



# PLANNING & ZONING COMMISSION MINUTES

## REGULAR MEETING

Wednesday, July 5, 2023 @ 6:00 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday July 5, 2023. A quorum of members was present and Attorney Jim Eldridge attended.

### P&Z MEMBERS PRESENT

Chairman Byron Ashbridge  
Vice-Chair Joe Barlok  
Member Jim Dugan  
Alternate Member Connie Mearkle

### P&Z MEMBERS ABSENT

Member Craig Galbraith  
Member Tony Garibay

### STAFF PRESENT

Beth Chase, Deputy Town Clerk  
John Batson, Building Inspector

### COUNCIL LIAISON PRESENT

Commissioner Dennis Panicali

### CALL TO ORDER

Chair Ashbridge called the meeting to order at 6:00 p.m.

### ADOPTION OF AGENDA

MOTION- Member Dugan made a motion to excuse Member Galbraith and Member Garibay from the meeting

SECOND- Member Barlok

VOTE- Unanimous

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

SECOND- Member Dugan

VOTE- Unanimous

### APPROVAL OF MEETING MINUTES:

- April 5, 2023 Regular Meeting

Chairman Ashbridge commented a correction has been made to the minutes regarding the motion.

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

SECOND- Member Dugan

VOTE- Unanimous



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## PUBLIC COMMENTS

None

## OLD BUSINESS

1. Continued Discussion of Batteries Used for Electricity Storage in the Setbacks

Chairman Ashbridge stated this item needs to be tabled to next month.

MOTION- Member Barlok made a motion to table the item to the August agenda

SECOND- Member Dugan

VOTE- Unanimous

2. Proposed Text Amendments for Permitted Uses for the following Districts: RB-1, B2, B3, B4

Attorney Eldridge stated he revised the district regulations based on the discussion of the Commission last month. He has no other comments unless the Commission has questions for him.

MOTION- Member Dugan made a motion to recommend the proposed text amendment for Permitted Uses for the following Districts: RB-1, B2, B3, B4

SECOND- Member Barlok

VOTE- Unanimous

MOTION- Member Barlok made a motion to approve the Consistency Statement for the Permitted Uses for the following Districts: RB-1, B2, B3, B4

SECOND- Member Dugan

VOTE- Unanimous

3. Proposed Text Amendments SIC Code

Attorney Eldridge commented he is handling the text portion of these amendments and Member Barlok is handling the number portion. He has completed his section and Member Barlok is still working on his part. Attorney Eldridge reviewed the amendments that are hereby incorporated into the minutes.

Member Barlok stated he is currently going through the code and anywhere a SIC code appears in Chapter 15 he is confirming that it is the correct code and that it matches the appendix in the back. He will have his revisions completed by the meeting. So far, he has found around 30 corrections.



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## **NEW BUSINESS**

1. Discussion of PZC-related items in the Land Use Plan

Chairman Ashbridge stated now that PZC has more time the Commission needs to review the Land Use Plan and understand any responsibilities from a Planning & Zoning standpoint. After reviewing the plan, there are many examples where the Commission could have input. At the end of the plan there is a summary that takes all the recommendations of the plan and shows anticipated timeframes and who is responsible. The Planning & Zoning Commission is not listed anywhere in the chart. The Administration and Building Inspections Department are mentioned and that is where PZC could help assist and claim responsibility for that task. He would like everyone to review prior to the next meeting.

Attorney Eldridge commented since what PZC does is regulated by statutes and the code, PZC would need to seek approval from Town Council before proceeding with any tasks related to the Land Use Plan.

## **CLOSED SESSION**

None.

## **ADJOURNMENT**

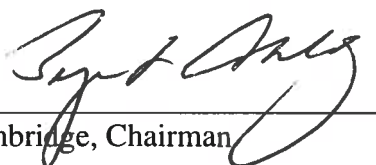
MOTION- Member Barlok made a motion to adjourn the meeting at 6:25 p.m.

SECOND- Member Dugan

VOTE- Unanimous

ATTEST:

  
Beth Chase, Town Clerk

  
Byron Ashbridge, 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.

**PROPOSED TEXT AMENDMENTS TO KBC 15.02.010, 15.08.040, and 15.08.050  
USE OF SIC CODES**

*(For PZC Discussion)*

(Proposed amendments are set forth in red)

**15.02.010 Definitions**

Insert the following definitions:

*Adult bookstore* shall mean an establishment having, as a substantial and significant portion of its stock in trade, books, magazines, other periodicals, videos, and/or streaming data which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas including, without limitation, exposed or opaquely covered human genitals, pubic region, buttock, or female breasts below a point immediately above the top of the areola or any establishment trading in such books, magazines, other periodicals, videos, and/or streaming data which limits its customers to persons over 18 years of age.

*Adult cabaret* shall mean an establishment whose principal business or commercial activity is the offering to customers of live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas including, without limitation, exposed or opaquely covered human genitals, pubic region, buttock, or female breasts below a point immediately above the top of the areola.

*Adult establishment* shall mean an adult bookstore, adult cabaret, or an adult motion picture theater.

*Adult motion picture theater* shall mean a structure or facility used for presenting, for its customers or patrons, motion pictures, videos, and/or streaming data which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas including, without limitation, exposed or opaquely covered human genitals, pubic region, buttock, or female breasts below a point immediately above the top of the areola and which limits its customers or patrons to persons over 18 years of age.

*Video gaming machine* shall mean a slot machine or an electronic, mechanical, or computerized video machine requiring deposit of any coin or token, or use of any credit card, debit card, prepaid card, or any other method that requires payment, whether directly into the video gaming machine or resulting in remote activation, to activate play of any computer games such as, by way of illustration and not exclusion:

- (1) A video poker game or any other kind of video playing card game.
- (2) A video bingo game.
- (3) A video craps game.
- (4) A video keno game.
- (5) A video lotto game.
- (6) Eight liner.
- (7) Pot-of-gold.

- (8) A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player.
- (9) Any other video game not dependent on skill or dexterity that is played while revealing a prize as the result of an entry into a sweepstakes.

**15.08.040 District Regulations**

A. Within the districts as indicated on the zoning map, no building or land shall be used and no building shall be erected or altered which is intended or designed to be used in whole or part for any use other than those listed as permitted for that district. A building or the use thereof may be considered changed when its form of occupancy or operation is substantially changed beyond those permitted uses as specified within the designated districts. More than 1 permitted use may be located on a particular site or within a particular building.

B. Special uses, with appropriate conditions, may be permitted in zoning districts where those uses would not otherwise be allowed. The special use permit procedures are set forth in 15.08.080 and except as otherwise provided in subsection C herein, special uses requiring a permit are identified with an "S."

C. Uses which are listed shall be liberally interpreted to include non-listed uses which have similar characteristics. A use that is not listed and that does not have characteristics similar to those of a listed use shall be interpreted as a use requiring a special use permit under the provisions of KBC 15.08.080 herein.

D. The Standard Industrial Classification ("SIC") code references in this chapter are for illustrative purposes only. In the event of a conflict between the chapter's text and the SIC codes, the chapter's text shall control.

**15.08.050 Uses Which Are Prohibited**

The following uses are prohibited:

~~Adult book and video stores:~~ establishments as defined in this chapter. ~~SIC codes 5731, 5192, 5947, 5932, 5942 and 5961.~~

~~Internet gaming devices:~~ Video gaming machines as defined in this chapter. ~~SIC codes 7993 and 7999.~~

~~Adult oriented dancing:~~ SIC code 7911.

The use of containers as buildings.

Habilitation/rehabilitation facility.

Halfway house.

Homeless shelters.