



**ORDINANCE NO. 06-625**

***An Ordinance Amending Appendix A Zoning,  
Article 18 Non-Conforming Situations***

The Town Council of the Town of Carolina Beach hereby amends Appendix A Zoning, Article 18 Non-Conforming Situations, as follows:

**18.4 Reconstruction**

~~Any nonconforming building or structure or any building or structure containing a nonconforming use for which major repair or reconstruction is proposed in any amount equal to fifty (50) percent or more of the current tax appraised value of the building or structure or which has been damaged by any cause other than a natural disaster, without regard to reason or intent, to an extent equal to fifty (50) percent or more of its current tax appraised value shall only be repaired and/or reconstructed and used as a conforming structure and a conforming use.~~

- (a) Except for signs, nonconforming uses created by a change in regulations may continue to exist, and structures with such nonconforming uses may be reconstructed if demolished or destroyed for any developments in process (or for which a vested right has been established)
- (b) Any building or structure for which repair or routine maintenance is proposed in an amount less than fifty (50) percent of the current tax or appraised value of the building or structure, regardless of the reason for such repair or maintenance, shall be entitled to do so using the same building footprint and density with which the building or structure was originally constructed, provided the number of living units *or non-residential spaces* are not increased and no additional nonconformities are created. If damage exceeds the above stated fifty (50) percent then current building code and storm water requirements shall also be met. Any building or structure requiring full demolition, including the foundation, shall also be required to meet current flood and yard setback requirements. If required by a licensed engineer, additional bracing and supports may be added to existing foundations and existing foundations may be extended to meet flood requirements, however for these purposes, removal and/or replacement of any portion of the foundation shall be considered full demolition.
- (c) Reconstruction of a nonconforming building, structure or use under the provisions of Article 18.4 shall be subject to the following restrictions:

1. A letter of intention to reconstruct with certification of the original building or footprint is required to be delivered to the building inspector and town planning director within 180 days from the date the building was damaged or destroyed.
2. A building permit is to be obtained from the Building Inspector within 730 days from the date the building or structure was damaged or destroyed and if the building permit is not obtained within the 730 days the reconstruction will have to be conforming.

**18.5 Change in kind of non-conforming use.**

~~(a) A non-conforming use may only be changed to a conforming use except in the case of a natural disaster where the property owner will be given 180 days to rebuild the same use in the same pre-disaster footprint. Thereafter, the property may not revert to a non-conforming use.~~

**(a) A nonconforming use shall not be changed to another nonconforming use.**

**(b) If a nonconforming use and a conforming use, or any combination of nonconforming uses exist on one lot, the use made of the property may be changed only to a conforming use. Conforming uses, except adult oriented businesses, may be established or re-established in nonconforming buildings or structures provided that off-street parking is provided as required by this article and provided no other provision of this article for the establishment of new uses is violated.**

**18.7 Abandonment and discontinuance of non-conforming situations.**

**(a) Except as specified in elsewhere when a non-conforming use is discontinued for a consecutive period of one hundred eighty (180) days, the property involved may thereafter be used only for conforming purposes.**

Adopted this 2<sup>nd</sup> day of March 2006



Bill Clark, Mayor

Melinda N Prusa, Town Clerk