one hundred (100) people or more, portable toilets must be provided by the event director. Portable toilets may not be set up more than forty-eight (48) hours prior to the activity, and must be removed within forty-eight (48) hours afterwards.

- i. Merchandise sales or donation solicitations by a person or group for the purpose of raising money for a charity or nonprofit group may only be conducted on public property with an approved special event permit. Information concerning nonprofit vending activities must be included in the special event permit application. "For-profit" vendors must be disclosed in the special event permit application and must be approved by the Kure Beach Town Council. If approved, vendors must purchase a privilege license from the Town of Kure Beach prior to the event. Food vendors must also obtain a permit from the health department.
- j. Town ordinance prohibits fires or cooking of any kind on the beach strand. No open flames are allowed on the beach strand including fireworks and tiki torches.
- k. Town ordinance prohibits the consumption of alcoholic beverages of any kind on the beach strand or any public property.
- l. The event director will coordinate traffic and crowd control with the Kure Beach SEC.
- m. This subparagraph may be used in conjunction with any and all other applicable subparagraphs.  
(Ord. of 3-20-12)

**State law reference(s)**—Permits, G.S. § 160A-417; time limitations or validity of permits, G.S. § 160A-418.

PASSED AND ADOPTED BY THE TOWN OF KURE BEACH COUNCIL

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Commissioner John Ellen	_____	_____	_____	_____
Commissioner Allen Oliver	_____	_____	_____	_____
Commissioner David Heglar	_____	_____	_____	_____
Commissioner Joseph Whitley	_____	_____	_____	_____
Mayor Craig Bloszinsky	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Craig Bloszinsky, Mayor, Town of Kure Beach

\_\_\_\_\_  
Mandy Sanders, Town Clerk Town of Kure Beach

**TOWN OF KURE BEACH  
ORDINANCE 11.10.040**

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

**SECTION 1:****AMENDMENT** "11.10.040 Definitions" of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

11.10.040 Definitions

The following terms shall have the meanings whenever used or referred to as indicated when used in this article unless a different meaning clearly appears from the context:

*Town or city* means the incorporated Town of Kure Beach.

*Dwelling* means any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose.

*Governing body* means the Town Council or Board of Commissioners of the Town of Kure Beach or vice-versa.

*Manufactured home or mobile home* means a structure as defined in G.S. § 143-145(7).

*Owner* means the holder of the title in fee simple and every mortgagee of record.

*Parties in interest* means all individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

*Public authority* means any housing authority or any officer who is in charge of any department or branch of the government of the town relating to health, fire, building regulations, or other activities concerning dwellings in the town.

*Public officer* means the officer or officers who are authorized by ordinance adopted hereunder to exercise the power prescribed by the Ordinance and the General Statutes of North Carolina.

(Ord. of 8-20-91)

**AFTER AMENDMENT**

11.10.040 ~~Definitions~~ Reserved



The following terms shall have the meanings whenever used or referred to as indicated when used in this article unless a different meaning clearly appears from the context: *Town or city* means the incorporated Town of Kure Beach. *Dwelling* means any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose. *Governing body* means the Town Council or Board of Commissioners of the Town of Kure Beach or vice-versa. *Manufactured home or mobile home* means a structure as defined in G.S. § 143-145(7). *Owner* means the holder of the title in fee simple and every mortgagee of record. *Parties in interest* means all individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof. *Public authority* means any housing authority or any officer who is in charge of any department or branch of the government of the town relating to health, fire, building regulations, or other activities concerning dwellings in the town.

*Public officer* means the officer or officers who are authorized by ordinance adopted hereunder to exercise the power prescribed by the Ordinance and the General Statutes of North Carolina. (Ord. of 8-20-91)

PASSED AND ADOPTED BY THE TOWN OF KURE BEACH COUNCIL

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

Presiding Officer

Attest

\_\_\_\_\_  
 Craig Bloszinsky, Mayor, Town of  
 Kure Beach

\_\_\_\_\_  
 Mandy Sanders, Town Clerk Town of  
 Kure Beach

**TOWN OF KURE BEACH  
ORDINANCE 14.06.030**

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

**SECTION 1:        AMENDMENT** “14.06.030 Procedure For Review Of Final Plats For Subdivisions” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

14.06.030 Procedure For Review Of Final Plats For Subdivisions

*A. Preparation Of Final Plat And Installation Of Improvements*

1. *Generally.* Upon approval of the preliminary plat by the town council, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this chapter or guaranteed their installation as approved herein. No final plat will be accepted for review by the planning and zoning commission or the town council unless accompanied by written notice by the town clerk acknowledging compliance with the improvement and guarantee standards of this chapter. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time. Such portion shall conform to all requirements of this chapter.
2. *Improvements guarantees.*
  - a. Agreement and security required. In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the town may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once the agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the town council if all other requirements of this chapter are met. To secure this agreement, the subdivider shall provide, subject to the approval of town council, cash or equivalent, not exceeding one and twenty-five hundredths (1.25) times the entire cost of the required improvements as provided herein:
    - (1) The subdivider shall deposit cash or other instrument readily convertible into cash at face value, either with the town or in escrow with the financial institution designated as an official depository of the town. The use of any instrument other than cash shall be subject to the approval of the town council. The amount of deposit shall be equal to one and twenty-five hundredths (1.25) times the cost, as estimated by the subdivider and approved by town council, of installing all required improvements.

(2) When cash or other instrument is deposited in escrow with a financial institution as provided above, the subdivider shall file with the town council an agreement between the financial institution and himself guaranteeing the following:

(A) That the escrow account shall be held in trust until released by the town council and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and

(B) That in the case of failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the town council, immediately either pay to the town all funds in said account, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town.

b. Default. Upon default, meaning failure on the part of the subdivider to timely complete the required improvements, then the town council may require the subdivider or the financial institution holding the escrow account to pay all or any portion of the escrow account fund to the town. Upon payment, the town council, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements.

c. Release of guarantee security. The town council may release a portion of any security posted as the improvements are completed and recommended for approval by the subdivision administrator. Within forty-five (45) days after receiving the subdivision administrator's recommendation, the town council shall approve or not approve said improvements. If the town council approves the improvements, then it shall immediately release any security posted.

### 3. *Submission procedure.*

a. The subdivider shall submit the final plat, so marked to the subdivision administrator not less than fifteen (15) days prior to the planning and zoning commission meeting at which time it will be reviewed. The final plat shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved, otherwise such approval shall be null and void, unless a written extension of this limit is granted by the town council on or before the twelve (12) month anniversary of the approval.

b. The final plat shall be prepared by a surveyor or professional engineer licensed and registered to practice in the State of North Carolina. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements as set forth in G.S. § 47-30.

c. A sufficient number of copies of the final plat shall be submitted. Two (2) copies of these shall be drawn in ink on linen or film suitable for reproduction. Three (3) copies shall be black or blue line paper prints. (Ord. of 9-15-81, § 306; Ord. of 2-20-07)

B. *Plat Requirements.* Final plats shall be of a size suitable for recording with the New Hanover County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines. Submission of the final plat shall be accompanied by a filing fee

of twenty-five dollars (\$25.00) or fifty cents (\$0.50) per lot, whichever is greater. The final plat shall meet the specifications in KBC 14.08.010. (Ord. of 9-15-81, § 306)

C. *Certifications.* The following signed certificates shall appear on all five (5) copies of the final plat:

1. Certificate of ownership and dedication. I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Kure Beach and that I hereby adopt this plan of subdivision and certify that it is with my free consent, establish minimum required lot square footage, building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water lines to the Town of Kure Beach Owners Date
2. Certificate of survey and accuracy. I, \_\_\_\_\_, certify that this map (was drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in book \_\_\_\_\_, page \_\_\_\_\_, book \_\_\_\_\_, page \_\_\_\_\_, etc.) (other); that the error of closure as calculated by latitude and departures is 1: \_\_\_\_\_, that the boundaries not surveyed are shown as broken lines plotted from information found in book \_\_\_\_\_, page \_\_\_\_\_; that I certify that each lot or parcel of land shown hereon complies with the minimum five thousand (5,000) square feet requirement and that this map was prepared in accordance with G.S. § 47-30, as amended. Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_.  
Surveyor or engineer License or registration
3. Certificate of approval of the design and installation of streets, utilities, and other required improvements. I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to Town specifications and standards in the \_\_\_\_\_ subdivision or that guarantees of the installation of the required improvements in the amount and manner satisfactory to the Town of Kure Beach has been received, and that the filing fee for this plat, in the amount of \$\_\_\_\_\_ has been paid.

	/s/
Date	Director of public works
	/s/
	Town Clerk

4. Certificate of approval for recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the Town of Kure Beach, North Carolina, and that this plat has been approved by the Kure Beach Town Council for recording in the office of the Register of Deeds of New Hanover County.

	/s/
Date	Director of public works
	/s/
Date	Building inspector
	/s/
Date	Chairman of planning and zoning/commission
	/s/
Date	Mayor of Kure Beach, North Carolina
	/s/
Date	Town Clerk of Kure Beach, North Carolina
	/s/
Date	Engineer

(Ord. of 9-15-81, § 306; Ord. of 4-15-86; Ord. of 8-18-92; Ord. of 4-16-96)

*D. Commission Review Procedure*

1. The planning and zoning commission shall review the final plat at or before its next regularly scheduled meeting which follows at least fifteen (15) days after the subdivision administrator receives the final plat and shall recommend approval or disapproval of the final plat within forty-five (45) days of its first consideration of the plat.
2. During its review of the final plat, the planning and zoning commission may appoint an engineer or surveyor to confirm the accuracy of the final plat if agreed to by the town council. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.
3. The planning and zoning commission shall, in writing, recommend approval, disapproval with recommended changes to bring the plat into compliance, or disapproval with reasons.
4. If the planning and zoning commission recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendation to the town council through the subdivision administrator.
5. If the planning and zoning commission recommends disapproval of the final plat, it shall retain one (1) copy of the plat for its minutes and return three (3) copies of the plat and its written recommendations to the subdivider and transmit one (1) copy of the plat and its written recommendation to the town

council through the subdivision administrator.

6. If the planning and zoning commission recommends disapproval of the final plat, it shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this chapter and resubmit same for reconsideration by the planning and zoning commission or appeal the decision to the town council.

(Ord. of 9-15-81, § 306)

*E. Town Council Review Procedure*

1. Failure of the planning and zoning commission to make a written recommendation within forty-five (45) days shall constitute grounds for the subdivider to apply to the town council for approval.
2. If the planning and zoning commission recommends approval, or the subdivider appeals to the town council, the town council shall review and approve or disapprove the final plat within forty-five (45) days after the plat and recommendation has been received by the subdivision administrator.
3. If the town council approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate: Certificate of approval for recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the Town of Kure Beach, North Carolina, and that this plat has been approved by the Kure Beach Town Council for recording in the office of the Register of Deeds of New Hanover County, Town Clerk Kure Beach, North Carolina \_\_\_\_\_ Date
4. If the final is approved by the town council, the original tracing and one (1) print of the plat shall be returned to the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the town clerk. One (1) print shall be returned to the planning and zoning commission for its records.
5. The subdivider shall file the approved final plat with the register of deeds of New Hanover County for recording within sixty (60) days after the date of town council approval; otherwise, such approval shall be null and void.
6. If the final plat is disapproved by the town council, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One (1) copy of such reasons shall be retained by the town council as part of its proceedings. One (1) copy shall be transmitted to the planning and zoning commission. One (1) copy of the two (2) reproducibles shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance with this chapter and resubmit same for reconsideration by the town council.

(Ord. of 9-15-81, § 306)

## AFTER AMENDMENT

### 14.06.030 Procedure For Review Of Final Plats For Subdivisions

#### *A. Preparation Of Final Plat And Installation Of Improvements*

1. *Generally.* Upon approval of the preliminary plat by the town council, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to approval

of a final plat, the subdivider shall have installed the improvements specified in this chapter or guaranteed their installation as approved herein. No final plat will be accepted for review by the planning and zoning commission or the town council unless accompanied by written notice by the town clerk acknowledging compliance with the improvement and guarantee standards of this chapter. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time. Such portion shall conform to all requirements of this chapter.

2. ~~Improvements~~ Performance guarantees.

a. Agreement and security required. In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the town may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once the agreement is signed by both parties and ~~the security~~ the performance guarantee required herein is provided, the final plat may be approved by the town council if all other requirements of this chapter are met. To secure this agreement, the subdivider shall provide, as set forth below, performance guarantees to ensure the successful completion of the subdivision's improvements: subject to the approval of town council, cash or equivalent, not exceeding one and twenty-five hundredths (1.25) times the entire cost of the required improvements as provided herein:

(1) ~~The subdivider shall deposit cash or other instrument readily convertible into cash at face value, either with the town or in escrow with the financial institution designated as an official depository of the town. The use of any instrument other than cash shall be subject to the approval of the town council. The amount of deposit shall be equal to one and twenty-five hundredths (1.25) times the cost, as estimated by the subdivider and approved by town council, of installing all required improvements.~~ Type. The type of performance guarantee shall be at the election of the developer and the term "performance guarantee" shall mean any of the following:

(A) A surety bond issued by a company authorized to do business in this State.

(B) A letter of credit issued by a financial institution licensed to do business in this State.

(C) Another form of guarantee that provides security equivalent to that of a surety bond or letter of credit including cash, or other instruments readily convertible into cash, held in escrow under a written agreement with the financial institution designated as an official depository of the Town.

(2) ~~When cash or other instrument is deposited in escrow with a financial institution as provided above, the subdivider shall file with the town council an agreement between the financial institution and himself guaranteeing the following:~~ Duration. The duration of the performance guarantee shall initially be one (1) year unless it is determined that the scope of the work for the improvements requires a longer duration. In the event of a bonded obligation, the completion date shall be set one (1) year



from the date of the bond issuance unless it is determined that the scope of the work requires a longer duration.

- (3) Extension. In the event the improvements are not completed to the Town's specifications and the current performance guarantee is likely to expire before the completion of the improvements, and provided the developer has demonstrated reasonable, good faith progress towards completing the improvements, the performance guarantee shall be extended or a new guarantee issued. Any such extension shall only be for the duration necessary for completing the improvements. The amount of any new performance guarantee shall include the total cost of all incomplete improvements and be determined as set forth below.
- (4) Release. The performance guarantee shall be returned or released in a timely manner upon the Town's acknowledgement that the required improvements have been completed to its specifications.
- (5) Amount. The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the guarantee is issued. The Town may determine the amount of the performance guarantee or use the developer's cost estimate. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials and shall be, where applicable, based on unit pricing. The additional twenty-five percent (25%) includes inflation and administrative costs regardless how such costs are denominated.
- (6) Coverage. A performance guarantee shall only be used for completing the improvements and not for repairs or maintenance
- (7) Legal Rights. No person or entity shall have or claim any rights under or to any performance guarantee other than the Town, the developer, and the person/entity issuing or posting the guarantee on behalf of the developer

~~(A) That the escrow account shall be held in trust until released by the town council and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and~~

~~(B) That in the case of failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the town council, immediately either pay to the town all funds in said account, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town.~~

~~b. Default. Upon default, meaning failure on the part of the subdivider to timely complete the required improvements, then the town council may require the subdivider or the financial institution holding the escrow account to pay all or any portion of the escrow account fund to the~~



~~town. Upon payment, the town council, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements.~~

~~e. Release of guarantee security. The town council may release a portion of any security posted as the improvements are completed and recommended for approval by the subdivision administrator. Within forty-five (45) days after receiving the subdivision administrator's recommendation, the town council shall approve or not approve said improvements. If the town council approves the improvements, then it shall immediately release any security posted.~~

3. *Submission procedure.*

- a. The subdivider shall submit the final plat, so marked to the subdivision administrator not less than fifteen (15) days prior to the planning and zoning commission meeting at which time it will be reviewed. The final plat shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved, otherwise such approval shall be null and void, unless a written extension of this limit is granted by the town council on or before the twelve (12) month anniversary of the approval.
- b. The final plat shall be prepared by a surveyor or professional engineer licensed and registered to practice in the State of North Carolina. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements as set forth in G.S. § 47-30.
- c. A sufficient number of copies of the final plat shall be submitted. Two (2) copies of these shall be drawn in ink on linen or film suitable for reproduction. Three (3) copies shall be black or blue line paper prints. (Ord. of 9-15-81, § 306; Ord. of 2-20-07)

B. *Plat Requirements.* Final plats shall be of a size suitable for recording with the New Hanover County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines. Submission of the final plat shall be accompanied by a filing fee of twenty-five dollars (\$25.00) or fifty cents (\$0.50) per lot, whichever is greater. The final plat shall meet the specifications in KBC 14.08.010. (Ord. of 9-15-81, § 306)

C. *Certifications.* The following signed certificates shall appear on all five (5) copies of the final plat:

1. Certificate of ownership and dedication. I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Kure Beach and that I hereby adopt this plan of subdivision and certify that it is with my free consent, establish minimum required lot square footage, building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water lines to the Town of Kure Beach Owners Date
2. Certificate of survey and accuracy. I, \_\_\_\_\_, certify that this map (was drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in book \_\_\_\_\_, page \_\_\_\_\_, book \_\_\_\_\_, page \_\_\_\_\_, etc.) (other); that the error of closure as calculated by latitude and departures is 1: \_\_\_\_\_, that the boundaries not surveyed are shown as broken lines plotted from information found in book \_\_\_\_\_, page \_\_\_\_\_; that I certify that each lot or parcel of land shown hereon

complies with the minimum five thousand (5,000) square feet requirement and that this map was prepared in accordance with G.S. § 47-30, as amended.

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_. Surveyor or engineer License or registration

3. Certificate of approval of the design and installation of streets, utilities, and other required improvements. I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to Town specifications and standards in the \_\_\_\_\_ subdivision or that guarantees of the installation of the required improvements in the amount and manner satisfactory to the Town of Kure Beach has been received, and that the filing fee for this plat, in the amount of \$\_\_\_\_\_ has been paid.

	/s/
Date	Director of public works
	/s/
	Town Clerk

4. Certificate of approval for recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the Town of Kure Beach, North Carolina, and that this plat has been approved by the Kure Beach Town Council for recording in the office of the Register of Deeds of New Hanover County.

	/s/
Date	Director of public works
	/s/
Date	Building inspector
	/s/
Date	Chairman of planning and zoning/commission
	/s/
Date	Mayor of Kure Beach, North Carolina
	/s/
Date	Town Clerk of Kure Beach, North Carolina
	/s/
Date	Engincer

(Ord. of 9-15-81, § 306; Ord. of 4-15-86; Ord. of 8-18-92; Ord. of 4-16-96)

*D. Commission Review Procedure*

1. The planning and zoning commission shall review the final plat at or before its next regularly scheduled meeting which follows at least fifteen (15) days after the subdivision administrator receives the final plat and shall recommend approval or disapproval of the final plat within forty-five (45) days of its first consideration of the plat.
2. During its review of the final plat, the planning and zoning commission may appoint an engineer or surveyor to confirm the accuracy of the final plat if agreed to by the town council. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.
3. The planning and zoning commission shall, in writing, recommend approval, disapproval with recommended changes to bring the plat into compliance, or disapproval with reasons.
4. If the planning and zoning commission recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendation to the town council through the subdivision administrator.
5. If the planning and zoning commission recommends disapproval of the final plat, it shall retain one (1) copy of the plat for its minutes and return three (3) copies of the plat and its written recommendations to the subdivider and transmit one (1) copy of the plat and its written recommendation to the town council through the subdivision administrator.

6. If the planning and zoning commission recommends disapproval of the final plat, it shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this chapter and resubmit same for reconsideration by the planning and zoning commission or appeal the decision to the town council.

(Ord. of 9-15-81, § 306)

*E. Town Council Review Procedure*

1. Failure of the planning and zoning commission to make a written recommendation within forty-five (45) days shall constitute grounds for the subdivider to apply to the town council for approval.
2. If the planning and zoning commission recommends approval, or the subdivider appeals to the town council, the town council shall review and approve or disapprove the final plat within forty-five (45) days after the plat and recommendation has been received by the subdivision administrator.
3. If the town council approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate: Certificate of approval for recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the Town of Kure Beach, North Carolina, and that this plat has been approved by the Kure Beach Town Council for recording in the office of the Register of Deeds of New Hanover County. Town Clerk Kure Beach, North Carolina \_\_\_\_\_ Date
4. If the final is approved by the town council, the original tracing and one (1) print of the plat shall be returned to the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the town clerk. One (1) print shall be returned to the planning and zoning commission for its records.
5. The subdivider shall file the approved final plat with the register of deeds of New Hanover County for recording within sixty (60) days after the date of town council approval; otherwise, such approval shall be null and void.
6. If the final plat is disapproved by the town council, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One (1) copy of such reasons shall be retained by the town council as part of its proceedings. One (1) copy shall be transmitted to the planning and zoning commission. One (1) copy of the two (2) reproducibles shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance with this chapter and resubmit same for reconsideration by the town council.

(Ord. of 9-15-81, § 306)

PASSED AND ADOPTED BY THE TOWN OF KURE BEACH COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Commissioner John Ellen	_____	_____	_____	_____
Commissioner Allen Oliver	_____	_____	_____	_____
Commissioner David Heglar	_____	_____	_____	_____
Commissioner Joseph Whitley	_____	_____	_____	_____
Mayor Craig Bloszinsky	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Craig Bloszinsky, Mayor, Town of  
Kure Beach

\_\_\_\_\_  
Mandy Sanders, Town Clerk Town of  
Kure Beach