

**TOWN OF EMERALD ISLE
PLANNING BOARD MEETING
MONDAY, MAY 21, 2012**

Chairman Jim Craig called the meeting to order at 6:00 pm. Members present were: Jim Craig, Eddie Barber, Bill Keadey, Bob Smith, Ken Sullivan, and Pete Wachter. Also present was Kevin Reed, Director of Planning and Inspections and Permit Technician Peggy Grammer.

A motion was made by Bill Keadey to excuse Tom Kelly from the Planning Board meeting. The motion was seconded by Bob Smith and passed unanimously (6 to 0).

A motion was made by Pete Wachter to approve the minutes, as amended, of the Planning Board meeting held on April 23, 2011. The motion was seconded by Ken Sullivan and passed unanimously (6 to 0).

Mr. Reed advised that for the month of May 2012 the Planning and Inspections Department had issued permits with a total value in excess of \$917,000 and the department collected approximately \$13,524 in fees for the month. So far this fiscal year, 19 new homes have been permitted. This brings the fiscal year total to over \$12 million in construction value and the department has collected approximately \$124,671 in permit fees.

Consider proposed amendments to Chapter 4 and Chapter 10 of the Town's Unified Development Ordinance (UDO) in order to regulate Internet Sweepstakes Cafes/Electronic Gaming Operations

Mr. Reed informed the Planning Board at its April 23, 2012 meeting they discussed the issue of possible amendments to the Town's Unified Development Ordinance (UDO) that would regulate internet sweepstakes cafes/electronic gaming operations. This discussion took place based on a request by the Board of Commissioners following a recent ruling by the N.C. Court of Appeals. At the conclusion of the Planning Board's discussion, Town staff was directed to further refine proposed amendments to the UDO that would contain the following criteria for internet sweepstakes cafes/electronic gaming operations:

- Only allowing internet cafes in the Business District as a permitted use.
- The limit on the number of machines would be four for placement in an existing business and six as a stand alone operation.
- The hours of operation should be limited to 1:00 PM to 10:00 PM when the use is conducted as a stand alone operation.
- There should be a minimum distance of 1,500 feet between one such operation to the next whether it is an accessory use or stand alone operation.
- There should be a minimum distance of 1,500 feet from parcel used or occupied by a church, public park, public parking area, playground, or Movie Theater.
- The parking requirement for a stand alone operation would be 1 space per machine and 1 for each employee.

- No alcoholic beverages can be served when the business is conducted as a stand alone operation.

Mr. Reed advised the Planning Board that the three amendments developed by staff pertain to two Chapters of the UDO. The first is a proposed amendment to Chapter 10, “Definitions and Rules of Interpretation”, Section, 10.2, “Definitions”, in order to create a definition of an “Electronic Gaming Operation”. The second amendment is to Chapter 4, “Use Regulations”, Table 4.1.2, “Permitted and Special Uses” in order to list Electronic Gaming Operations as a permitted use in the Business District. The third is an amendment to Chapter 4, “Use Regulations”, Section 4.2, “Use Specific Standards”, to add Section 4.2.8 in order to create specific development regulations for Electronic Gaming Operations. Mr. Reed advised that drafts of the wording for each of these proposed amendments with text being added shown in an underlined format.

Eddie Barber asked Mr. Reed if he could display a map showing the different distance separations. Mr. Reed displayed the separation distance of the 1,000, 1,250, & 1,500 foot maps. Ken Sullivan expressed that he did not feel there should be any restrictions on separation distance for electronic gaming operations when they are operated as an accessory uses. Bill Keadey agreed with this. Eddie Barber expressed his concerns that the establishments having these machines would lead to criminal actions such as fights and disruptive behavior. Mike Hault owner of the Emerald Club informed the Planning Board that he had two machines in his establishment and that only a handful of people played the machines but it did make a difference in the winter months for making ends meet. Mr. Hault also explained he has had no disruptive behavior due to these machines. Pat Hault co-owner of Emerald Club advised the Planning Board that they do claim the revenue from the machines and pay taxes on the income. Pete Wachter said he thought the distance separation should be reduced for accessory uses and as buffers for schools, churches, etc. from 1,500 feet to 1,250 feet. Those in attendance were in agreement that the proposed amendments should be revised to reflect the following.

- Limit machines to two for accessory use and four for stand alone operations
- Change the distance separation to 1,250 feet for accessory use
- Change the distance separation to 1,250 feet for stand alone operations

A motion was made by Pete Wachter to recommend approval of the amendments with the changes. The motion was seconded by Eddie Barber and passed (4 to 2).

Consider proposed amendments to Chapter 4 of the Town’s Unified Development Ordinance in order to establish development standards for solar facilities in residential zoning districts

Mr. Reed advised that the Town staff has been asked to work with the Planning Board in order to create amendments to the Town’s Unified Development Ordinance (UDO) to clarify that solar facilities are a permitted accessory use in residential zoning districts and to create development standards for their placement and construction. The amendments would clarify that solar facilities may be attached to residential structures and may also be permitted as a freestanding accessory structure in residential zoning districts. The amendments are not intended to allow solar facilities as a permitted use to be conducted as a commercial operation or as a “solar farm”.

These amendments are being developed because the residential application of solar facilities is becoming quite popular, particularly for pool heating.

Mr. Reed informed the Planning Board that The General Assembly passed legislation in 2007 that made it illegal for cities and counties to prohibit solar collectors on single-family structures. This law pertains to solar facilities that are used for water heating, active space heating, passive heating or electrical generation. Mr. Reed advised that the proposed amendments are intended to regulate the placement and construction of such facilities on one and two-family dwellings as well as their placement as an accessory use to one and two-family dwellings. Currently, there are several locations in town where solar panels have been installed for water heating applications. These amendments are necessary in order to assure that future permitting and construction is consistent with the Town's development regulations. Attached to this memorandum are two pictures. The first depicts a solar pool heating application located on the corner of Jackson Street and Ocean Drive. The second depicts a solar pool heating application under construction (since completed) at the corner of Emerald Drive and Bluewater Drive.

Mr. Reed advised that the Town staff has developed two amendments to the UDO. The first is a proposed amendment to Chapter 4, "Use Regulations", Table 4.1.2, "Permitted and Special Uses" in order to list "accessory uses and structures - solar panels" as a permitted use in the Residential-2 (R-2) and Mobile Home (MH) Zoning Districts. The second amendment is to Chapter 4, "Use Regulations", Section 4.2, "Use Specific Standards", to add Section 4.2.9 in order to create specific development regulations for solar panels. Attached to this memorandum are drafts of the wording for each of these proposed amendments with text being added shown in an underlined format. Mr. Reed explained how the solar panel works and the difference between gas and solar is the tremendous cost to heating pools with gas. Jim Craig asked what if existing solar panels are already meeting height limitations. Mr. Reed explained they would be grandfather in but did not feel that there were any constructed. Bob Smith asked if they would need installation instructions on new construction. Mr. Reed advised that they would as well as engineering.

A motion was made by Pete Wachter to recommend approval of the amendments to the Board of Commissioners. The motion was seconded by Bill Keadey and passed unanimously (6 to 0).

Consider proposed amendments to Chapter 4 of the Town's Unified Development Ordinance in order to establish development standards for wind energy systems to be attached to residential structures

Mr. Reed advised that the Town staff has been asked to work with the Planning Board in order create amendments to the Town's Unified Development Ordinance (UDO) to create development standards for wind energy systems and allow them as a permitted accessory use in residential zoning districts. The amendments would allow wind energy systems as an accessory use in residential zoning districts and create development standards for their placement and construction. The amendments are not intended to allow wind energy systems as a commercial operation or as a "wind farm". These amendments are being developed because the residential application of wind energy systems is becoming quite popular and the Town routinely receives inquiries about their installation in Town. To date, all persons who inquire are informed that such systems are not a permitted use in the Town's UDO.

Mr. Reed informed the Planning Board that the amendments will not allow for free-standing monopole or similar wind energy systems due to the relative small size of residential lots within the Town. The Town of Pine Knoll Shores restricts wind generation systems to residential lots of 1 acre or greater. The minimum residential lot size in Emerald Isle is 12,500 square feet and many lots platted prior to June of 1977 are smaller than this minimum size. Therefore, the amendments require that wind energy systems be placed on the roofs of residential structures; however, in no case may the system extend above the peak of the roof.

Mr. Reed advised that the Town staff has developed two amendments to the UDO. The first is a proposed amendment to Chapter 4, "Use Regulations", Table 4.1.2, "Permitted and Special Uses" in order to list "accessory uses and structures – wind energy systems" as a permitted use in the Residential-2 (R-2), Residential Multi-Family (RMF), Mobile Home (MH), Village East (VE), Village West (VW) and Marina Village (MV) Zoning Districts. The second amendment is to Chapter 4, "Use Regulations", Section 4.2, "Use Specific Standards", to add Section 4.2.10 in order to create specific development regulations for wind energy systems. Attached to this memorandum are drafts of the wording for each of these proposed amendments with text being added shown in an underlined format.

Mr. Reed explained the different types of wind energy systems. Those in attendance were in agreement that item seven be omitted stating "A wind energy system shall not exceed a rated power of ten kilowatts".

A motion was made by Peter Wachter to recommend to the Board of Commissioners that the amendments be passed with change. The motion was seconded by Eddie Barber and passed unanimously (6 to 0).

There being no further business to come before the Board, a motion was made by Eddie Barber to adjourn. The motion was seconded by Bob Smith and passed unanimously (6 to 0). The meeting was adjourned at 7:05 PM.

Respectfully submitted by:

Peggy Grammer, Secretary
Town of Emerald Isle Planning Board