



KURE BEACH TOWN COUNCIL PUBLIC HEARING  
PROPOSED AMENDMENTS TO ZONING ORDINANCE  
MARCH 10, 2008

## MINUTES

On Monday, March 10, 2008, the Kure Beach Town Council held a public hearing on proposed amendments to Chapter 19 Zoning of the Code of Ordinances.

**COUNCIL MEMBERS PRESENT:**

Mayor Mac Montgomery  
Mayor Pro Tem Jim Dugan  
Commissioner Dean Lambeth  
Commissioner Barry Nelder  
Commissioner Jim Vatrt

**COUNCIL MEMBERS ABSENT:**

None

**STAFF PRESENT:**

Town Administrator Michelle James  
Building Inspector John Batson  
Town Clerk Nancy Avery

**OTHERS PRESENT:**

Town Attorney Andy Canoutas  
Planning and Zoning Attorney Holt Moore  
Planning and Zoning Commission member Alan Votta  
Dexter Hayes of Hayes Planning

**CALL TO ORDER**

Mayor Montgomery called the public hearing to order at 6:38pm stating that;

- the purpose of the public hearing is to receive public comment on proposed amendments to the zoning ordinance with particular reference to the B1 district
- notice of this public hearing was advertised in the Island Gazette newspaper on February 27<sup>th</sup> and March 5<sup>th</sup>, in the Star News newspaper on February 27<sup>th</sup>, posted at Town Hall on February 22<sup>nd</sup> and posted on the Town's Web Site on February 24<sup>th</sup>, 2008
- the B1 business zoning district consists of a four block area running from the east side of 3<sup>rd</sup> Avenue to Atlantic Avenue and from J to L Avenues
- the Town Council has taken the following steps in an effort to revitalize and promote a viable business area in the B1:
  - November 2006 – hired John Sawyer Architects to do a study of the B1 district and make recommendations
  - May 2007 – presented the completed B1 study to the public and Planning and Zoning Commission for input
  - September 2007 – adopted the B1 study as the future plan for the B1 District

- October 2007 – tasked Planning and Zoning Commission to review zoning ordinances and make recommendations based on the B1 study and hired Hayes Planning to assist the commission
- February 2008 – Council received recommended amendments to the zoning ordinance from the Planning and Zoning Commission and scheduled this public hearing to receive input before adoption

Mayor Montgomery also stated that the Town Council is allowing an informational question and answer session from 6:39pm until 7:00 pm prior to receiving public input. Mr. Hayes of Hayes Planning, Alan Votta of Planning and Zoning Commission and Building Inspector/Zoning Administrator John Batson will be available to answer questions.

The seven proposed amendments are:

Amendment # 1 - permitted uses in the B1 District

Amendment # 2 - special use permit process

Amendment # 3 - height limit exceptions

Amendment # 4 - revised definitions of tourist lodgings and hotels

Amendment # 5 - parking regulations

Amendment # 6 - sign regulations

Amendment # 7- minimum use of lot, lot of record, nonconforming situations

A detailed copy of the proposed amendments is herein incorporated as part of these minutes.

**ACTION** - Mayor Montgomery recessed the public hearing at 6:39pm and opened the informational sessions.

**ACTION** - Mayor Montgomery resumed the public hearing at 7pm and opened the floor to public comments stating that each individual amendment would be read and comments accepted for each.

**PUBLIC COMMENTS:**

Amendment # 1 - permitted uses in the B1 District

1. Ronnie Pernell, business owner, stated he thinks omitting schools from permitted uses in the B1 isn't a good idea because trade and dancing schools are still usable and Council needs to be careful about what is restricted. Generally, we need to be as general as we can be for allowed use.

Amendment # 2 – special use

1. Ronnie Pernell, business owner, stated Council shouldn't omit manufacturing of articles to be sold exclusively on the premises as a permitted use because the Tee shirt shop in the B1 used to manufacture tee shirts. This use might apply to wood carving and anything made on sight. Council needs to be careful about restricting this use.

2. Tommy Humphrey, business owner, commented that money he spent for renovating his restaurant came from his former auto service and sales business. He has considered doing this type of business again and is curious why it is being removed. What about building surf boards – why wouldn't that be allowed? He thinks restricting this is being un-American.

Amendment # 3 – height, roof pitch – residential

No public comments

Amendment # 4 – hotels/motel definitions

1. Ronnie Pernell, business owner, stated that while this section is being revised, Council should look at increasing the currently allowed size of an individual unit. The current regulation is 425 feet, which is too small for a room. The 425 feet limit was put in when condo motels were beginning to come to Kure Beach and this was to prevent that. Council should find a figure that works better.

Amendment # 5 – parking

1. Tommy Humphrey, business owner, asked what the word 'conflict' meant in the proposed language.

Mr. Hayes, of Hayes Planning, responded that 'conflict' referred to the time of day or night parking would be used by two different businesses – if no 'conflict' when businesses were open, then the same parking could be shared by both businesses .

2. Ann Doran, resident, asked where offsite parking would be located? Would it be residential or on K Avenue?

Mayor Montgomery stated the amendment says it must be within 750 feet of the business site and it would have to be public parking.

3. Ronnie Pernell, business owner, said that if there is a hotel and restaurant with it, there needs to be a provision that the hotel part is satisfied by the hotel's parking. Theoretically, we shouldn't have to have enough parking for the restaurant also. It would be nice to have a parking area that can be used where employees would be allowed to park, a remote designated space for employee parking, for all people working on the beach. Council should consider all ramifications with parking.

4. Nancy Avery, Town Clerk, informed the audience and Council that there was language included in error in the proposed new section of **Sec. 19-340. Off-site or Remote parking facilities (new section to be added), subsection (6)** - the last paragraph and chart listed were not to be part of the amendment. Section (6) shall read as follows:  
(6) Compliance with other parking requirements of this ordinance or other more restrictive conditions imposed by the Special Use Permit to protect residential districts and maintain at a minimum the disturbance to nearby residential uses.

Amendment # 6 – sign regulations in supplemental districts

1. Tommy Humphrey, business owner, stated the proposed 20 foot sign is too small and needs to be reconsidered as it is too excessive. If we don't have a problem, we should look sign size on a case by case basis. He stated he believes a business with no sign, is a sign of no business. Why are you doing it?

2. Craig Galbraith, resident, stated:

- he is professor at University of NC at Wilmington in entrepreneurship
- he has owned businesses and applauds the Planning commission for looking at sign regulations
- research shows appropriate signs increase business and bad signage reduces return visits
- he looked at the signage ordinances of top 10 business communities such as Hilton Head, SC and Padre Island, TX
- he was on a planning commission in a southern California town and has written model ordinances
- he suggests we look at three things
  - should punch up section on prohibited sign regulations – most damaging to community is the LED blinking/flashing signs and banners - recommends looking at establishing prohibited signs section to disallow these sign
  - nonconforming signs –the new ordinance will create nonconforming signs. The amendment is missing an amortization process to allow signs to become conforming, possibly over a 7-10 year time period. He recommends adding an amortization process to the amendment
  - illegal signs should be defined and a process set up for dealing with violations
- he was also recently appointed a member of the Planning and Zoning Commission, but is speaking tonight as a private citizen since he was not on the commission at the time of discussion or recommendation of proposed amendments

3. Ronnie Pernell, business owner, stated that Hilton Head businesses and Kure Beach businesses are like talking apples and oranges. A sign 20 feet in size wouldn't be seen and wouldn't have room for a marquee and advertising. A sign is made in order to attract people to a business. I agree everyone doesn't want to see flashing signs. Council should consider using what we have and make them uniform with a sign ordinance that you can set a time limit on, not necessarily grandfathered. You could set the ordinance to say everyone has to conform by "x" number of days. Maybe you guys I worked with, I'm going to pull it back to the 35 foot people, maybe the next Council I can't work with. Once something becomes law, it is. If you push on something here – something over here happens. That's true for zoning and all the laws. We need to be real careful where and what we are pushing on.

4. Tommy Humphrey, business owner, stated he read the definition of the B1 in the code book and it is a concentration of businesses. It is ridiculous to make the same regulations

there as for the RA-3A or RA-2 district. Council needs to realize that every sign that says welcome to Kure Beach will be illegal under this.

Amendment # 7 – minimum use of lot/ nonconforming situations

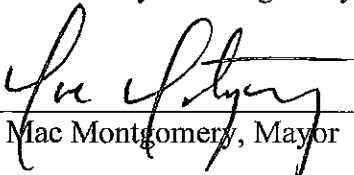
No public comments

ADJOURNMENT

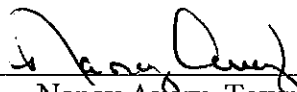
Mayor Montgomery stated these amendments will be presented again at the Council meeting in March for a decision. The Council may adopt them in whole, adopt in portion or return to Planning and Zoning Commission for revision.

Mayor Montgomery reminded everyone that the Council meeting begins at 6:30pm now, not 7:30pm.

ACTION – Mayor Montgomery adjourned the public hearing at 7:45pm.

  
\_\_\_\_\_  
Mac Montgomery, Mayor

ATTEST

  
\_\_\_\_\_  
Nancy Avery, Town Clerk

