



KURE BEACH TOWN COUNCIL
WORK SESSION –PLANNING & ZONING
OCTOBER 30, 2007
6:30pm

MINUTES

The Kure Beach Town Council held a joint work session with the Planning and Zoning Commission on Tuesday, October 30, 2007 for the purpose of a discussion regarding a proposed amendment to the Code of Ordinances, Chapter 19, Zoning, Section 19-1, Definitions of common areas and community facilities. Notice of the work session was advertised in the Star News newspaper on October 20, 2007, the Island Gazette newspaper on October 24, 2007, and posted at Town Hall and on the Town's website on October 24, 2007.

COUNCIL MEMBERS PRESENT:

Mayor Tim Fuller
Mayor Pro Tem Mac Montgomery
Commissioner Jim Dugan
Commissioner Dean Lambeth

COUNCIL MEMBERS ABSENT:

Commissioner Bill Ufferman

PLANNING/ZONING MEMBERS PRESENT:

Alan Votta
Tim Bullard

PLANNING/ZONING MEMBERS ABSENT

Janet Foster
Jim Schutta
Ken Buchert

STAFF PRESENT:

Town Clerk Nancy Avery
Building Inspector John Batson
Finance Officer Susan Suggs

Town Attorney A. A. Canoutas and Planning and Zoning Attorney Holt Moore were in attendance.

Mayor Fuller called the work session to order at 6:35pm.

Commissioner Lambeth explained that interest has been expressed in purchasing land to use for a beach club belonging to non-residents of Kure Beach. He stated that this means that the town would have to provide fire and other services but not receive any taxes since taxes on these types of beach clubs are assessed through individual home ownership, not on the property itself.

Mayor Fuller stated that the process for establishing a moratorium was as lengthy as amending the ordinance and Council is proposing language to amend the ordinance instead of a moratorium. The proposed language defines non commercial beach clubs or common areas as owned only by residents of the town.

Mayor Fuller read the proposed amendment and opened the floor for discussion.

Council comments

Commissioner Dugan – to the attorneys:

Does this amendment cover or preclude people or organizations that may operate a club that reside in town to operate one for people that reside outside of town. For example, could an organization like Kure Beach Village have a deal with an outside group to use a common facility? Since the club is owned by someone in town, the Town would get the taxes.

Attorney Canoutas replied that denying this to occur would almost be the equivalent to building a home and telling the owner he can't use it for a rental. We can't preclude an owner from using his property as he wishes.

Mayor Pro Tem Montgomery commented that if the HOA decides they are going to sublease a tennis court or swimming pool to someone else, then they are engaging in commercial use and would fall under commercial regulations.

Attorney Moore suggested adding the word "exclusive" to the amendment as a means of prevention.

Commissioner Dugan asked who enforces this?

Inspector Batson stated he would enforce as Code Enforcement Officer.

Mayor Pro Tem Montgomery said if someone buys two lots and builds a building and calls it a dwelling and lets everyone come use it, as long as there is sufficient parking, how do you stop them from doing this – isn't this perfectly legal? He stated that this doesn't fall under definition of non-commercial facility.

Audience comments:

1) What keeps someone from an association from giving anyone a sticker for access? Mayor Fuller replied that would be the HOA's problem. The Town could look at enforcing from a nuisance perspective. The Town can't police a private parking lot. He stated this amendment is trying to address non-resident commercial property owners.

Planning and Zoning comments:

Member Votta asked why was the word "jurisdiction" used?

Mayor Fuller responded that it defines the area where the Town has authority such as town limits and extraterritorial jurisdiction areas

ACTION - Consensus was to refer the proposed amendment to Planning & Zoning to consider at their November meeting and make a recommendation at the November council meeting.

ACTION – Consensus was to correct spelling of “hours” to “house” in the next to the last line of the amendment.

ACTION – Consensus was to add “exclusive” at the end of the next to last line between “the” and “use”

Proposed amendment to read

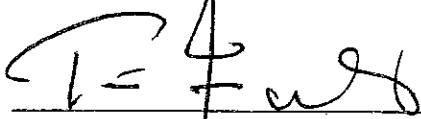
That Chapter 19, Zoning, Article I, Section 19-1, Definitions, of the Code of Ordinances for the Town of Kure Beach is hereby amended by adding the following bolded language:

Section 19-1 Definitions

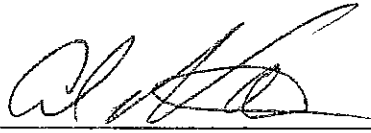
Common areas and facilities shall mean those areas of a housing project and of a property upon which it is located **within the jurisdiction of this ordinance** that are for the use and enjoyment of the owner of family units located in the project. The areas may include the land, roofs, main walls, elevators, staircases, lobbies, halls, parking space, and community facilities. **Community facilities are non-commercial recreational facilities such as a club house, swimming pool, tennis court or beach access for the (exclusive) use and enjoyment of the owners of family units located in the project.**

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to adjourn at 6:58pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS

UNANIMOUS

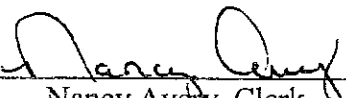


Tim Fuller, Mayor



Alan Votta, Chairman P&Z

ATTEST:



Nancy Avey, Clerk

