



**CAROLINA BEACH**  
**PLANNING AND ZONING MEETING**  
**MINUTES • AUGUST 11, 2016**

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<b>Council Chambers</b>	<b>Regular Meeting</b>	<b>6:30 PM</b>
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**1121 N. LAKE PARK BLVD.**  
**CAROLINA BEACH, NC 28428**

**1. CALL MEETING TO ORDER**

Roll Call: Mary Grady, Ked Cottrell, Greg Reynolds, Johnie Davis, Jerry Kennedy, Nan Toppin were all present. Keith Bloemendaal was absent.

**2. APPROVAL OF MINUTES**

a. Planning and Zoning - Regular Meeting - Jul 14, 2016 6:30 PM

Commissioner Kennedy made motion to approve the minutes and Commissioner Cottrell seconded the motion. All were in favor (6-0).

**3. STAFF REPORT ON RECENT COUNCIL MEETING(S)**

Mr. Hardison gave a report of the Town Council meeting on Tuesday 8/9/16. Town Council approved the text amendment to allow chickens. Both items heard at P&Z last month, the text amendments for Marinas and Breweries, were both tabled until the September Town Council Meeting.

**4. PUBLIC DISCUSSION**

There was no public discussion.

a. Amend Chapter 40 Article XVIII Definitions and Chapter 18 Article III Section 18-77 Abandoned or Junked Vehicles.

*(Requested by Jeremy Hardison, Planning and Zoning)*

The commissioners expressed concerns with the wording of (a)(4) of the proposed text. Commissioner Grady stated that an invalid license plate is what would trigger the enforcement of (a)(4).

Chairman Reynolds asked Mr. Hewitt Who enforces the state law. Mr. Hewitt responded that it would have to be a State employee.

Commissioner Grady asked Mr. Hardison if this had been addressed before. Mr. Hardison responded yes.

Commissioner Cottrell asked if this applied to boats. Mr. Hewitt stated that the proposed amendment just applied to vehicles. Commissioner Davis asked if it could be amended to include junk boats. Mr. Hewitt responded that boats fall under a different section of the ordinance.

Commissioner Kennedy stated that she felt the issue of junk vehicles did not seem to be black or white. Asked if there was some wording that could be added to allow for persons with vehicles without tags and a valid reason not to be fined. Mr. Hewitt stated that the purpose of the language amendment was to tighten the language but that staff does work with owners.

Commissioner Toppin asked Mr. Hewitt what the current enforcement process was. Mr. Hewitt answered that staff is complaint driven. Once a complaint is made staff tries to make a courtesy call. If no response, the owner receives a certified letter allowing 15 days to tag or remove the vehicle. If its ignored, a second certified letter is sent. Staff will work with owners if they request extra time. If the violation continues to be ignored, a \$50 a day fine is levied. If the violation continues still, it is turned over to the Town Attorney.

Chairman Reynolds asked if someone covered their car if the vehicle ordinance would be enforced. Mr. Hewitt answered that staff is complaint driven only.

Commissioner Grady requested that the complaint form be removed. Feels it can cause problems between neighbors. Mr. Hardison answered that the written complaint is used for accountability purposes.

Chairman Reynolds asked if it mattered if it was a rental unit or not. Mr. Hewitt answered that he contacts the owner and the renter. Ultimately the owner is responsible.

Mr. Hardison told the Commissioners that trailers could be enforced under the definition of a junk vehicle.

Commissioner Cottrell made a motion to open the Public Hearing. All in favor (6-0).

There were no members of the public present to speak.

Commissioner Cottrell made a motion to close the Public Hearing. All in favor (6-0).

Commissioners were in agreement that it made sense for local ordinance to match the State's statutes.

Commissioner Kennedy was concerned that there was no wording allowing for leeway. Feels it may cause issues between neighbors.

Commissioner Grady made a motion to approve the Amendment of Chapter 18 Article III Sec. 18-77 Abandoned or Junked Vehicles and Chapter 40 Article XVIII. Sec. 40-548.-Definitions as proposed by staff. Whereas in accordance with the provisions of the NCGS 160A-383, the Commission does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans. Commissioner Cottrell seconded the motion. There was no discussion. Five in favor, one opposed (5-1).

- b. Amend Chapter 40 ARTICLE XIV Sec. 40-424. - Nonconforming lots and Article III. To address the newly approved development line with non-conforming lots.

*(Requested by Jeremy Hardison, Planning and Zoning)*

Commissioner Davis asked what the current setback was. Mr. Hardison responded that it varies by district. Commissioner Davis stated that he is concerned about the driveway area providing adequate parking with a reduced setback. Mr. Hardison explained that due to the flood zone requirements, new construction is generally on pilings allowing for parking beneath.

Mr. Hardison clarified to the commissioners that owners can currently build up to the building line.

Commissioner Kennedy asked how this would affect nonconforming structures if the structure was destroyed. Mr. Hardison responded that a nonconforming structure could be built back in same footprint if destroyed.

Commissioner Grady asked if this would help currently nonconforming structures. Mr. Hardison explained it would essentially allow owners to build closer to the street since there is a reduced backyard area because of the building line.

Commissioner Cottrell made a motion to open the Public Hearing. All were in favor (6-0).

There were no members of the public present to speak.

Commissioner Davis made a motion to close the Public Hearing. All were in favor (6-0).

The Commissioners asked if nonconforming structures could be increased. Mr. Hardison explained current structures could be increased so long as lot coverage and setbacks were met.

Chairman Reynolds made a motion to amend Chapter 40 Article XIV Sec 40-424. - Nonconforming lots. Whereas in accordance with the provisions of the NCGS 160A-383, the commission does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans. Commissioner Cottrell seconded the motion. All were in favor (6-0).

## **5. NON-AGENDA ITEMS**

Mr. Hardison informed the Commission that the CO for the Hampton Inn was issued today, 8/11/2016.

Harris Teeter has officially applied for a building permit.

The first building permit application has been submitted for Annie Drive.

Ocean Heights subdivision lots have been purchased by a new developer who is planning on putting townhomes on the 20+ lots.

Chairman Reynolds asked about future P&Z Trainings. Mr. Hardison responded that Staff could look into training for next month.

## **6. ADJOURNMENT**

Commissioner Grady made a motion to adjourn. All were in favor (6-0).

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Kimberlee Ward, Town Clerk

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Date Approved