

**KURE BEACH
PLANNING & ZONING COMMISSION
TUESDAY, JULY 1, 2008**

MINUTES

The Kure Beach Planning and Zoning Commission held its regular meeting on Tuesday, July 1, 2008. Chairman Schutta called the meeting to order at 7:31 pm.

MEMBERS IN ATTENDANCE

Chair – James Schutta
Vice Chair – Janet Foster
Members: Alan Votta, Tim Bullard, Craig Galbraith

MEMBERS ABSENT

STAFF IN ATTENDANCE

Town Administrator Michelle James
Building Inspector John Batson
Clerk Nancy Avery

OTHERS IN ATTENDANCE

Attorney Holt Moore

APPROVAL OF MINUTES:

ACTION - Member Votta MADE THE MOTION to approve the minutes of the June 3, 2008 meeting with two corrections as follows:

Page two, on the following list of exceptions, correct 'at not time' to read 'at no time'.
Page three, item five, delete 'prohibiting' from 'discussion on drive through restaurants'.

Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

PERSONS TO ADDRESS THE COMMISSION

None

OLD BUSINESS

1. Discussion on proposed amendment regarding signs

Member Galbraith stated:

- In drafting the proposed amendment regarding signs he researched ordinances from other towns and worked with the Zoning Administrator and Town Administrator on language.
- He has been in California for the last two weeks and spoke with managers of towns there and they are all going through the same things we are going through here at Kure Beach.

- Language at the beginning of the proposed amendment is taken from the Main Street model ordinance.
- The proposed amendment language eliminates existing prohibited sign language, which was pretty weak.
- On page three of the proposed amendment, in item three he suggests adding 'programmable signs' between 'electronic reader boards and time and temperature signs'.
- He strongly recommends no LED signs be allowed in the Town because studies show that they are unsafe because they hold a driver's attention.
- On page 4, number 17, he suggests removing 'snipe signs' – not sure what that are.
- References to 'director' should be changed to 'code enforcement officer' and to 'city' to be changed to 'town'.
- This proposed amendment is for a nice beach community that is concerned about it's appearance.
- This proposed amendment is related to commercial business and for all business districts and all businesses located in a residential zone.
- If we want to allow lit letters on a sign, then internally illuminated signs should be allowed .
- This proposed amendment prohibits billboards..
- Section 19-381 non conforming signs – once a new ordinance is passed, a sign may become non conforming and this section addresses this. The language is standard language used in other towns. This says a nonconforming sign becomes a 'legal nonconforming sign' and gives requirements and an amortization schedule for bringing the sign into conformance.
- A new section 19-383 Abatement of illegal and abandoned signs is proposed.
- This amendment does not address size of signs.

Questions and answers:

1. Section 19-375, page 3, item # 2, prohibited signs, time and temperature signs should be allowed, not prohibited. (Bullard)

2. Section 19-375, page 3, item # 7 of prohibited signs on changeable copy signs– would this prevent restaurant owners from posting their menu outside their business? (Foster) Member Galbraith replied no.

3. Does this impact marquee signs used by gas stations to show prices? (Lambeth) Member Galbraith replied no, those signs are regulated by state law.

4. What about residential areas? Jim Ring, a local business owner has a business that is in a residential zone, would be impacted by this amendment – would he be grandfathered in? We have motels in residential districts. How do you govern those instances? (Montgomery) Member Galbraith stated it is more difficult to control signs in residential areas because of freedom of speech. This amendment would apply to commercial business and for all business districts and all businesses located in a residential zone.

5. Aren't we causing more problems for the business owners? We have already been accused of this. (Lambeth) Member Galbraith stated that studies show that when signs are more attractive, more business is attracted.

6. Section 19-373, exceptions # 4 of existing ordinance talks about yard sale signs which is residential. If this is for commercial only, shouldn't yard sale signs be removed? This section pertains to the whole town. (Votta) Member Galbraith stated we will need to be sure to state throughout that certain items apply to commercial districts only.

7. Section 19-373, # 7 on political signs – are you saying we won't allow illuminated signs? (Lambeth) Member Galbraith stated yes and that is the current ordinance language that you are referring to.

8. Section 19-373 # 7, Member Votta stated he is concerned about political signs and thinks we should find out the laws.

CONSENSUS - Town Administrator is to investigate current laws on political signs for time period they may be put up and size of signs.

9. Page 3, section 19-375, item # 7 on changeable copy signs – Member Votta stated he is not completely sold on prohibiting changeable copy signs.

CONSENSUS – Member Galbraith to do research and provide language to better clarify.

10. Page 4, 19-375, # 12 – exposed neon conduit signs– Member Votta stated he isn't sure he is opposed to prohibiting this type of sign.

CONSENSUS – leave language as is for this item. Town Administrator to do more research to define this item.

11. Page 7, section 19-383 – Member Votta stated he wants notice given first before assessing a fine. The fine process should be the same for all signs whether residential or business.

Chairman Schutta called for a 10 minute break at 9:15 pm.

Chairman Schutta resumed the meeting at 9:25 pm.

12. Page 6, section 19-382 Schedule of sign regulations - table

The Planning and Zoning Commission reviewed the changes to the table of sign regulations originally submitted by Hayes Planning and approved by the commission and decided to keep that amendment with two changes:

1. For RA-3, RA-3A, RA-4, RB-1, B-1, B-2 and B-3 districts, change maximum height from 20 feet to 40 feet for free standing signs.

2. For the B-1 district, for projecting signs add 'minimum 8 foot clearance from ground'.

ACTION – Member Galbraith MADE THE MOTION for Town Council to establish a moratorium on issuing new signs until the new sign ordinance is adopted. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ACTION – Member Schutta MADE THE MOTION for staff to research issues on sign amendment, finalize and send back to Planning and Zoning to review at the August meeting and Planning and Zoning will then make a decision on whether to hold a workshop with business owners. Member Foster seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

CONSENSUS – Planning and Zoning Commission agreed on the following changes to the draft sign amendment as presented by Member Galbraith:

1. Page 3, item 3 add ‘programmable signs’ between ‘electronic reader boards and time and temperature signs’
 2. Changes references to ‘director’ to ‘code enforcement officer’ and ‘city’ to ‘town’.
 3. Page 5, section 19-376, maintenance, third line, last word change ‘six’ to ‘one’
 4. Page 7, section 19-383, last paragraph, second line, change ‘ten’ to ‘fifty’.
 5. Page 7, section 19-383, third paragraph, last line, change ‘\$25’ to ‘\$50’.
 6. Page 4, item 17, delete ‘snipe signs’.
 7. Page 2, section 19-373, item # 4, delete ‘back five (5) feet’
 8. Page 4, item 19 – consensus delete ‘h frame’
 9. Page 4, item 19, portable signs – add language that all portable moveable A frame type signs be inside at end of business hours
2. Discussion on verification that mixed use is taken care of with the establishment of the special use permit process and discussion on model mixed use ordinances.

ACTION – Member Votta MADE THE MOTION to table discussion on verification that mixed use is taken care of with the establishment of the special use permit process and discussion on model mixed use ordinances until the next meeting. Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

3. Discussion on drive through restaurants and limiting size of retail stores.

ACTION – Member Votta MADE THE MOTION to table discussion on drive through restaurants and limiting size of retail stores until next month. Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

NEW BUSINESS

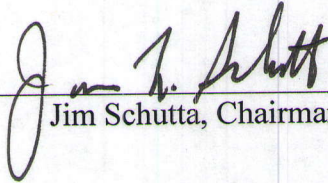
1. Approval process for 35 foot height limit exceptions 19-333 (c)

Member Votta stated that he would like to know if the Commission intends to leave section 19-333 (c) in the Code of Ordinances that states height limit exceptions are approved by the Building Inspector's office in compliance with the ordinances.

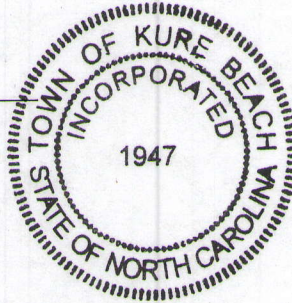
ACTION – Member Schutta MADE THE MOTION to send to Town Council an amendment to subsection C in Chapter 19 (Zoning), Article IV (Supplemental District Regulations), Section 333 (Height limit exceptions) of the Code of Ordinances to add to existing language “assure compliance with applicable ordinances”. Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADJOURNMENT

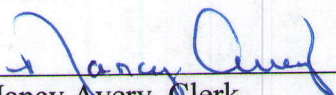
ACTION – Member Galbraith MADE THE MOTION to adjourn at 10:03 pm. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Jim Schutta, Chairman



ATTEST:



Nancy Avery, Clerk

NOTE: These are action minutes reflecting items considered and actions taken by the Commission. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the clerk.