



**KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ Wednesday, January 7, 2015**

**A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on
Wednesday, January 7, 2015. A quorum of the Commission was present.**

P&Z MEMBERS IN ATTENDANCE

ABSENT

Craig Galbraith, Chair
Joe Whitley, Vice Chair
Member Alan Votta
Member Tom Theisen
Member John Ellen

Liaison: Craig Bloszinsky
Attorney: James E. Eldridge

STAFF PRESENT

John Batson, Bldg. Insp.
Josie Fitzgerald, Administrative Assistant

I. CALL TO ORDER:

Chairman Galbraith called the P&Z meeting to order at 7:02 p.m.

II. APPROVAL OF AGENDA:

MOTION: Member Theisen moved to adopt the Agenda, January 2015

SECOND: Member Whitley

VOTE: Unanimous

III. APPROVAL OF MINUTES:

**MOTION: Member Ellen moved to approve the P&Z minutes of December 3, 2014 with a
revision on page one to state, "no parking ordinance enforced."**

SECOND: Chairman Galbraith

VOTE: Unanimous

IV. PUBLIC COMMENTS:

None

V. OLD BUSINESS:

A. Parking on Hwy 421

- Chairman Galbraith presented the P&Z findings to Council and asked for further direction as to where to go from here.
- Council would like a formal recommendation from P&Z and voted to have P&Z lead a group to work in conjunction with Shoreline Access, Beach Protection (SLAP), Parking Committee and Citizens Advisory Group to look at the issue in more detail.
- Council wants P&Z to be in charge and recommendation will come from P&Z.
 1. P&Z will lead the group
 2. Hold a public hearing
 3. P&Z will give a recommendation to Council
- There are various ways to address the parking. The answer is not easy.
- P&Z is responsible for on-property parking
- Parking regulations on 421 will impact side streets
- This has to be a community effort.
- There could be paid parking on 421, free parking downtown, a parking lot
- There are many choices and we won't make everyone happy, but we need 51% happy. The answer is not two meetings away
- Everyone is a professional and realizes the implications and may be able to come up with a solution that most people will be happy with.

Chairman Galbraith recommended to start with input from the public.

He thought it was beneficial to first have a town hall meeting and talk about the issue with interested residents. A notice or email can go out to have a town hall meeting. It would be nice to have input from people who actually live on 421 and are affected. It will be important to have a map to show the area that we are talking about and the options we have. Discussion of parking can be incorporated with vacation rentals which creates parking issues. We can keep them separate or join the discussions.

MOTION: Chairman Galbraith moved to schedule a special meeting at 6:00pm prior to the regular P&Z meeting on February 4th with SLAP and the Citizen Advisory Group to discuss parking on Hwy. 421

SECOND: Member Ellen

VOTE: Unanimous

MOTION: Chairman Galbraith amended the motion to schedule a special meeting at 6:00pm on February 4th to also include contacting individual groups such as HOA presidents, emails, put notice on the Bulletin Board, the Town website and in the Town Newsletter

SECOND: Member Whitley

VOTE: Unanimous

B. Rental Certificates

Attorney Eldridge summarized the draft for Vacation Home Rentals noting that the format follows the Chapters in the Tow Code.

- Definitions need to be made clear
- We need to simplify the language for the contact person, whether agent, owner, etc. as the authorized agent.
- The application fee should be established by the Town Council
- Under Application for Permit (i), the applicant could be the agent or the owner and they need to sign off on it. This will save a lot of headaches
- Commercial rentals need to be avoided, when is the rental considered commercial?
- Homeowners shall be responsible to take reasonable steps to ensure occupants are not violating laws and rules, regulations, etc.
- Homeowner is responsible for some things and may not be responsible for occupants conduct.
- Definition of a “studio” is a one room apartment
- Need to define commercial activities, i.e. a party rents the property and turns around and rents to another person for a wedding for a fee.

Reasonable steps for homeowner to take to ensure no violation occurs and is responsible for activities of renter:

1. Posting a copy of the rental permit
2. Contacting occupants when they violate the conditions
3. Contact law enforcement
4. Expressly provide for termination of a home rental agreement

- The point is to promote self-regulation
- The rental agreement can address the issues outlined in the permit
- Common nuisances can be listed
- The owner needs to be held responsible

Civil Penalties:

Use the right language to keep the proceeds for the Town- “A violation of this chapter shall not constitute a misdemeanor or infraction but shall instead subject the permit holder to a notice of violation or, thereafter, a civil penalty in the nature of a debt...”

Decriminalize so the town can keep the proceeds

Do you want to give 5 chances or limit the amount of violation warnings?

Further discussion:

- Property rights/ownership
- Define calendar days – 30 consecutive days
- \$1,000 fine- as a civil violation, the Town has discretion on fine amounts
- Any violation of Chapter 19 is subject to a \$50 per day fine.
- Should a public hearing be held before presenting to Council?
- Should this draft be presented to Council as a work in progress? This is where we are and do you want a public hearing and go forward with this?

Inspector Batson stated that he knows there is a need but does not like the idea and that it came to this point, but understands this may be one way to handle this issue. We have to try something once.

MOTION: Member Ellen moved to have the draft revised by the attorney and placed on the February agenda for review as Short Term Rental
SECOND: Member Theisen
VOTE: Unanimous

VI. NEW BUSINESS:
2015 Elections

MOTION: Member Ellen moved to have the current Chair and Vice Chair re-elected for Planning and Zoning Commission for 2015
SECOND: Member Votta
VOTE: Unanimous

VII. MEMBER ITEMS:

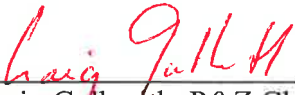
Member Theisen stated that he is moving and will be resigning from the Commission after the February meeting.

It was noted that Council will be notified and will make recommendations for filling the opening.

VIII. ADJOURNMENT:

MOTION: Member Whitley moved to adjourn the meeting
SECOND: Member Theisen
VOTE: Unanimous

P&Z Meeting was adjourned at 8:20 p.m.



Craig Galbraith, P&Z Chairman



Josie Fitzgerald, Secretary