

KURE BEACH PLANNING & ZONING COMMISSION  
REGULAR MEETING ♦ March 6, 2012

A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on Tuesday, March 6, 2012. A quorum of the commission was present.

**MEMBERS IN ATTENDANCE**

Chairman Craig Galbraith  
Member Timothy Bullard  
Member Dennis Clouse  
Member Alan Votta  
Member Joseph Whitley

Emilie Swearingen, Liaison Commissioner

**MEMBERS ABSENT**

None

**STAFF PRESENT**

John Batson, Building Inspector  
Josie Fitzgerald, Administrative Assistant

Attorney Holt Moore was not in attendance

**I. CALL TO ORDER:**

Chairman Galbraith called the meeting to order at 7: 00 p.m.

**II. APPROVAL OF AGENDA:**

**MOTION:** Member Clouse moved to adopt the agenda  
**SECOND:** Member Bullard  
**VOTE:** Unanimous

**III. APPROVAL OF MINUTES:**

**MOTION:** Member Votta moved to approve the minutes of February 7, 2012 with correction of minor typographical errors.  
**SECOND:** Member Clouse  
**VOTE:** Unanimous

**IV. PERSONS TO ADDRESS COMMISSION:**

None

**V. OLD BUSINESS:**

**A. Alternative Energy**

Inspector Batson gave an overview of the changes he made in red to the proposed Solar Energy Ordinance. Inspector Batson would like all that is underlined in item 6, Review of Application, to be deleted and be subject to Building Inspector discretion. After review and discussion it was agreed that:

- Solar panels should not be more than five (5) ft. above the roof which seemed to be standard in most ordinances
- There is a difference between the restriction of a flat roof and a roof with an angle
- The height restriction of 35 feet will prevail
- The application process will go through Planning and Zoning
- Any changes will go to a hearing
- An additional paragraph 8 was added to specifically address the 35 ft. restriction
- The Inspector will have discretion whether an engineer's letter is required or waived

There was discussion about ground mounted as well as wall mounted. It was decided to eliminate wall mounted

It was noted that the attorney will review the draft before it is actually approved.

**MOTION:** Chairman Galbraith moved to make the changes to the first draft as discussed, i.e. Page 1 paragraph 5, 6, Page 2 paragraph 3, add language to waive engineer's letter for or roof mounted systems, paragraph 3, state the maximum height to be 5 ft., add a new paragraph 8 to restrict exceeding the 35 ft. height limit. This draft will be presented to Council at their next meeting in two weeks.

**SECOND:** Member Clouse

**VOTE:** Unanimous

#### **B. Potential B-1 expansion – K Avenue**

Chairman searched the internet and found a community in Florida. There is a firm named Duany Plater-Zyberk & Co. at SmartCode Central that has done similar form based mixed use proposals in over 300 communities. One proposal was in Naples, Florida which has two overlay districts. This is a good straight forward example of the size and what we are discussing and has pictures. (see attached) Naples is actually an overlay district and is very specific without creating a new district.

Member Whitley presented copies of several case studies he researched on Google. He searched mixed use in a small town and small water front communities that were attempting to filter people to the commercial areas and back into the small towns.

There was also a discussion of mixed use in Sunset Beach and it was suggested the members might take a look at that area. There appears to be much information available to review. Other communities to view might be New Bern which has an historic district with zoning; Swansboro and Beaufort.

It was suggested by Member Clouse to come up with a basic concept and then go forward. We need to come up with what we are trying to emulate through renderings and a power point presentation

It was agreed to continue gathering more information from the internet.

It was also agreed to hold off on scheduling workshops until more research is done.

**MOTION:** Chairman Galbraith moved to table the K-Ave. issue for further discussion

**SECOND:** Member Clouse

**VOTE:** Unanimous

C. Inspector Batson is in the process of presenting a draft of an addition to the driveway ordinance. Inspector Batson would encourage "Hatteras" style driveways because they would not impact impervious surface.

**No action at this time.**

**D Proposed Noise Ordinance**

Inspector Batson provided an update of the potential revisions to the noise ordinance based on the problems occurring with rental houses on the beach. The updates would be a clean up in the language with a few changes. Currently, there is nothing in the ordinance that addresses amplified systems or bands and the hours of playing. Some restrictions were added to cover any kind of noise near a residence between 11:00 pm and 10:00 am. A violation fine for the first offense is \$250, then the second violation will be a Class 3 misdemeanor.

There was discussion about the support of this ordinance by the Police. The Police are in support of the ordinance changes and it was noted that there would be a good amount of discretion involved in the enforcement of the ordinance.

Discretion will be used especially the first time before writing a ticket.

**This is for information and no action is required by P&Z. This will be handled by an act of Council.**

There was a brief discussion of construction noise and mowing lawn early in the morning. There will be more leeway given to a homeowner taking care of his own property than a contractor working at all hours.

**VI. NEW BUSINESS:**

None

**VII. MEMBER ITEMS:**

None

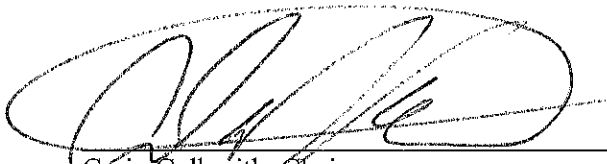
**VIII. ADJOURNMENT:**

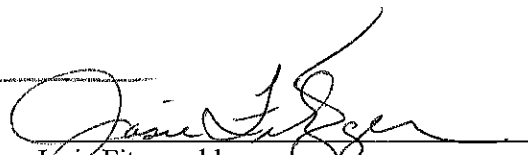
**MOTION:** Member Votta moved to adjourn the meeting at 7:55 p.m.

**SECOND:** Member Clouse

**VOTE:** Unanimous

**Meeting was adjourned at 7:55 p.m.**

  
Craig Galbraith, Chairman  
Alan Votta

  
Josie Fitzgerald  
Administrative Assistant