

AMENDMENTS TO B-1 DISTRICT PURPOSE  
(TASK I)

Amendment # 1 replaces existing language with new revised language in Chapter 19 (Zoning), Article III (District regulations), Division 10 (B-1 Business District)

**Section 242 (Purpose)**

*Currently reads:*

The B-1 district is established as the centrally located trade and commercial service area of the community and region. The regulations of this district are designed to encourage the continued use of land for regional trade and commercial service uses, to permit a concentrated development of permitted uses, while maintaining a substantial relationship between the intensity of land use and the capacity of utilities and streets.

*Amends to read:*

The B-1 district is established as the centrally located commercial area for Kure Beach. Its purpose is to create and maintain a Town Center as an attractive gathering place for both residents and visitors, while providing a small scale commercial setting that helps existing businesses expand and prosper and new businesses to invest. By encouraging street level businesses near the waterfront, with pedestrian accessibility, this commercial district is designed to be the local center for all town residents and tourist related businesses

Amendment # 1 also deletes uses # 2, 6, 7, 13, 22  
changes uses # 8 and # 14 to permitted by special use only  
adds additional language in first paragraph  
in Chapter 19 (Zoning), Article III (District regulations), Division 10 (B-1 Business District)

see pages 2 and 3

## **Section 243 Permitted Uses**

*Currently reads:*

Sec. 19-243. Permitted uses

The following are the permitted uses in the B-1 district:

- (1) Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard;
  - (2) Automobile sales and service (5511);
  - (3) Banks, finance and loan companies (6021 & 6022);
  - (4) Bus terminal (4173);
  - (5) Churches and other places of worship (8661);
  - (6) College, business colleges, trade schools, dancing schools, and similar organizations without students in residences (8299);
  - (7) Dental laboratories (8021);
  - (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 ;
  - (9) Eating and drinking establishments (5812 & 5813);
  - (10) Service stations (5541);
  - (11) Food stores (5411, 5431, 5441, 5451, and 5461);
  - (12) Hotels and motels (7011);
  - (13) Manufacturing of articles to be sold exclusively on the premises providing such manufacturing is incidental to the retail business and employs not more than five (5) operators engaged in the production of such items (2052, 2387, 2441);
  - (14) Parking lots (7521);
  - (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, and 5995);
  - (19) Arcades (7993);
  - (20) Theaters when housed in a permanent structure (6512);
  - (21) Dance halls when at least five hundred (500) square feet of space is provided for dancing (7911);
  - (22) Wholesale business (5146, 5192, 5193);
  - (23) *Reserved*;
  - (24) Real estate offices (6531).
- (Ord. of 8-19-03)

*Amends to read*

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

- (1) Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard;
- (2) (deleted)
- (3) Banks, finance and loan companies (6021 & 6022);
- (4) Bus terminal (4173);
- (5) Churches and other places of worship (8661);
- (6) (deleted)
- (7) (deleted)
- (8) **(S)** Dwelling when constructed in conjunction with permitted use provided such dwellings are an integral part of the main building of such a permitted use ;
- (9) Eating and drinking establishments (5812 & 5813);
- (10) Service stations (5541);
- (11) Food stores (5411, 5431, 5441, 5451, and 5461);
- (12) Hotels and motels (7011);
- (13) (deleted)
- (14) **(S)** Parking lots (7521);
- (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, and 5995);
- (19) Arcades (7993);
- (20) Theaters when housed in a permanent structure (6512);
- (21) Dance halls when at least five hundred (500) square feet of space is provided for dancing (7911);
- (22) Wholesale business (5146, 5192, 5193);
- (23) *Reserved*;
- (24) Real estate offices (6531).

SPECIAL USE PERMIT PROCESS  
(TASK II)

Amendment # 2 adds two new sections 19-82 and 19-83 in Chapter 19 (Zoning), Article III (District regulations), Division 1 (Generally)

**Sec. 19-82 Special Use Permits (new section)**

It is the intention of the Town Council to create a list of special uses that may be allowed in several zoning districts where those uses would not otherwise be acceptable without appropriate conditions or safeguards. By means of controls exercised through Special Use Permit procedures established below the Council can delineate the areas of concern connected with each special use.

**Procedures**

(1) Applications for Special Use Permits shall be processed, considered and voted upon by the Town Council after a public hearing and after the Planning and Zoning Commission review and make recommendations. Hearings shall be conducted in the same manner as required in *Division 3. AMENDMENTS* except that the Town Council shall follow quasi-judicial procedures. The Planning and Zoning Commission in recommending approval may include conditions which assure that the proposed use will be harmonious with the area and will meet the intent of this ordinance.

(2) Special Use Permit applications shall only be submitted by the property owner(s), or their duly authorized agent. Upon receiving the recommendations of the Planning and Zoning Commission and holding a public hearing, the Town Council may grant or deny the Special Use Permit. The Special Use Permit, if granted shall include such approved plans as may be required. In granting the Special Use Permit the Council shall make the following findings:

- (a) *that the use will not materially endanger the public health or safety if located where proposed and approved;*
- (b) *that the use meets all required conditions and specifications;*
- (c) *that the use will not substantially injure the value of adjoining property, or that the use is a public necessity; and*
- (d) *that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and other plans for the area.*

(3) In granting a Special Use Permit the Town Council may recommend and impose more restrictive requirements and conditions that it may deem necessary to address the impacts expected to be generated by the use and to assure its conformity with the Ordinance and other development plans. Where appropriate, such conditions may also include requirements that street and utility rights-of-way be dedicated to the public and that provisions be made for recreational space and facilities. If the Special Use Permit is denied, the Council shall enter the reasons for its action in the findings. Applicants must wait 6 months after the date of denial to file a new application for the same property.

(4) Unless expired or discontinued, any Special Use Permit shall be perpetually binding upon the property unless substantially changed or amended as provided for in this Ordinance, or until a use otherwise permitted in the zoning district is established. Special Use Permits shall become null and void after two (2) years unless use of the property has begun and/or a foundation inspection has been approved.

(5) The Planning and Zoning Commission is authorized to approve minor changes in the approved plans for a special use permit as long as they are in harmony with the requirements and conditions of the original special use permit. Such approval shall not be granted should the proposed revisions cause or contribute to:

*(a) Any change in the character of the development.*

*(b)*

*(c) Any increase in intensity of use such as square footage, number of dwelling units, or site coverage.*

*(d)*

*(e) Substantial changes to traffic circulation or access.*

*(f)*

*(g) Any reduction in the approved setbacks.*

Other changes and amendments of a Special Use Permit require the approval of the Town Council and shall be handled as a new application.

(6) If the owner fails to comply with the plans or any conditions approved by the Town Council, or if for any reason any condition imposed pursuant to this Ordinance is found to be illegal or invalid, such Special Use Permit shall thereupon immediately become null and void and of no effect.

**Sec. 19-83 Site Plan Requirements (new section)**

Site Plans shall be prepared by qualified professionals based upon current land records information. The plan shall be drawn to an accurate scale and legible sizes as required by each parcel and contain the following information:

- (1) Names of the owner, developer and design professionals
- (2) Scale, dimensions, date, north arrow, property boundaries
- (3) Location, height, number of stories, floor area, setbacks and proposed uses of all structures
- (4) Open space and recreational areas and impervious surface calculations
- (5) Buffering and screening areas, fencing, walls and landscaping indicating the type, number and size of all plantings
- (6) Vehicular and pedestrian circulation including existing and proposed rights-of way with cross-sections, design details and dimensions
- (7) Location and geometry of all parking, loading, and sanitation pick-up
- (8) Conceptual grading, site preparation and storm water management plans
- (9) Lighting details including type, location, and radius and intensity in foot candles
- (10) Location, height and dimensions of all signs
- (11) Any additional conditions and requirements that represent greater restrictions on development and use of the site than the underlying zoning district

HEIGHT & ROOF PITCH  
(TASK III)

Amendment # 3 replaces language in section 19-333(b) and adds new section 19-332.5 in Chapter 19 (Zoning), Article IV (Supplemental District)

**Section 19-333 (b) Height limit exceptions**

*Currently reads*

(b) Chimneys, cooling towers, elevators, bulkheads, scenery, lofts, monuments, domes, spires, parapet walls, and masonry mechanical appurtenances may be erected, to any height in accordance with existing or hereafter adopted ordinances.

*Amends to read*

(b) Chimneys, cooling towers, elevator bulkheads, and other mechanical appurtenances may be erected to any height in accordance with existing or hereafter adopted ordinances. Parapet walls may extend up to four (4) feet above the height limit and uncovered roof-decks less than 150 sq ft may also exceed the height limit.

**Section 19-332.5 Roof Pitch**

*Amends to read by adding new section:*

The main roof pitch for all residential structures shall be a minimum of 4/12. The main roof is that portion of the roof covering the largest habitable part of the structure.

HOTELS/MOTEL  
(TASK IV)

Amendment # 4 adds additional language to section 19-1 for tourist lodgings and hotels in Chapter 19 (Zoning), Article I (In General)

**Section 19-1 Definitions (Tourist lodgings)**

*Currently reads:*

Tourist lodgings (7011) shall mean a building containing rooms designed to be used for the most part as sleeping accommodations for tourist/vacationers or short term transients (i.e., hotel, motel, boardinghouse, roominghouse and bed breakfast) as distinguished from a residential dwelling. The individual unit will be no larger than four hundred twenty-five (425) square feet in size. Any unit exceeding four hundred twenty-five (425) square feet in size will meet the dimensional and parking requirements of residential units section 19-331 and section 19-339. A tourist lodging will have one (1) water meter and one (1) electric meter. Individual metering is prohibited.

*Amends to read by adding underlined language:*

Tourist lodgings (7011) shall mean a building containing rooms designed to be used for the most part as sleeping accommodations for tourist/vacationers or short term transients (i.e., hotel, motel, boardinghouse, roominghouse and bed breakfast) as distinguished from a residential dwelling. No more than five percent of the individual units shall be occupied for more than 90 continuous days by the same occupant. The individual unit will be no larger than four hundred twenty-five (425) square feet in size (exclusive of bathroom, closet and balcony areas). Any unit exceeding four hundred twenty-five (425) square feet in size will meet the dimensional and parking requirements of residential units section 19-331 and section 19-339. A tourist lodging will have one (1) water meter and one (1) electric meter. Individual metering is prohibited

**Section 19-1 Definitions - Hotel**

*Currently reads*

*Hotel* (7011) shall mean a building intended or designed to be used as tourist lodgings which are rented to short term transients where a general kitchen and dining room are provided within the building or in an accessory building. (See tourist lodgings)

*Amends to read by adding the underlined language*

*Hotel* (7011) shall mean a building intended or designed to be used as tourist lodgings which are rented to short term transients where a general kitchen and dining room are provided within the building or in an accessory building. Typical hotel services must be offered including daily linen and maid service, and receipt and disbursement of keys and mail by the attendant at the desk in the lobby or office, for the occupants of the hotel. No hotel facility shall be converted to or used as a multi-family residential dwelling (See tourist lodgings)

PARKING  
(TASK V)

Amendment # 5 adds language to section 19-246 in Chapter 19 (Zoning), Article III (District regulations), Division 10 (B- 1 Business District)

**Section 19-246 Parking**

*Currently reads:*

Parking shall be provided as required in sections 19-334 through 19-339

*Amends to read*

Parking shall be provided as required in sections 19-334 through 19-339 for all tourist lodgings including any residential and related uses; otherwise no off-street parking shall be required.

Amendment # 7 deletes subsections (b), (1), (2), (3) and (4) of section 19-334, adds additional language to section 19-336 and adds new section 19-340 in Chapter 19 (Zoning), Article IV (Supplemental Districts)

**Section 19-334 Off-street parking requirements**

*Currently reads:*

(a) There shall be provided, at the time of the erection of any building, or at the time any principal building is enlarged, altered to accommodate increased capacity, or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, or before conversion from one (1) type of use or occupancy to another, permanent off-street parking space in the amount specified by this chapter must come into full compliance with parking. Any existing parking spaces from existing buildings up to the amount required for the existing building by this ordinance may not be used to satisfy the total required for the new expansion.

(b) Exceptions to off-street parking requirements in paragraph (a) above may be granted within the B-1 business District upon approval by the planning and zoning commission and the town council with the following additional requirements:

(1) The proposed use granted the exception must be consistent with development policies of the Town of Kure Beach, and serve to encourage continued use of the land for regional trade and commercial service consistent with section 19-242 of this Code.

(2) The current use of the property, prior to the proposed exception, does not include off-street parking as required by other sections of this ordinance in effect at the time the exception is applied for.

(3) When the proposed use(s) covered by the requested exception include(s) a residential component the commercial/business component must comprise at least thirty-five (35) percent of the total square footage of the proposed project and off street parking for the residential component must be provided in accordance with section 19-339 of this Code.

(4) As a condition to granting the exception, the planning and zoning commission and the town council may also limit the allowed uses on the property as a condition of granting exception to the parking requirements.

*Amends to read:*

There shall be provided, at the time of the erection of any building, or at the time any principal building is enlarged, altered to accommodate increased capacity, or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, or before conversion from one (1) type of use or occupancy to another, permanent off-street parking space in the amount specified by this chapter must come into full compliance with parking. Any existing parking spaces from existing buildings up to the amount required for the existing building by this ordinance may not be used to satisfy the total required for the new expansion.

### **Section 19-336 Combination of required parking space**

*Currently reads*

The required parking space for any number of separate uses may be combined in one (1) lot but the required spaces assigned to one use may not be assigned to another use. (Ord. of 8-19-03)

*Amends to read by adding underlined language*

The required parking space for any number of separate uses may be combined in one (1) lot but the required spaces assigned to one use may not be assigned to another use, unless authorized by a Special Use Permit issued in accordance with the following criteria:

- (1) Up to 50% of the parking spaces may be used jointly with other uses not normally open, used or operated during similar hours.
- (2) The resulting number of required parking spaces and hourly parking demands shall be based upon well recognized sources of parking data such as the ULI and ITE.
- (3) A written agreement defining the joint use acceptable to the Town Council and approved by the land owners and developers must be provided.
- (4) Other factors such as seasonal peaks in demand, the site's orientation, and location of access, pedestrian connections, and accessibility to other nearby parking should be considered

### **Sec. 19-340. Off-site or Remote parking facilities (new section to be added)**

If the number of required off-street parking spaces cannot be provided on the same or contiguous lot with the principle use, additional spaces may be authorized by a Special Use Permit for an off-site parking facility. Such application for a site development plan shall be submitted with the following information and in accordance with these standards:

- (1) No off-site parking space shall be located more than 750 ft from the main entrance to the principle use (measured along public walkways).
- (2) The parking area shall be held in fee simple by the owner of the use served, or in another manner that binds the parking facilities to the use for which the parking facilities are accessory.
- (3) A layout drawn to scale of traffic aisles and driveways, entrances, exits and turn-off lanes, parking spaces, setbacks, drainage facilities and landscaping.
- (4) The type of lighting and pavement proposed.
- (5) Buffering and setback requirements of the respective zoning district.

(6) Compliance with other parking requirements of this ordinance or other more restrictive conditions imposed by the Special Use Permit to protect residential districts and maintain at a minimum the disturbance to nearby residential uses.

Another method of reducing parking requirements and allowing existing spaces to be used more efficiently is to allow parking areas to be shared by compatible land uses. The following ITE table illustrates several land use types with different parking demands.

**Peak Parking Demand**

<b>Weekday Peaks</b>	<b>Evening Peaks</b>	<b>Weekend Peaks</b>
Banks Schools Distribution facilities Factories Medical clinics Offices Professional services	Auditoriums Bars and dance halls Meeting halls Restaurants Theaters	Religious institutions Parks Shops and malls

## SIGNS (TASK VI)

Amendment # 6 adds additional language to section 19-379 and replaces the existing table in section 19-382 in Chapter 19 (Zoning), Article VI (Signs)

### **Section 19-379 Temporary Signs**

*Currently reads*

Temporary signs may be used one (1) time for a period of not longer than sixty (60) days

*Amends to read*

Temporary signs may be used one (1) time for a period of not longer than sixty (60) days per year and should not cover more than 10% of the interior window area,

### **Section 19-382 Schedule of Sign Regulations**

*Current table (see attachment)*

Amends to read:

ZONES	BILL BOARD	FREE STANDING size & ht (max)	MARQUEE	PORTABLE	PROJECTING	ROOF SIGN	SHINGLE	TEMPORARY	WALL
Maximum Sign Dimensions X = PROHIBITED									
RA-1	X	X	X	X	X	X	X	X	X
RA1A	X	X	X	X	X	X	X	X	X
RA-2	X	X	X	X	X	X	X	X	X
RA-2A	X	X	X	X	X	X	X	X	X
RA-2T	X	X	X	X	X	X	X	X	X
RA-3	X	20 SQ FT 12'		X					X
RA-3A	X	20 SQ FF 12'		X					X
RA-4	X	20 SQ FT 12'		X					X
RB-1	X	20 SQ FT 12'		X					X
B-1	X	20 SQ FT 12'	20% of projecting structure	X	12 sq ft	X	4 sq ft		15% of facade
B-2	X	20 SQ FT 12'		X					
B-3	X	20 SQ FT 12'		X					

## MINIMUM USE OF LOT AND NONCONFORMING

(NOT ASSIGNED BY COUNCIL, BUT CAME UP IN DISCUSSIONS REGARDING SPECIAL USE)

Amendment # 7 deletes complete section 19-323.5 and section 19-323 in Chapter 19 (Zoning), Article IV (Supplemental District)

### **Section 19-323.5 Minimum Use of Lot**

*Currently reads*

A single-family dwelling shall be permitted in all districts provided that it conforms to the RA-1A residential requirements

### **Section 19-323 Lot of Record**

*Currently reads*

Where the owner of a lot at the time of the adoption of the ordinance from which this chapter was derived or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this chapter, such lot may be used as a building site for a single family residence in a district in which residences are permitted (some language to be combined in section 19-357(1) – see below)

## NONCONFORMING

Amendment # 7 also deletes some wording in section 19-357(1) and adds language to section 19-357(4) of Chapter 19 (Zoning), Article V (Non conforming)

### **Section 19-357 (1) Continuance of Non Conforming Situation**

*Currently reads*

- (1) Minimum single lot requirements. Where the owner of a lot, or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional area requirements of this chapter, the lot may be used as a building site, provided that the minimum back, front, and side yard requirements for the district in which the lot is located are met.

*Amends to read:*

- (1) Minimum single lot requirements. Where the owner of a lot, or his successor in title thereto does not own sufficient land to enable him to conform to the ~~dimensional~~ area requirements of this chapter, the lot may be used as a building site ~~for a single-family dwelling~~, provided that the minimum back, front, and side yard requirements for the district in which the lot is located are met.

### **Section 19-357 (4) Extension in Use**

*Currently reads:*

There shall be no extension in a nonconforming use that would increase the building's occupancy, square footage, production, servicing or utility demands.

*Amends to read*

There shall be no extension in a nonconforming use that would increase the building's occupancy, square footage, production, servicing or utility demands except that any structure used for single-family residential purposes and maintained as a non-conforming use or structure may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new non-conformities or increase the extent of existing non conformities with respect to yard size which at a minimum should comply with the RA-1A residential requirements.