

KURE BEACH
PLANNING & ZONING COMMISSION

Meeting Date: 3-5-13 (1-9-13)
Agenda Item# IV. A. (V. B)

Present to Town Council on:
Date: 3-19-13

PLANNING AND ZONING COMMISSION
CONSISTENCY STATEMENT
N.C. Gen. Stat. 160A-383

(To be read into the record as a motion, seconded, and voted upon)

- This recommendation is consistent with the objectives and policies of the Town of Kure Beach Land Use Plan adopted by Town Council September 27, 2006 (Adopted and Certified by Coastal Resources Commission November 17, 2006)
- This recommendation applies to Section _____ Part _____ of the Town of Kure Beach Land Use Plan
- Consideration of recommended text amendment to The Town of Kure Beach Code, Chapter 19 Zoning, Art. IV Sec. 19-339 (5)(6)
- This recommendation applies to the John Sawyer Architects B1 District Study (HPA 2007)

The Planning and Zoning Commission considers its recommendation to be reasonable and in the public interest based on the following:

1. Allows greater control of parking requirements in future mixed use district.
2. Will afford Building Inspector discretion regarding parking space requirements, depending on the type of home occupation and professional office use.

Therefore, the Planning and Zoning Commission requests Town Council's consideration of the above recommendation.

Attest:

Craig Galbraith
Craig Galbraith, Chairman
Planning and Zoning Commission

CURRENT:

Chapter 19, Zoning

Article IV, Sec. 19-339. Minimum parking requirements.

- | | |
|---|---|
| (5) Home occupation in operator's residence | Two (2) parking spaces in addition to residential requirements. |
| (6) Professional office in home. | Three (3) parking spaces in addition To residential requirements. |

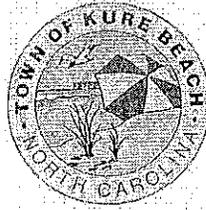


REVISED:

Chapter 19, Zoning

Article IV, Sec. 19-339. Minimum parking requirements.

- | | |
|---|---|
| (5) Home occupation in operator's residence | Parking spaces in addition to residential requirement as per approval by the Building Inspector |
| (6) Professional office in home. | Parking spaces in addition to residential requirement as per approval by the Building Inspector |



ORDINANCE AMENDMENT

That Chapter 19 Zoning, Article IV, Section 19-339 Minimum parking requirements, of the Code of the Town of Kure Beach, North Carolina, is hereby amended as follows:

- (5) Home occupation in operator's residence. Parking spaces in addition to residential requirements as per approval by the Building Inspector.

- (6) Professional office in home. Parking spaces in addition to residential requirement as per approval by the Building Inspector.

Adopted this the _____ of _____.

DRAFT

Dean Lambeth, Mayor

Attest:

Nancy Hewitt, Deputy Town Clerk



**KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ Wednesday, January 9, 2013**

A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on Wednesday, January 9, 2013. A quorum of the Commission was present.

P&Z MEMBERS IN ATTENDANCE

Chairman Craig Galbraith
Member Tom Theisen
Member Alan Votta
Member Joe Whitley

ABSENT

Liaison Emilie Swearingen

STAFF PRESENT

John Batson, Building Inspector
Josie Fitzgerald, Administrative Assistant

P&Z Attorney Holt Moore was not requested to be in attendance.

I. CALL TO ORDER:

Chairman Galbraith called the P&Z meeting to order at 7:00 p.m.

II. APPROVAL OF AGENDA:

MOTION: Member Whitley moved to adopt the Agenda.
SECOND: Member Theisen
VOTE: Unanimous

III. APPROVAL OF MINUTES:

MOTION: Member Votta moved to approve the P&Z minutes of December 4, 2012
SECOND: Member Whitley
VOTE: Unanimous

V. OLD BUSINESS:

A. Potential K Avenue mixed use plan (Conditional Use Permit)

Member Votta presented an Ordinance from another area in North Carolina regarding conditional uses for review.

- It appeared simple but may need a little tweaking to fit our needs.
- Changes and additions can be made as needed.
- We don't want to get too complicated.

- Some of the other ordinances we looked at, i.e. Wrightsville Beach were very complicated.
- This appears to be the approach to maintain simplicity and have approval by Council, Board of Adjustment and the Building Inspector.
- We can say what needs to be submitted to fit the criteria, i.e. landscape plan with grass, trees and shrubs and keep the general scheme of the town.
- There should be a public hearing prior to approval under our conditional use permit approved by P&Z, Council and the Building Inspector, going through a three (3) step process.
- Certain items would need to be submitted, i.e. elevation showing what it would look like, determination about signage, and a sign plan that fits within the scheme of our community since our sign ordinance would not be applicable right now.
- Elevation plan, parking and signage plan will be needed submitted for approval.
- There needs to be a parking plan.
- We have parking requirements for home-based businesses in our ordinance and we should have a description of the type proposed mixed use.
- Parking will need to be specific. Describe the use, and the parking plan would have to be off street to cover the existing ordinance.
- Keeping it flexible according to each individual use.
- Submit plans for five (5) elements; Use, Parking, Landscape, Elevation, and Signage

There was discussion regarding the difference between *conditional use* versus *special use*. Should this area be made part of the special use process or have a separate section in the ordinance to define the overlay district?

It was discussed that a conditional use can be withdrawn conditioned upon certain criteria and if there are violations, the conditional use can be withdrawn.

The two terms are typically interchangeable.

It was suggested to put this section under our existing special use process. A mixed use section under special use rather than write a new conditional use section.

It was suggested that the minutes of the meeting be forwarded to attorney Holt Moore to obtain his legal opinion. Or should a phone call to Mr. Moore asking him the difference between conditional use and special use suffice. Inspector Batson will follow up with communication with Holt Moore.

- There was also discussion of whether the use would transfer and carry forward to a future owner. It was suggested that any new owner would need to reapply.
- Would the use be restricted to owner occupied for the residence or open up to renting the commercial part to another person, or vice versa? It was agreed that it should be open either way as long as the commercial use is controlled and residential occupancy is controlled.
- There are residential limitations currently in place. Then we can have approval of the mixed use as part of the special use.
- If kept in our special use process, a whole new permitting or zoning process would not be needed.

- An overlay district for mixed use can be defined however we want to define it, i.e. buildings used for both residential and commercial purposes.
- Off-street parking shall be sufficient to meet the requirements of the Ordinance.
- The area fronting the street shall be landscaped with trees, grass, shrubs and flowers in keeping with the general scheme of the Town.

It was suggested in order to give the citizens a better understanding of the goals of the big picture, an introduction paragraph in the beginning of the ordinance to create a vision and paint a picture to promote the purpose of the mixed use be drafted. Member Theisen will follow up with drafting a paragraph to use as an introductory statement.

- Many uses are already permitted. We should look at changing and revising some of the existing permitted uses and eliminate some. The uses can be controlled through conditions and still allow home-based businesses.

MOTION: Member Votta moved to table further discussion until next month to review minutes, get an opinion from attorney Moore and get the introductory paragraph so we can draft a proposal.

SECOND: Member Theisen

VOTE: Unanimous

B. Parking for Home based businesses

- Section 19-339. Minimum parking requirements.
- Section (5) spells out the requirements for Home Occupations, operator's residence: Two (2) parking spaces in addition to residential requirements.
- Section (6) spells out requirements for Professional office in home: Three (3) parking spaces in addition to residential requirements.
- We need to enforce the ordinance as is or change the ordinance.
- We may need to adjust the parking ordinance.
- Parameters are already set, i.e. no advertising, nothing for sale from the premises.
- It was suggested that we not change what we are doing but change the wording of the ordinance to reflect more specifics in Sec. 19-339 item 5 & 6 to allow flexibility.
- We look at a better way to word Sec. 19-339 (5) & (6) to allow flexibility. For example, change 2 parking spaces to parking spaces as required by the Building Inspector, additional parking spaces as required at the discretion of the Building Inspector.
- The process if a dispute would go before BOA for an appeal of Inspector's decision.

MOTION: Chairman Galbraith change the wording in Section 19-339 (5) and (6) Two (2) and Three (3) parking spaces respectively to read parking spaces in addition to residential requirement as per approval by the Building Inspector.

SECOND: Member Theisen

VOTE: Unanimous

- We will submit to Council for a public hearing to change the language of Sec. 19-339 (5) and (6).

VI NEW BUSINESS
None

VII MEMBER ITEMS

Member Dennis Clouse resigned. The process to fill the open position is in progress. Chairman Galbraith's term will terminate in February, 2013. His reappointment will be presented to Council for approval.

VIII. ADJOURNMENT:

MOTION: Member Votta moved to adjourn the meeting.
SECOND: Member Whitley
VOTE: Unanimous

P&Z Meeting was adjourned at 7:35 p.m.



Craig Galbraith, P&Z Chairman



Josie Fitzgerald, Secretary