

KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ March 1, 2011

A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on Tuesday, March 1, 2011. A quorum of the commission was present.

MEMBERS IN ATTENDANCE

Chairman Craig Galbraith
Member Anne Brodsky
Member Timothy Bullard
Member Alan Votta

MEMBERS ABSENT

Member Schutta

STAFF PRESENT

John Batson, Building Inspector
Josie Fitzgerald, Administrative Assistant
Barry Nelder, Liaison Commissioner

Attorney Holt Moore was not in attendance

CALL TO ORDER:

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

APPROVAL OF AGENDA:

MOTION: Chairman Galbraith made the motion to adopt the agenda
SECOND: Member Brodsky
VOTE: Unanimous

APPROVAL OF MINUTES:

MOTION: Member Brodsky made a motion to approve the minutes of the February 1, 2011
SECOND: Member Votta
VOTE: Unanimous

PERSONS TO ADDRESS COMMISSION:

None

OLD BUSINESS:

A. Sign Ordinance

The remaining part of the proposed amendments is on for public hearing for March 15th. The only sections that are going to public hearing are 19-381 nonconforming signs and 19-382 schedule of signs and two items missing from cells on table B-2 and B-3.

Council has not voted yet, so technically these are the only things going to public hearing. After the public hearing this part as well as the previous part should be on the agenda for approval by

the Council. Chairman Galbraith stated that he will be at hearing and suggests that Member Brodsky attend as well as a local business owner.

B. SIC Codes

1. Items to be prohibited

We went through the table and it is approved in the minutes. We have two things to talk about, the RA-3 district and specifically identifying SIC codes that would be prohibited.

Chairman Galbraith referred to table Section 19-79 District regulations, which clears up the language. There are some things in the SIC code that you may not want to have. If you don't disallow certain things specifically it may be allowed. Discussion on other municipal ordinances, and how they address what is allowed and not allowed, such as pawn shops.

The way we have it, we could go into the Table and identify the uses we want to specifically prohibit. The new paragraph states, "In addition, the permitted use table [which is our Table, *added for emphasis*] also identifies specific uses within a particular SIC code that may be prohibited."

Chairman Galbraith suggested that tonight they discuss any specific uses that they may want to identify specifically as being prohibited. The three that he has seen that other cities are using are adult book stores, pawn shops and internet gaming. He reminded the members that last month they had asked Commissioner Nelder if he felt the Council would consider approving those items or take any issue about any of those three. Chairman Galbraith stated that he thought the Council would not take specific issue with approving them prohibiting internet gaming as well as the adult book store but did not think pawn shops was as important.

Discussion on the way it is now bookstores are allowed but adult book stores would need to be specifically identified as being prohibited. It should be written in the Table to specifically prohibit uses within a SIC code.

One item is bookstores under SIC code 5942.

MOTION: Chairman Galbraith made a motion under SIC code 5942 in our Table to specifically prohibit adult book stores.

SECOND: Member Brodsky

VOTE: Unanimous

Discussion about adding language to SIC 5942, "adult book stores are prohibited."

Inspector Batson suggested that if they do that, it should also be added to 5932, used merchandise since 5932 is cited in 5942. Book stores will still be allowed under both SIC codes but adult book stores will be prohibited.

There was further discussion as to where that language would be added. Chairman Galbraith suggested adding it in 5942 after the bullet "book stores selling new books and magazines-retail as a second bullet Adult book stores are prohibited.

Inspector Batson stated that they may not be able to add it in the SIC codes but it suggested that it may be added in the general requirements in the Ordinance or in specific districts.

Chairman Galbraith stated he would rather not add it in the specific districts.

Inspector Batson stated he thought the attorney should be consulted since these SIC codes have been adopted by the Town and was not sure if this type of change can be added to the SIC codes. We accepted the SIC code numbers and have used them in our Ordinance. He suggested to add the language in Art. I or Art IV, Supplemental Regulations so that it will pertain to all districts. He felt the notation should be added to our Ordinance and not the SIC codes.

Further discussion in adding the language to 19-79 District regulations and add paragraph "19-79.1." Inspector Batson stated it is usually done as Sec. 19-79.5.

Discussion regarding video stores, SIC code 5731, Radio, Television and Consumer Electronics Stores. Reviewed SIC codes 5731, 5192, 5947, 5932, 5942, 5961 and agreed they should come under Adult book stores and video stores.

Further discussion regarding internet gaming devices and coin operated devices. Lottery is allowed but gaming devices would not be allowed. Review of SIC code 7993 and 7999. It was agreed that these would include internet gaming devices although not specifically identified as internet since codes were written prior to internet popularity.

Chairman Galbraith suggested that these are recommendations and whether the Council wants to approve is up to them.

Discussion on other items that may be prohibited, i.e signs. Inspector Batson suggested prohibiting all temporary signs.

Further discussion regarding dance halls, 7911 adult dance halls similar to adult book stores.

MOTION: Chairman Galbraith made a motion to add a paragraph called Sec. 19-79.5 Prohibited Uses within SIC Code Designations, SIC codes 5731, 5192,5947,5932,5942 and 5961 identified as Adult book and video stores; SIC codes 7993 and 7999 identified as internet gaming devices; 7911 identified as adult oriented dancing.

SECOND: Member Brodsky

VOTE: Unanimous

Chairman Galbraith stated that they should change the language that was approved in the minutes under Sec. 19-79 to strike out the language that identifies uses that are prohibited .

MOTION: Chair Galbraith moved to make the following change in the Table approved in the February minutes: The sentence in Sec. 19-79 District regulations that reads, "In addition, Sec. 19-79.5 also identifies specific uses within a particular SIC code that may be prohibited.

SECOND: Member Bullard

VOTE: Unanimous

2. RA-3 District

Discussion that RA-3 has a little of everything but is mostly residential. Further discussion about boarding houses, mixed uses. The district map was referred to.

Member Votta had an issue with north of B-1 goes into B-2, yet south of B-1 goes into RA-3. Further discussion of allowable uses and add mixed uses in residential. B-2 district allowed mixed uses, but not in RA-3.

Inspector Batson stated that currently mixed uses is not addressed in residential. Special uses started in B-1. RA-3 allows basically everything and is residential.

Chairman Galbraith stated that there is specific language in B-1 but not in the other districts. RA-3 allows everything and is residential the bottom floor would be limited. B-1 has specific language.

Last month four things were identified as being allowed in the RA-3 district; boarding houses, school institutions, public museums/ art galleries and hospitals/clinics.

Discussion of expanding the B-2 district, zoning map change.
Inspector Batson suggested that the process is extensive, but not out of the realm of possibility.
The requirements are very stringent. He suggested that he would get the process and present it to them if necessary next month.

Chairman Galbraith suggested leaving the districts as is for now and bring it to Council in order to wrap it up. We won't do anything with that now.

MOTION: Chairman Galbraith made a motion to bring the recommended changes to Council regarding the zoning and SIC Code on March 15 so it can be brought to public hearing.

SECOND: Member Votta

VOTE: Unanimous

VI. NEW BUSINESS

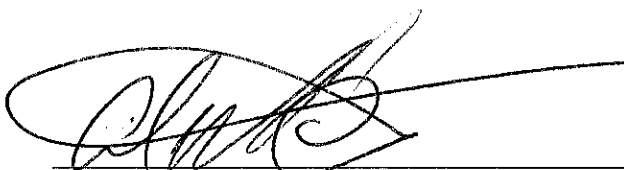
None

VII. MEMBER ITEMS

None

VIII. ADJOURNMENT

Meeting was adjourned at 7:47 p.m.


for Craig Galbraith, Chairman


Josie Fitzgerald
Administrative Assistant

**DRAFT AMENDMENTS
CHAPTER 19, SPECIAL USE**

Special use is designated to show that there is something unique about the business and would require special conditions placed upon them. Those business are identified with an (s)

SECTION	DISTRICT	
19-243 Permitted Uses	B-1	SIC codes/categories Identified with (s) (4) Bus terminals (10) Service Sta. w/car wash (19) Arcades (20) Theaters
19-243(18)	B-1	Add SIC codes - Sec.243(18) in B-1 5331, 5399, 5712, 5722, 5731
19-264(5)	B-2	Identify following with (s) Parking lots (7521) to be consistent with B-1
19-282	B-3	Identify following with (s) (3) Hotels, motels (7011) (4) Conference Center (5) Schools (8211) (6) Public buildings & facilities (7) Churches etc. (8661) (8) Museums, art galleries, libraries (8221, 8211, 8231) (9) Hospital and clinics (8062) (10) Banks, etc. (6021, 6022) (11) Colleges, business etc. (12) Food stores, personal service establishments (4451,7231,7241,5611 &5651) (13) Offices for professional business activities (80-11,21,31,41,42,43,49; 8711,12,21; 8111) (14) reserved (15) Accessory uses incidental to permitted uses
19-314	B-4	Eliminate the words “corrosion testing”
19-315	B-4	Eliminate (2) Laboratories to include, chemical, clinical, dental, medical, environmental, etc.
19-303	RB-1	Identify following with (s) (6) Restaurants (7) Food stores with or w/o gas pumps, drug stores, barber and beauty shops (7231 & 7241)
19-91	RA-1	Identify following with (s) (3) Colleges, schools, public libraries, public museums, art galleries, etc. (8221, 8211, 8231)
19-92 Permitted uses	RA-1	Identify SIC codes/categories with (s)

	B-1	(3) Colleges, schools, public libraries, public museums, art galleries, etc. (8221, 8211, 8231) Add Home Occupation as defined in 19-1
19-152	RA-2	Identify following with (s) (5) Colleges, schools, public libraries, etc.
19-167	RA-2A	Add - Home occupation as defined in 19-1
19-177	RA-2T	Identify SIC codes/categories with (s) (6)Colleges, schools, public libraries
19-187	RA-3	Identify following with (s) (2) Boarding houses, guest houses, etc. (5) Schools, institutions, etc. (8) Public museums, art galleries, etc. (9) Hospitals and clinics
19-79 District regulations	Gen.	ADD new paragraph after existing- <i>More than one permitted use can be located on a particular site or within a particular building. All uses on a particular site or within a particular building must be permitted. If a use is not on the permitted use table, it is then prohibited. In addition, Sec. 19-79.5 also identifies specific uses with a particular SIC code that may be prohibited. If a proposed use cannot be classified into a normal SIC code, the senior Zoning Administrator shall classify it with the use in the table most similar to it. If the senior Zoning Administrator should determine that a use is not listed and is not similar to a use in the Permitted Use Table, then said use is prohibited. A business in operation may not add another use to their existing operation that is not permitted.</i>
19-79.5 NEW Subsection Prohibited Uses within SIC Code Designations		ADD new paragraph- Uses that are prohibited SIC codes 5731, 5192, 5947, 5932, 5942 and 5961 identified as Adult book and video stores; SIC codes 7993 and 7999 identified as internet gaming devices; SIC code 7911 identified as Adult oriented dancing
19-82 Special Use Permits	Gen.	ADD to end of first paragraph language that permitted special uses are identified with an “s” i.e. A special use is designated to show that there is something unique about the business and would require special conditions placed upon them. Those businesses are identified with an (s)