



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, November 2, 2022 @ 6:00 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday November 2, 2022. A quorum of members was present and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

Chairman Craig Galbraith

Vice-Chair Jim Dugan

Member Joe Barlok

Member Byron Ashbridge

P&Z MEMBERS ABSENT

Member Tony Garibay

STAFF PRESENT

Mandy Sanders, Town Clerk

John Batson, Building Inspector

COUNCIL LIAISON PRESENT

Commissioner Dennis Panicali

CALL TO ORDER

Chairman Galbraith called the meeting to order at 6:00 p.m.

ADOPTION OF AGENDA

MOTION- Member Ashbridge made a motion to adopt the agenda as presented

SECOND- Member Dugan

VOTE- Unanimous

APPROVAL OF MEETING MINUTES:

- October 5, 2022 Regular Meeting

MOTION- Member Barlok made a motion to approve the minutes as presented

SECOND- Member Dugan

VOTE- Unanimous

PUBLIC COMMENTS

None.



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, November 2, 2022 @ 6:00 pm

OLD BUSINESS

- 1. Continued Discussion of Town Ordinances to be Reviewed Recommended (Building Inspector Batson)**

Chairman Galbraith commented this agenda item started when Building Inspector Batson brought forward ordinance recommendations looking at the residential zoning areas and permitted building uses. Member Barlok's changes are included in the agenda packet. He sent out an email regarding home occupations.

Building Inspections Batson PowerPoint presentation is hereby incorporated into the minutes.

Presentation Highlights:

- Add a Kitchen Definition "Kitchen - a room/place with refrigerator/oven/stove/sink or area
- Driveway Definition – A vehicle access route between the right of way of a road and a use on a parcel
- Building Inspector Batson will re-write 15.36.030 based on discussion and bring forth a recommendation
- Building Inspector wants to spend more time reviewing 15.36.070 before amending
- 15.36.120 – Building Inspector Batson will provide a better location for definition and add window to the closet
- The Commission agreed to delete 15.14.040, 15.18.040, 15.36.020, 15.36.050, 15.36.080, 15.36.090, from the Code
- The Commission agreed on the recommendation for 15.36.150 as presented in the agenda packet
- Recommend to Town Council the change of the name of the Department and title to Planning and Zoning Director – Planning and Zoning Department
- The Commission agreed with the recommendations provided in the agenda packet for 11.02.040, 11.08.020, and 11.02.040

Chairman Galbraith commented the Commission will review Member Barlok's recommendation at the next meeting.

MOTION- Member Ashbridge made a motion to table Member Barlok Code recommendations to the December meeting

SECOND Member Dugan

VOTE- Unanimous



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, November 2, 2022 @ 6:00 pm

2. Continued Discussion of Town Ordinances regarding Private Beach Access Points

Member Barlok commented there is a mixture of beach access designs along the ocean front properties in Town. The Commission was tasked with deciding if the Town does need an ordinance and how to define it.

Chairman Galbraith commented he feels it would look better if it were more consistent.

Member Dugan commented the main problem is the sand that we cannot control.

Building Inspector Batson commented he will spend some time reviewing the issue and bring forth a formal recommendation to the Commission.

CONSENSUS- Commission agreed to table this item to the December meeting

3. Continued Discussion of Green/Sustainability Planning and Zoning Elements (Chairman Galbraith)

MOTION- Chairman Galbraith made a motion to table this item to the December meeting

SECOND- Member Ashbridge

VOTE- Unanimous

NEW BUSINESS

1. Interview the following Applicants for the Alternate Position:

- Lindsay Goodman
- Connie Mearkle

Chairman Galbraith commented the Commission has 5 full members and 1 alternate member that automatically steps into the full member position when there is a vacancy. The alternate member does not vote but the expectations of attendance is the same as a full member. The alternate member is also a full voting member of the Historic Preservation Commission. The Commission would like each applicant to introduce themselves and then the Commission will ask some questions.

Applicant Lindsay Goodman stated she lives at 418 South 3rd Street and was born and raised in Kure Beach. She lived overseas for 5 years but has been back since 2017. She worked for Bass Built for 2 years but it got her interested in Planning and Zoning Commission. The community has changed so much and would like to be involved in the process of the changes the Town makes. She has no experience in this area but can prepare and continue to familiarize herself with the information to have an input when needed.

Interview Questions to Applicant:

- Why did you apply to Planning and Zoning compared to other Committees?
- Is there anything in Town you would like to see different or improve on?



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, November 2, 2022 @ 6:00 pm

- What don't you like about Kure Beach?
- This Committee has the greatest impact to the Town, do you feel because you have been born and raised here that there would be a problem with things that would come up?
- What did you do for the Custom home builder?
- As a resident of Kure Beach, what would you recommend to the Commission for putting an ordinance together for beach accesses?

Applicant Lindsay Goodman answered working for the custom builder Bass Built for 2 years made her interested. She does not have anything she would like to see different but just recently going through renovations herself she would like to be part of the processes of creating ordinances. She does not like that some of the charm is leaving Kure Beach. She would not take her personal opinions into account. She likes that it is a board and there would be discussion. She worked as the office administration for the builder and the selection coordinator. She says maintaining the beach access should be included in the ordinance in some way.

Applicant Connie Mearkle commented she has lived in Kure Beach for 11 years and before that lived here part time for 5 years. She has been involved in other Committees since moving to Kure Beach serving on Board of Adjustment for 3 years. She is currently on the Stormwater Committee and ended up on it as she is on the HOA board for Kure Dunes. She is interested in this Committee because you want to make sure the long-term vision of the Community is kind of like the guidance for the Town. Looking at the Land Use Plan you want it to be have the small-Town feel, family orientated activities, greenspace, and coastal preservation. You want to make sure the Town develops it in a measuring way and the Town ordinances are important. Also, the Commission must balance the growth and the long-term vision of the community.

Interview Questions to Applicant Connie Mearkle:

- On your application it says if selected you would resign from the Stormwater Committee and name a replacement from the HOA, is that how this works?
- As a resident of Kure Beach, what would you recommend to the Commission for putting an ordinance together for beach accesses?
- Do you see any conflict with serving on the Kure Dunes HOA and PZC?
- What do you think Kure Beach has done well and what the Town has not done well and could improve?

Applicant Connie Mearkle stated yes, she would resign from the Stormwater Committee as it is required of her to do so as she can only serve on one Commission while serving on PZC. She is a little bias as she has a beach access and it drives her crazy how different they all look. Property Owners each do their beach accesses differently and she personally thinks they should go straight across and be the same height. She would see there would be conflict serving if she were the head of the architectural Committee, but she is not. Citizens do not like rules so sometimes it is difficult to change ordinances when they do not think it is good for the Community. She wishes there is a way to balance out the growth but feels the Commission is doing a great job.



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, November 2, 2022 @ 6:00 pm

Member Dugan commented there is no bad choice as both the applicants are great. One applicant is a lifelong resident and the other applicant has a great involvement history.

Chairman Galbraith commented he would probably lean towards Applicant Connie Mearkle because of the background and the experience of being involved in Board of Adjustment. He strongly recommends Applicant Lindsay Goodman to get involved on other Committees.

Member Ashbridge commented he agrees with Chairman Galbraith.

MOTION- Chairman Galbraith made a motion to recommend to Town Council Connie Mearkle as the Alternate Member of Planning & Zoning Commission

SECOND- Member Barlok

VOTE- Unanimous

ADJOURNMENT


MOTION- Member Ashbridge made a motion to adjourn the meeting at 7:58 p.m.

SECOND- Member Dugan

VOTE- Unanimous

ATTEST:


Mandy Sanders, Town Clerk


Craig Galbraith, Chairman

NOTE: These are action minutes reflecting items considered and actions taken by Planning and Zoning Commission. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government>planning and zoning.

Ordinance Change Suggestions

Compiled by John Batson October 2022

Kitchen Definition

- Kitchen means a room or portion thereof containing permanent facilities designed and used for food preparation, cooking, eating and dish washing.
- Kitchen - a place (such as a room) with cooking facilities
- Kitchen - a room/place with refrigerator/oven/stove/sink.
- Don't have a recommendation other than what I have been doing is calling it a full kitchen if there is a range/cooktop.

Driveway definition

- What defines a driveway? Is every structure required to have a driveway? What if I choose to have grassy area in front of my new house – does that grassy area all count towards my required parking? If so, should it be delineated somehow?
- What if I want to just have a gravel driveway – am I still limited to the max width of a driveway, or since its gravel, would it be considered all pervious and could stretch from property line to property line?
- Should we just call it a parking area? Every new structure has to have required parking and it is supposed to be located in the front setback only. What would be the definition of a parking area?
- The only ordinance that really touches on these things is 15.36.030

15.14.040 Modification To Required Lot Area And Required Yards/Setbacks

- A dwelling together with its accessory buildings may be erected on a lot or plot having less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue or a recorded plat or deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961.
- The following modification to required lot area and required yards shall apply in this case:
- Front yards/setbacks shall not be modified;
- Rear yards/setbacks shall not be modified.
- **Recommendation: DELETE – This ordinance would not allow new structures to be built on lots smaller than 5000sf.**

15.18.040 Modification To Required Lot Area And Required Yards

- A dwelling together with its accessory buildings may be erected on a lot or plot having less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue or a recorded deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961.
- The following modification to required lot area and required yards shall apply in this case:
- Front yards/setbacks shall not be modified;
- Rear yards/setbacks shall not be modified.
- **Recommendation: DELETE – This ordinance would not allow new structures to be built on lots smaller than 5000sf.**

15.36.020 Reduction Of Lot And Yards/Setbacks Prohibited

- No lot area shall be so reduced or diminished such that the yards/setbacks or other required open spaces shall be smaller than prescribed by this chapter. No yard/setback or other open space about any building or non-permitted structure shall be considered as providing a yard/setback or other open space for the purpose of complying with the provisions of this chapter.
- To me, this means that no lot shall be less than 5000sf – which is already in the ordinances in other locations. The second part of this ordinance does not make sense to me.
- Recommendation: DELETE

15.36.030 Prerequisite To Construction, Demolition, Remodeling And Impervious Surfaces, Etc

- Except as provided in KBC 11.02.030 subparagraph B, no building, building repairs remodeling, installation, driveway, parking lot, or other structures, other ground-covering impervious surfaces, or demolition thereof shall be commenced within the town's jurisdictional limits until a permit has been obtained from the building inspector.
- No permit shall be issued if the total square footage of the buildings, other structures, and impervious ground-covering surface will exceed sixty-five (65) percent of the lot; excepting therefrom, those structures located in the B-1 district and the established fire district of the town. Any type driveway or impervious surface across the town right-of-way shall be limited to ~~twenty-four (24)~~ **feet 49% of lot width wide total.**
- Impervious surface coverage in the side yard/setback area of residential lots shall be limited to fifteen (15) percent of the yard/setback.
- **Pervious pavers with demonstrated permeability of at least 5 gallons per minute per square foot and artificial turfs with drainable aggregate shall not be considered impervious. Driveways, but not sidewalks, made with pavers/turfblocks or anything similar will be restricted to percentages of coverage for driveways..... Shall not be restricted?**
- Driveways located in the front yard/setback of residential lots shall be limited to ~~thirty-six (36)~~ **feet 72% of lot # width**. Driveways constructed of drip-through wooden, gravel or other permeable materials are permissible in any district when serving a single-family residence.
- **Recommended changes in red above. This creates more equity as not all lots are the same size. Highlighted red are additions I'd like to see but probably needs tweaking.**

15.36.050 Adjoining And Vacant Lots Of Record

- If two (2) or more adjoining and vacant lots of record are in a single ownership at anytime after the adoption of the ordinance from which this chapter was derived and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located such lots shall be considered as a single lot or which meet several lots the minimum requirements of this chapter for the district in which such lots are located.
- **Need to clarify. Legally, not sure we can force someone to combine 2 lots if they don't want to.**

15.36.070 Location Of Accessory Buildings On Residential Lots

- Accessory buildings shall be in the rear yard and shall not exceed one (1) story with a height limit of fifteen (15) feet. Accessory buildings shall meet the setback requirements of a residence, and shall be erected, reconstructed or structurally altered in accordance with the building code.
- Over the years, interpretation has been that the rear yard is the back 50% of the lot.

15.36.080 Exceptions And Modifications

- The dimensional requirements of this chapter shall be complied with in all respects except that under the specific conditions as outlined in this chapter the requirements may be waived or modified as stated, and in addition the dimensional requirements may be changed or modified by the board of adjustment as provided in KBC 15.04.010 et seq.
- Don't think this is a necessary element of the ordinance.

15.36.090 Modification To Front Yards/Setbacks In Residential Districts

- Where lots comprising twenty-five (25) percent or more of the frontage on one side of a block are developed with buildings at the time of the adoption of this ordinance, no building hereafter erected or structurally altered shall project beyond the average front yard/setback line established by the preexisting buildings, provided that, however, this regulation shall not be construed or so interpreted so as to require a front yard/setback of more than thirty (30) feet.
- This doesn't promote good development. It also makes the ordinance more restrictive if actively enforced. I'm not even sure we have a location in Town that this ordinance could be applied to.

15.36.120 Density Control Requirements For Residential Units

- The minimum building site area shall be one (1) lot or parcel of land having five thousand (5,000) square feet in area for a single and/or two (2) family residential unit. For family units in excess of two (2) family units, two thousand five hundred (2,500) square feet shall be required for each residential unit.
- A bedroom is defined as any room ten (10) feet by ten (10) feet or larger, having a closet, ~~and at the discretion of the building inspector.~~
- **Recommend rewrite. Remove at the discretion of building inspector.**

15.36.150 Height Limit Exceptions

- On through lots one hundred (100) feet or less in depth all new construction or renovations, the height of a building may be measured from the average elevation of the finished grade along the front of the building, considering the end facing either street as the front top of the slab at the front entry of the structure. On through lots more than one hundred (100) feet in depth the height regulations and basis of height measurements for the street front permitting the greater height shall apply to a depth of not more than one hundred (100) feet from the street.
- Chimneys, cooling towers, elevators, bulkheads, scenery, lofts, monuments, domes, spires, parapet walls, and masonry mechanical appurtenances may be erected, to any height in accordance with existing or hereafter adopted ordinances.
- ~~Structures that exceed the height limitation established must be approved by the building inspector's office.~~
- Recommend changes in red and deletions strikethrough. This can not be manipulated and would be a more even way to enforce.

15.36.220 Minimum Parking Requirements

- The number of off-street parking spaces required by this section shall be provided on the same or contiguous lot with the principal use of this section and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this chapter. For purpose of this chapter an off-street parking space shall be no less than nine (9) feet in width and twenty (20) feet in length in an area within a minimum ten (10) feet ingress and egress provided for the off-street parking area.
- Look at the schedule for parking spaces required. Should we change the requirements for 2 family dwelling to match multi family dwelling?
- Should every parking space have ingress and egress? (No stacking)

11 BUILDINGS AND BUILDING REGULATIONS

- Starting at the beginning of Chapter 11, change all references to Building Inspector and the Building Inspections Department to one of the following.
- Director of Building and Zoning Inspections – Building and Zoning Inspections Dept.
- Planning and Zoning Director – Planning and Zoning Dept.
- Community Development Director – Community Development Dept.
- Land Development Director – Land Development Dept.

11.02.040 Permits

- Prerequisite to Construction, Repair, Replacement, Demolition, Remodeling, and Development
- Except as otherwise provided, no: building construction, repairs, replacement, or remodeling; installation of driveways, parking lots, or other ground covering impervious surfaces; other construction, development, or demolition shall be commenced in the Town until a permit has been obtained from the Building Inspector. This subsection shall be applicable to all development on or abutting ocean beaches within the Town.
- No permit shall be issued if the total square footage of the buildings and impervious ground covering surface will exceed 65 percent of the lot; excepting therefrom, those structures located in the B-1 District or deemed commercial and within the established fire district of the Town.
- Any commercial construction requiring review by the New Hanover County Building Safety Department pertaining to mechanical, electrical, plumbing, or fire permits shall be obtained in conjunction with a building permit being issued by the Town's Building Inspector.
- Any type of impervious surface across any town right-of-way shall be limited to ~~24-feet-total~~ **49% of lot width** .
- **During construction, gravel or other sedimentary catching devices shall be installed at entry points for construction sites to minimize dirt/sand migration onto street.**
- No development shall occur seaward of the Town's development line except as allowed under 15A NCAC 07H.0309.
- **Recommended changes in red above**

11.02.040 F. Special Events

- Definitions. The following terms shall have, when used in this section, the meanings set forth below unless a different meaning clearly appears from the context:
- Beach strand: Area to include mean high tide line to the westward edge of the Town's beach renourishment easement line.
- Event director: Person who is planning and running the event; also considered the spokesperson for the group.
- Inspection: The inspection for litter, refuse, debris, garbage, left behind on any public area, and any dune area of a private oceanfront property after a special event takes place.
- Loud noises: Noises of such frequency or volume as to annoy or disturb any citizen, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boardinghouse or other type of residence.
- Special Events Coordinator ("SEC"): ~~Kure Beach Building Inspector~~ **Parks and Recreation Director** or designee.
- **Recommend changes in red above. Maybe good idea to put this ordinance into an entirely different chapter.**

11.08.020 Drainage Of Water From Buildings

- All gutters, pipes or leaders now used for conducting rainwater from buildings in the Town or which may be hereafter constructed and used for such purposes, shall be so constructed that no runoff shall be allowed to flow upon the adjoining property owner; and that such flow of water shall be carried or directed to flow to a proper drainage area or into an appropriate storm drainpipe, whichever is most appropriate or efficient. All new construction shall be required to install gutters and downspouts and pipe underground to the nearest stormwater facility or practical dumping site based upon discretion of the PW Director and Building Inspector.
- Recommended wording to be added in red.