

KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ April 3, 2012

A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on Tuesday, April 3, 2012. A quorum of the commission was present.

MEMBERS IN ATTENDANCE

Member Timothy Bullard
Member Dennis Clouse
Member Alan Votta
Member Joseph Whitley

MEMBERS ABSENT

Chairman Craig Galbraith
Emilie Swearingen, Liaison Commissioner

STAFF PRESENT

John Batson, Building Inspector
Josie Fitzgerald, Administrative Assistant

Attorney Holt Moore was not in attendance

I. CALL TO ORDER:

Member Votta called the meeting to order at 7:00 p.m.

II. APPROVAL OF AGENDA:

MOTION: Member Bullard moved to adopt the agenda

SECOND: Member Whitley

VOTE: Unanimous

III. APPROVAL OF MINUTES:

MOTION: Member Clouse moved to approve the minutes of March 6, 2012

SECOND: Member Bullard

VOTE: Unanimous

IV. PERSONS TO ADDRESS COMMISSION:

None

V. OLD BUSINESS:

A. Alternative Energy

Council will hold a public hearing April 17th. Chairman Galbraith will attend public hearing and be available for any questions. All members are welcome to attend.
Inspector Batson offered an update as follows:

- The attorney went through and made a few changes to Sec. 6, item c and Sec. 7. The attorney deleted the section that addressed a non-functioning unit. Inspector Batson does not see any problem with the changes.
- There was discussion regarding a non-functioning unit. How or who will determine a unit is non-functioning?
- There will be no way of telling a unit is not functioning unless it is reported.
- What is the significance if the unit is on private property and not working?
- The aesthetics and safety issues are important.
- Unless the unit becomes a public nuisance, a nonfunctioning unit will not be addressed.
- Disrepair and non-maintenance is covered in the ordinance.
- Disposing of the batteries may be a problem.

A proposed draft amendment to the Code of Ordinances—Addition of new section 341 Solar Energy in Chapter 19 (Zoning), Article IV (Supplemental District Regulations) was submitted, see attached.

MOTION: Member Clouse moved to table further discussion until next month
SECOND: Member Bullard
VOTE: Unanimous

B. Potential B-1 expansion – K Avenue

Member Clouse researched about 14 different towns regarding mixed use, as far north as Emerald Isle, Atlantic Beach and south to Sunset Beach.

- Presented a zoning district table—of the towns having mixed use zones, only three have mixed use districts—Sunset Beach, Southport and Emerald Isle
 Member Clouse spoke to Kevin Reed, Planning Director from Emerald Isle. They have mixed used districts but none have actually been developed.
 Zones are in anticipation of growth but never put into place
 There may be collaboration and information sharing with Kevin Reed from Emerald Isle
- Southport has a more unusual overlay district. They have a specialized business district
 Member Clouse spoke with Wayne Strickland.
- Sunset Beach was the most interesting. Member Clouse spoke with Sandy Wood who explained that they have active mixed use district. They have a specific definition how it will work and what is permissible. Sandy Wood invited P&Z to visit with him and see what they have. They could discuss problems, and the planning involved, community issues, and the negotiations they went through.

Clouse recommends visiting and speak with Sandy Woods and get a sense of how it works, parking, street-scapes, etc. Other members and Inspector Batson may have additional questions and issues to discuss with him.

Other places of interest are Beaufort and Morehead City although they did not have anything in their code about mixed uses.

Member Votta suggested to table further discussion until next month

MOTION: Member Clouse moved to table the K-Ave. issue for further discussion
SECOND: Member Bullard
VOTE: Unanimous

C. Potential driveway ordinance revision

No update provided at this time

MOTION: Member Bullard moved to table further discussion regarding potential driveway ordinance revision

SECOND: Member Whitley

VOTE: Unanimous

VI. NEW BUSINESS:

None

VII. MEMBER ITEMS:

1. Member Bullard is considering resigning after 20 years of service. He enjoyed serving on the Planning and Zoning Commission and expressed his respect to the Commission. He will tender his resignation in writing and stay through the next meeting. He will make himself available for consultation. An ad will be published and Council will interview potential board members.

MOTION: Member Clouse moved to request Council to advertise for a member to fill the vacancy

SECOND: Member Whitley

VOTE: Unanimous

2. Member Votta requested to revisit roof pitch in regard solar panels since a new energy code will affect roof pitch. It was requested to add discussion about roof pitch as an Agenda item for next month.

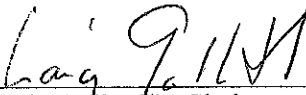
VIII. ADJOURNMENT:

MOTION: Member Bullard moved to adjourn the meeting at 7:30 p.m.

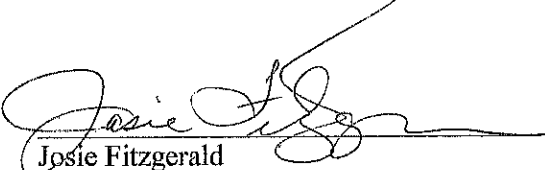
SECOND: Member Clouse

VOTE: Unanimous

Meeting was adjourned at 7:30 p.m.



Craig Galbraith, Chairman



Josie Fitzgerald
Administrative Assistant

The draft ordinance amendment on solar energy will be in Chapter 19, Article IV (Supplemental District Regulations) as section 341.

The Town Attorney reviewed the draft and made the following changes:

1. Section 6, item c – deleted item saying it is not enforceable
 - (c) Non-functioning solar energy equipment shall be repaired or replaced within three (3) months of becoming nonfunctional

2. Section 7, first paragraph, deleted “or at the discretion of the Building Inspector, the engineer’s letter may be waived” – stating this isn’t in the best interest of the Building Inspector to take this on.

Council will hold a public hearing on the draft amendment on Tuesday, April 17th, 2012 at 6:30 pm as the first item on the regular Council meeting agenda.

PROPOSED DRAFT AMENDMENT TO CODE OF ORDINANCES

Addition of new section 341 Solar Energy in Chapter 19 (Zoning), Article IV (Supplemental District Regulations) to read as follows:

19-341 - SOLAR ENERGY

1. Purpose.

The purpose of this section is to provide standards for the use of solar energy equipment as accessory uses within the Town of Kure Beach. This Section seeks to protect properties from incompatible uses and to conserve and enhance property values, while promoting the use of alternative energy sources, where appropriate. This Section provides a process to facilitate the use of solar power in a manner that minimizes visual impacts of solar energy equipment and the potential for nuisance.

2. Definition

Solar energy equipment is defined as a solar photovoltaic panel, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat, which is located on the power beneficiary's premises; is designed and intended primarily to offset up to 110% of the beneficiary's requirements for energy consumption on site as documented through the submission of power company electricity usage bills or another form of documentation acceptable to the Town of Kure Beach Zoning Officer; and is secondary to the beneficiary's use of the premises for other lawful purposes.

3. Accessory Use

Solar energy equipment shall be permitted as an accessory use in any zoning district upon receipt of a permit from the Building Inspector.

4. Exclusions from building permit requirement.

- (a) The installation of one (1) solar panel with total area of less than four (4) square feet.
- (b) Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.

5. Application for building Permit

(a) An applicant who seeks to install solar energy equipment shall submit an application for a zoning permit, as provided by the Town of Kure Beach. The application shall include photographs of the existing conditions of the property as well as renderings of the proposed solar energy equipment from front street level.

(b) *Review of Application:* Upon receipt of a completed application for the installation of solar energy equipment, the Building Inspector shall have the authority to impose reasonable conditions to safeguard the public health, safety and welfare.

6. Regulations and Requirements:

- (a) Solar Energy equipment shall be located in the least visibly obtrusive location where panels would be functional;
- (b) Solar energy equipment must comply with all setback and height requirements for the zoning district in which the property is located;

7. Roof Mounted Systems:

All roof mounted systems must have an engineer's letter outlining suggested attachment.

- (a) It is encouraged that roof-mounted solar energy equipment shall be installed in the plane of the roof (flush mounted) or made a part of the roof design (capping or framing is compatible with the color of the roof or structure). Mounting brackets shall be permitted if the applicant can demonstrate that the existing pitch of the roof would render the solar energy equipment ineffective or would be impossible. A roof-mounted Solar Energy Facility or Structure that is to be mounted on a flat roof may be angled to achieve maximum sun exposure but shall not exceed five (5) feet above the roof.
- (b) Solar energy equipment shall be located on a rear or side facing roof, as seen from the fronting street, unless the applicant can demonstrate that such installation would be ineffective or is impossible.
- (c) Solar energy equipment shall not project vertically above twelve (12) inches below the peak of the roof to which it is attached, or project more than five (5) feet above a flat roof.
- (d) The solar energy equipment shall not be within twelve (12) inches from the eaves of the roof or within twelve (12) inches from the overhang of the roof.
- (e) All exterior electrical and/or plumbing lines must be painted in a color scheme that matches as closely as reasonably possible the color of the structure and the materials adjacent to the lines.
- (f) No roof-mounted Solar Energy equipment shall be installed on a non-conforming structure that would create more nonconformity.
- (g) An external disconnect switch shall be provided, and the owner must file a map with the Fire and Police Departments clearly showing where the disconnect switch is located.

(h) At no point shall any solar equipment exceed thirty-five (35) feet in height.

8. Ground Mounted Systems:

(a) The ground mounting of solar energy equipment is not allowed with the following exceptions:

(1) Small, incidental systems used for solar lights and landscaping, not to exceed one (1) square foot per system.

(2) The total combined square footage for ground mounted solar energy equipment cannot exceed four (4) square feet per property.

(3) Passive heating systems installed horizontally and directly over spas or pools

9. Wind Systems:

Wind systems are not permitted in any form, in any district.

Sections 342 – 355 Reserved