



**KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING**

A regular meeting of the Kure Beach Planning and Zoning Commission was held on Wednesday, January 4, 2017. A quorum of commission members was present.

P&Z MEMBERS PRESENT

Chairman John Ellen
Vice Chairman Alan Votta
Member Craig Galbraith
Member Kenneth Richardson
Member Bill Moore

P&Z MEMBERS ABSENT

All present



Councilman Joseph Whitley, Liaison
Attorney James E. Eldridge
Alternate Member John Cawthorne

STAFF PRESENT

John Batson – Building Inspections
Kathleen Zielinski – Secretary

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

MOTION – Member Moore moved to approve the meeting Agenda with two additions under New Business.

SECOND – Member Galbraith

VOTE – Unanimous

3. APPROVAL OF MEETING MINUTES

MOTION – Member Galbraith moved to approve the minutes of December 7, 2016

SECOND – Member Richardson

VOTE – Unanimous

4. PUBLIC COMMENTS

None

5. OLD BUSINESS

a. Fences and fence heights

Member Galbraith suggested tabling the item until someone comes to a meeting to complain. He is fine with listening to residents, but so far no one has come to talk about it.

Chairman Ellen would like it stated that we agree with previous month's minutes stating six feet is too tall for fences.

Inspector Batson stated that while no one has shown up at P&Z meetings to express their wishes for higher fences, he gets complaints all the time. Ordinance already does allow some six foot fencing as long as it meets the setback of the house. But nobody wants to fence off only half of their yard. He hears the wants and needs, but will go along with Committee in whatever is decided. In any event, he asked that it be recommended that chain link fences be eliminated.

Discussion turned to pools when Member Votta stated more than four foot fencing would be prudent for use around pools for safety reasons.

- Member Richardson asked if there been an issue with pools or the complaints just general in nature.
- Inspector Batson explained that many people who install fences do so without a permit and are not aware of the four foot requirement then must remove them when he sees them, at a loss of several thousand dollars. But if the fence is around a pool he looks at that very hard because, as stated earlier, there are real safety concerns. If he puts a tape measure up and it reads 52" he will let it be.
- Member Votta said that over time, due to settling, the four foot bare minimum could become three and a half due to settling and is not safe around pools.
- Chairman Ellen shared a story about people climbing four foot pool fence and thinks five feet would be more of an impediment.
- Inspector Batson suggested keeping the change uniform, whether there is a pool or not.

Additionally, shower enclosures are going to be over four feet every time. Inspector Batson then has to explain that they can't put an enclosure that is over four feet in a setback. Sometimes he can catch it during construction and advise the builder to move the shower in order to be in compliance.

Attorney Eldridge advised that HOA covenants take precedence when they are stricter than zoning.

Member Galbraith does not have a problem with five feet, but not six. Safety issue should be considered.

Discussion turned to recommending five foot fencing and eliminating chain link fences.

- Richardson asked if people might be satisfied with five instead of six.
- Inspector Batson said some people chose no fence at all if confined to four. But five feet is an odd number because pickets come in four and six foot lengths.

Member Votta suggested six foot for pools and five foot for all else.

Attorney Eldridge requested clarification on what the committee will be asking of council. Is this a recommendation to Council for them to proceed as they see fit?

Chairman Ellen said committee can submit suggestion, and then Council can request an ordinance change followed by a hearing for public comment.

MOTION – Member Moore moved that all fences can be maximum five feet at the back of the house and four feet everywhere else, and that chain link fences are to be prohibited

SECOND – Member Galbraith

VOTE – Unanimous

b. Livestock and Exotic Animals

Chairman Ellen stated that when he shared with Council at the December meeting that discussion of livestock and exotic animals had been tagged on to regulation of chickens, the Mayor asked why this discussion was needed. She also asked if Chairman Ellen knew what the New Hanover County ordinance was regarding livestock and exotic animals. Chairman Ellen's subsequent research revealed that there is no New Hanover County ordinance dealing with exotic animals or livestock.

Attorney Eldridge provided Draft Version 4 of new ordinance and Attorney Eldridge is prepared to walk everyone through his suggested changes.

Chairman Ellen distributed an ordinance from Brunswick County on wild and exotic animals and poisonous reptiles for reference.

Member Votta pointed out that Kure Beach is very different from the expansive land in Brunswick County.

Chairman Ellen agreed that while cheetahs, jaguars, lions and tigers are addressed, it must be noted that there is much more land in some sections of Brunswick County and their needs for regulation are different than ours. He suggested committee take the Brunswick County ordinance home for reading pleasure and consider if any verbiage should be blended into a Version 5 of the changes being considered since this is another view of dealing with this issue in our local area.

Attorney Eldridge went into explaining his suggested changes.

- Section 4-23 states all permitted livestock should be kept in enclosures and no enclosures shall be erected in front or side yard.
- Section 4-25 (b) was struck stating that if Town Inspector did not act within day 10 window after application that would constitute basic approval.
- Table 4-1 Zeroed out everything except ducks and rabbits, got rid of acreage and kept up the square feet column and changed that to minimum size requirement per animal.

Member Galbraith asked what if someone has an animal that is not in table 4-1. Can there be an appeal process?

Attorney Eldridge suggested that, at Council's pleasure, we can give Inspector Batson discretionary authority over livestock not listed, or try to expand the list.

Member Moore questioned why boa constrictors are left out. Attorney Eldridge advised that constrictor falls under exotic animal definition, and, along with many other species, would not be permitted.

Member Galbraith questioned if enclosures should be covered. There should be a definition for enclosure, to which Attorney Eldridge agreed.

Chairman Ellen stated that google search on exotic animals brings up 15-20 animals that are not on the list of permitted animals. He is not aware of any Kure Beach resident who owns any such animals. These would be left up to the discretion of Inspector Batson.

What about the people who already have such animals?

Should we be considering necessary action if these animals get out of the house?

Who does animal control?

Member Galbraith suggested definition of exotic animal should include venomous amphibians and common amphibians. He would also like to see a definition for enclosure. Common spiders should be taken out.

Discussion continued relating to what animals are considered to be exotic, Table 4-1, definitions, allowances and prohibitions.

Attorney Eldridge requested guidance on stipulating size and materials for enclosures. Chairman Ellen suggested replicating chicken ordinance.

MOTION – Member Galbraith moved that Attorney Eldridge incorporate the suggested changes be made – include the word venomous in front of amphibians, delete spiders, provide definition of enclosure, give the Town Inspector discretionary authority over categories of livestock not listed in Table 4.1

SECOND – Member Richardson

VOTE – Unanimous

6. NEW BUSINESS

a. Election of Officers for 2017

MOTION- Member Moore moved John Ellen stay as Chair and Alan Votta stay as Vice Chair

SECOND – Richardson

VOTE – Unanimous

b. Town goals

Chairman Ellen, at the request of Town Council, created a draft outline of accomplishments in 2016 and goals for 2017, which he distributed for discussion and input.

- Member Galbraith suggested that “to enhance quality of life and economic development” be added to first goal.
- Attorney Eldridge suggested changing “standard” to “standards” in fourth bullet point under Accomplishments
- Member Galbraith suggested the discussion on parking and vacation rentals be added

MOTION – Member Galbraith moved to recommend the presentation of the Kure Beach Planning and Zoning 2016 Accomplishments & 2017 Goals to Town Council with revisions suggested

SECOND – Member Richardson

VOTE - Unanimous

7. MEMBER ITEMS

- a. Member Galbraith asked Inspector Batson that if someone purchased a home in the mixed use section, can they put a business on the ground floor in their garage?
Answer: As long as parking is provided for and must have a residential component. Attorney Eldridge stated special conditions can be composed for special use.
- b. Chairman Ellen will not be here for February or March meeting. He is going on cruise with wife for first three legs of around the world cruise, ending in Bali.
- c. Member Richardson reported that Chief Bowden will bring 525 nuisance report to February meeting.

8. ADJOURNMENT

MOTION – Member Votta moved to adjourn the meeting.

SECOND – Member Moore

VOTE – Unanimous

The meeting adjourned at 8:02 p.m.



John Ellen, Chairman
Planning and Zoning Commission



Kathleen Zielinski, Secretary