



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

A regular meeting of the Kure Beach Planning and Zoning Commission was held on Wednesday, March 1, 2017. A quorum of commission members was present.

P&Z MEMBERS PRESENT

Vice Chairman Alan Votta
Member Craig Galbraith
Member Bill Moore

P&Z MEMBERS ABSENT

Chairman John Ellen
Member Kenneth Richardson
Alternate Member John Cawthorne

STAFF PRESENT

John Batson – Building Inspections
Kathleen Zielinski – Secretary
Michael Bowden – Chief of Police

~~~~~

Councilman Joseph Whitley, Liaison  
Attorney James E. Eldridge

**1. CALL TO ORDER**

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

**2. APPROVAL OF AGENDA**

**MOTION** – Member Moore moved to approve the meeting Agenda

**SECOND** – Member Galbraith

**VOTE** – Unanimous

**3. APPROVAL OF MEETING MINUTES**

**MOTION** – Member Moore moved to approve the minutes of January 4, 2017

**SECOND** – Member Galbraith

**VOTE** – Unanimous

#### 4. PUBLIC COMMENTS

None

#### 5. OLD BUSINESS

##### a. Nuisance Reporting

Chief Bowden reported that the Police Department was called to 522 N Fort Fisher Blvd. only twice last year, once in August and once in October.

Member Galbraith observed that the nuisance calls have gone down dramatically overall since Planning & Zoning originally brought the issue up. It appears that the renters and owners have stepped up their efforts to keep things under control. Since there no longer seems to be such a problem he feels that there should be no efforts to fix something that is not broken.

Chief Bowden pointed out that ordinances currently on the books cover everything, such as trash, noise and fireworks. Member Galbraith said that if nuisance calls can be addressed through ordinances and since most calls are not about a select few short term rentals that need to be monitored, there should be no need for establishing a new policy. After further discussion the committee decided that the issue needs no further attention at this time.

##### b. Fences and fence heights

Inspector Batson presented two emails from residents requesting fence height restrictions be raised from 4' to 6', and relayed similar verbal requests from several others.

Member Galbraith reported that in looking through ordinances from several towns including Cary, Southport, Wrightsville Beach and a few in California, all have 4' in front and all but one listed 6' as the maximum height for backyard fences, with the exception of corner properties which were restricted to 4' on the side. He has no problem with allowing 6' fences for backyards similar to these other towns. The question is where is the delineation for front and backyards? HOAs in Kure Beach define the front yard as ending at the back corners of the house. He also understands that 6' would be a more practical height than 5' due to standard board lengths.

Discussion ensued when Member Moore suggested that backyard be clearly defined. It was decided that the backyards be defined as beginning at the rear corners of the house and ending at the rear property line.

**MOTION** – Member Galbraith moved to modify the motion from the last meeting to have Attorney Eldridge come up with a draft amendment with the revised wording, changing fence heights in rear yards to 6' and define rear yards as beginning at the back two corners of the house and extending to the rear property line, and that the Attorney come back with a re-writing of the ordinance.

**SECOND** – Member Moore

**VOTE** – Unanimous

**c. Livestock and Exotic Animals**

Attorney Eldridge presented Version 5 of the proposed ordinance based on changes requested in the previous meeting's motion, which were to remove spiders in the definitions and make sure amphibians were venomous, produce a definition for livestock enclosure and to give the Building Inspector discretionary authority for livestock that is not listed in Table 4.1. Besides those changes everything else had previously been approved. His only concern was that the wording in 4.24(b), where Building Inspector's discretionary authority seemed too arbitrary. He suggested adding wording to the effect that exceptions to Table 4.1 be guided by what would be considered reasonable if kept within Town limits. After further review, Member Galbraith commented that, while this has gone through many revisions and taken several meetings and discussions, he feels the effort has been worth it with this resulting document.

**MOTION** – Member Moore moved to accept Draft 5 as written with the additional wording as discussed.

**SECOND** – Vice Chairman Votta

**VOTE** – Unanimous

**2<sup>nd</sup> MOTION** – Member Galbraith moved to forward the Attorney's Draft 6 of the ordinance regulating livestock and exotic animals to Town Council for consideration.

**SECOND** – Member Moore

**VOTE** - Unanimous

**6. NEW BUSINESS**

**a. Development Line**

Inspector Batson informed the Committee that at this month's Town Council meeting he intends to present to Council a map displaying a Development Line, which will take the place of the Static Line, for the purpose of creating new ordinance language to conform with the CRC's standards. Member Galbraith said he would recommend forwarding to Council, but with caveats. He is concerned about PR issue regarding beach erosion with houses permitted closer to the dunes. Inspector Batson explained that the development line would create a perpetual easement which would prevent construction of decks and pools for houses that are built further back. Also, the closer to the ocean, the more restrictive flood zones would be.

Member Votta inquired if this new ordinance would change the stable line of vegetation to which Inspector Batson responded that the stable line of vegetation is still there and still applies to the development line.

After more discussion and some obvious confusion, Inspector Batson pulled out a drawing board to illustrate a house location relative to the new development line. He explained that this change would have little impact, but would benefit the business district and maybe some of our larger condos, and that each permit would be considered individually, lot by lot. He also

When asked by Member Galbraith how this change would benefit the business district, Inspector Batson said this will eliminate the arbitrary line by which measurement is made. He went on to explain how the bulkhead makes building more restrictive according to CAMA. For instance, the lot next to Bud & Joe's can only be a parking lot right now, but with the development line further seaward there could be allowance for a 35' building.

Attorney Eldridge stated that, along with adding this verbiage to the existing Ordinance he had some recommendations for corrections in syntax in other portions of Sec. 5-61. After discussing each entry and agreeing to the changes, Attorney Eldridge suggested amending the ordinance for including the development line revision and for more clear language throughout the section.

**MOTION** – Member Galbraith moved to recommend sending to Council the revised changes in section 5-61 including the amendments to the written document discussed herewith.

**SECOND** – Vice-Chair Votta

**VOTE** - Unanimous

## 7. MEMBER ITEMS

- a. Chairman Galbraith noted that while perusing a Wilmington business publication recently, he came across an article which rated the wealthiest areas in the region by zip code and was pleased to see that Kure Beach was ranked #1 based on median income, average wealth and other relevant criteria, and #2 just behind Wrightsville Beach in property values.

## 8. ADJOURNMENT

**MOTION** – Member Moore moved to adjourn the meeting.

**SECOND** – Member Galbraith

**VOTE** – Unanimous

The meeting adjourned at 7:44 p.m.

  
\_\_\_\_\_  
John Ellen, Chairman  
Planning and Zoning Commission

  
\_\_\_\_\_  
Kathleen Zielinski, Secretary