

TOWN OF NORTH BEACH  
MAYOR AND TOWN COUNCIL

ORDINANCE NO. 17-14

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NORTH BEACH AMENDING CHAPTER 69 "LICENSING" OF THE CODE OF THE TOWN OF NORTH BEACH TO REPEAL §69-12 "FORTUNETELLING" AND AMENDING CHAPTER 117 "ZONING", §117-10 TO ALLOW FORTUNE-TELLING AS A PERMITTED USE IN THE C-M AND W-2 ZONES AND AMENDING §117-33 "DEFINITIONS" TO ADD A DEFINITION OF FORTUNETELLING**

**WHEREAS**, the Town of North Beach received a request to remove the prohibition on fortunetelling in the Town that is contained in §69-12 of the Town Code; and

**WHEREAS**, upon review of the request the Town Planning Commission voted to support the request to repeal §69-12 "Fortunetelling" and to recommend that the Town Council allow fortunetelling as a permitted use in the C-M and W-2 zones and establish a definition of fortunetelling in the Town Code; and

**WHEREAS**, the Mayor and Town Council have consider the request and the Planning Commission's recommendation and desires to repeal §69-12 "Fortunetelling" and to allow fortunetelling as a permitted use in the C-M and W-2 zones and to establish a definition of fortunetelling in the Town Code as set forth herein..

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Town Council of the Town of North Beach that Chapter 69 "Licensing" of the Code of the Town of North Beach is hereby amended to repeal in its entirety §69-12 "Fortunetelling".

**BE IT FURTHER ORDAINED** by the Mayor and Town Council of the Town of North Beach that Chapter 117 "Zoning" of the Code of the Town of North Beach, §117-10 "Land uses by district" is hereby amended to read as follows:

§ 117-10 Land uses by district.

Table 1 lists the different uses and the zoning districts in which those uses are permitted. If a use is not listed or does not fall within any of the general categories, it is not a permitted use in any district. If a use is specifically listed in Table 1, it takes precedence over general use listings.

P = Permitted Use. Uses designated by the letter "P" shall be permitted subject to the applicable regulations.

C = Conditional Use. Uses designated by the letter "C" shall be permitted subject to certain conditions. The conditions are listed in this article.

S = Special Exception. The Board of Appeals, in accordance with § 117-12 of this chapter, may authorize uses designated by the letter "S."

SC = Special Exception with Conditions. Uses designated with the letters "SC" may be authorized by the Board of Appeals in accordance with § 117-12 of this chapter, subject to certain conditions listed in § 117-11.

Table 1  
Table of Permitted Land Uses by District

	*	*	*						
Land Use Classifications					Zoning Districts				
					R-1	R-2	CM	W-1	W-2 PR
Residential									
	*		*		*				
Commercial									
	*		*		*				
Gasoline station, service station									SC
<b><u>Fortunetelling</u></b>									<b><u>P</u></b> <b><u>P</u></b>
	*		*		*				

**AND, BE IT FURTHER ORDAINED** by the Mayor and Town Council of the Town of North Beach that Chapter 117 “Zoning” of the Code of the Town of North Beach, § 117-33 “Definitions” is hereby amended to read as follows:

§ 117-33 Definitions.

The following definitions shall be used in the interpretation and administration of this chapter:

\* \* \*

**FLOOR AREA, NET**

Net floor area shall be calculated as 85% of gross floor area.

**FORTUNETELLING BUSINESS.**

**Any attempt to tell fortunes or predict the future (for pay or voluntary contributions) by means of occult or psychic powers, faculties, or forces; necromancy, palmistry, psychic psychometry, spirits, mediumship, seership, prophesy, cards, crystals, talismans, sorcery, charms, potions, magnetism, tea leaves, magic, numerology, mechanical devices, handwriting analyses, phrenology, character readings, or any other similar means. A fortunetelling business shall not be considered allowed as a home occupation, or classified as a church, or other place of worship. This definition shall not apply to fortunetelling at street festivals, carnivals, comedic routines, fundraisers, or other similar entertainment purposes operated on a limited basis and not requiring the issuance of a use an occupancy permit. The term "limited basis" shall mean operation of the use not more than four (4) times per year and not to exceed twelve (12) days in any year.**

**GRANDFATHERED**

Describes the status accorded certain properties and development activities that are of record prior to the date of adoption of this chapter or provisions of this chapter.

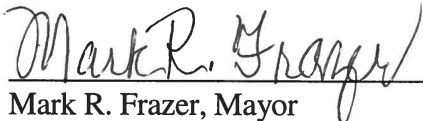
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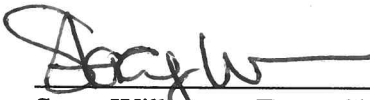
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**AND, BE IT FURTHER ORDAINED** that this Ordinance shall become effective on the 5<sup>th</sup> day of March, 2018 after having been read at two successive Town Council meetings Pursuant to 19-311 of the Town Charter.

By order of the Mayor and Council

  
Mark R. Frazer, Mayor

ATTEST:

  
Stacy Wilkerson, Town Clerk  
Town of North Beach