

# PROPOSED TEXT AMENDMENTS TO KBC CHAPTERS 15 AND 11

(For Town Council)

Notes:

1. Black – Existing language.  
~~Strikethrough Black~~ – Delete existing language  
Red – New language
2. Deleted provisions shall retain their decimal numbering and be set forth in the code as (Reserved).

3. Proposed Text Amendments:

15.02.010 Definitions (inserts)

*Full Kitchen* – a room or space with typical appliances including a sink, oven, and/or stove.

*Kitchenette* – a room or space with a refrigerator, sink, and microwave.

*Driveway* - a paved area between edge of pavement and property line providing an unobstructed passage from the roadway to an off-street area used for parking, or otherwise accommodating motor vehicles

*Parking Area* – an area covered by concrete, gravel, wood, slate, pavers, turf blocks, concrete runners, etc. but not natural ground covering materials and used for required off street parking.

*Impervious Surface* - an area that releases as runoff all or a majority of the precipitation that falls on it. Includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

*Bedroom* - a room 10x10 or larger, having a closet, and intended primarily for sleeping.

~~15.14.040 Modification To Required Lot Area And Required Yards/Setbacks~~

~~A dwelling together with its accessory buildings may be erected on a lot or plot having less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue of a recorded plat or deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961.~~

~~The following modification to required lot area and required yards shall apply in this case:~~

~~Front yards/setbacks shall not be modified;~~

~~Rear yards/setbacks shall not be modified.~~

~~(Ord. of 2-20-18)~~

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### ~~15.18.040 Modification To Required Lot Area And Required Yards~~

~~A dwelling together with its accessory buildings may be erected on a lot or plot having less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue of a recorded deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961.~~

~~The following modification to required lot area and required yards shall apply in this case:~~

~~Front yards/setbacks shall not be modified;~~

~~Rear yards/setbacks shall not be modified.~~

~~(Ord. of 2-20-18)~~

### 15.36.020 Reduction Of Lot And Yards/Setbacks Prohibited

No lot area shall be so reduced or diminished such that the yards/setbacks or other required open spaces shall be smaller than prescribed by this chapter. No yard/setback or other open space about any building or non-permitted structure shall be considered as providing a yard/setback or other open space for the purpose of complying with the provisions of this chapter.

(Ord. of 2-20-18)

### 15.36.030 Prerequisite To Construction, Demolition, Remodeling And Impervious Surfaces, Etc

Except as provided in KBC 11.02.030 subparagraph B, no building, building repairs remodeling, installation, driveway, parking lot, or other structures, other ground-covering impervious surfaces, or demolition thereof shall be commenced within the town's jurisdictional limits until a permit has been obtained from the building inspector.

No permit shall be issued if the total square footage of the buildings, other structures, and impervious ground-covering surface will exceed sixty-five (65) percent of the lot; excepting therefrom, those structures located in the B-1 district and the established fire district of the town. Any type driveway or impervious surface across the town right-of-way shall be limited to ~~twenty-four (24) feet wide total~~ **49% of lot width not inclusive of 18 inch flares on each side.**

Impervious surface coverage in the side yard/setback area of residential lots shall be limited to fifteen (15) percent of the yard/setback.

Driveways located in the front yard/setback of residential lots shall be limited to ~~thirty-six (36) feet in width~~ **72% of lot width**. Driveways **and parking areas** constructed of drip-through wooden, gravel, **turf blocks, slate, pavers** or other permeable materials are permissible ~~in any district when serving a single family residence~~ **but may not exceed coverage or widths allowed regardless of permeability.**

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(Ord. of 2-16-10; Ord. of 9-18-12; Ord. of 2-20-18)

### ~~15.36.050 Adjoining And Vacant Lots Of Record~~

~~If two (2) or more adjoining and vacant lots of record are in a single ownership at anytime after the adoption of the ordinance from which this chapter was derived and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located such lots shall be considered as a single lot or which meet several lots the minimum requirements of this chapter for the district in which such lots are located.~~

### ~~15.36.080 Exceptions And Modifications~~

~~The dimensional requirements of this chapter shall be complied with in all respects except that under the specific conditions as outlined in this chapter the requirements may be waived or modified as stated, and in addition the dimensional requirements may be changed or modified by the board of adjustment as provided in KBC 15.04.010 et seq.~~

### ~~15.36.090 Modification To Front Yards/Setbacks In Residential Districts~~

~~Where lots comprising twenty five (25) percent or more of the frontage on one side of a block are developed with buildings at the time of the adoption of this ordinance, no building hereafter erected or structurally altered shall project beyond the average front yard/setback line established by the preexisting buildings, provided that, however, this regulation shall not be construed or so interpreted so as to require a front yard/setback of more than thirty (30) feet.~~

~~(Ord. of 2-20-18)~~

### 15.36.120 Density Control Requirements For Residential Units

The minimum building site area shall be one (1) lot or parcel of land having five thousand (5,000) square feet in area for a single and/or two (2) family residential unit. For family units in excess of two (2) family units, two thousand five hundred (2,500) square feet shall be required for each residential unit.

~~A bedroom is defined as any room ten (10) feet by ten (10) feet or larger, having a closet, and at the discretion of the building inspector.~~ (Moved to Definitions.)

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(Ord. of 10-16-07(2), § 3)

## 15.36.150 Height Limit Exceptions

A. ~~On through lots one hundred (100) feet or less in depth the height of a building may be measured from the average elevation of the finished grade along the front of the building, considering the end facing either street as the front~~ **all new construction or renovations, top of the slab at the front entry of the structure.** ~~On through lots more than one hundred (100) feet in depth the height regulations and basis of height measurements for the street front permitting the greater height shall apply to a depth of not more than one hundred (100) feet from the street.~~

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~~ **in accordance with applicable code provisions.**

~~C. Structures that exceed the height limitation established must be approved by the building inspector's office.~~

## 15.36.220 Minimum Parking Requirements

The number of off-street parking spaces required by this section shall be provided on the same or contiguous lot with the principal use of this section and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this chapter. For purpose of this chapter an off-street parking space shall be no less than nine (9) feet in width and twenty (20) feet in length in an area within a minimum ten (10) feet ingress and egress provided for the off-street parking area.

Residential and related uses    Required parking

(1) Any residential use consisting of ~~one (1) or two dwelling units~~ **a single family dwelling.** Two (2) parking spaces for up to three (3) bedrooms and one (1) additional parking space for each bedroom thereafter per each dwelling unit.

## 11.02.040 Permits

Prerequisite to Construction, Repair, Replacement, Demolition, Remodeling, and Development

Except as otherwise provided, no: building construction, repairs, replacement, or remodeling; installation of driveways, parking lots, or other ground covering impervious surfaces; other construction, development, or demolition shall be commenced in the Town until a permit has been obtained from the Building Inspector. This subsection shall be applicable to all development on or abutting ocean beaches within the Town.

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No permit shall be issued if the total square footage of the buildings and impervious ground covering surface will exceed 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.

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.

Any type of impervious surface across any town right-of-way shall be limited to ~~24 feet total~~ **49% of lot width.**

No development shall occur seaward of the Town's development line except as allowed under 15A NCAC 07H.0309.

**Prior to commencing construction, safeguards must be in place to protect adjoining properties, including silt fence around sides and rear of property, gravel along edge of pavement at construction entry and egress, trash receptacles, and porta lets.**

**Fill installation shall not exceed elevations of neighboring properties without written permission from the Planning and Zoning Director and the Public Works Director that includes a description of the method of properly discard stormwater runoff.**

A building permit issued hereunder shall expire by limitation in 6 months after the date of issuance if the work authorized under the permit has not been commenced. In the event the authorized work has been commenced but is discontinued for a period of 12 months, the permit shall immediately expire. Any work authorized under a permit that has expired cannot be performed until a new permit has been issued.

After a building permit has been issued, there shall be no changes or deviations from the terms of the permit application, plans and specifications, and the permit, excepting such changes and deviations which are clearly permissible under the State Building Code, shall be made unless and until specific written approval of the proposed changes and/or deviations has been obtained from the Building Inspections Department.

The ~~Building Inspector~~ **Planning and Zoning Director** may revoke and require the return of any building permit by notifying the permit holder in writing and stating the reasons for the revocation. Building permits shall be revoked for: any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of any applicable federal State or local law; or for false statements or misrepresentations made in obtaining the permit.

An owner or builder may appeal, in accordance with the provisions of KBC 12.06.040, from a stop work order involving the alleged violation of KBC Chapter 15 or the revocation of a building permit.

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(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)

### 11.08.020 Drainage Of Water From Buildings

All gutters, pipes or leaders now used for conducting rainwater from buildings in the Town or which may be hereafter constructed and used for such purposes, shall be so constructed that no runoff shall be allowed to flow upon the adjoining property owner; and that such flow of water shall be carried or directed to flow to a proper drainage area or into an appropriate storm drainpipe, whichever is most appropriate or efficient. **All new construction shall be required to install gutters and downspouts and pipe underground to the nearest stormwater facility or practical dumping site based upon discretion of the Planning and Zoning Director and Public Works Director.**

(Code 1973, § 6-3; Ord. of 9-29-87)