



Town of Navassa
Planning Board Minutes
October 14, 2009
7:30 PM

IN ATTENDANCE:

Planning Board Members: Al Beatty, Diane Graham, Walter Ballard, Robert McMillan, Melvin Walker

Staff: Travis Barnes, Town Planner.

Other Attendees: Larry Kishpaugh with Old Mill NC LLC and Daniel Hood with HICAPS, INC who is working for Larry Kishpaugh; Antonio Hooper with LBH Properties.

Call to Order – Al Beatty called the meeting to order at 7:40 PM.

Approval of Minutes – Ms. Graham made a motion to approve the minutes from the previous meeting. Mr. McMillan seconded the motion to approve the minutes and the vote passed unanimously.

PUBLIC COMMENT: Mr. Beatty stated that normally members of the public are allowed to speak at the end of the meeting, but seeing that there is a large agenda and Larry Kishpaugh would like to speak before the board he will allow Mr. Kishpaugh to speak first. Mr. Beatty informed the board that Mr. Kishpaugh is an owner of the Old Mill mobile home park and he would like to give an update on his project and his plans for the future of the property.

Mr. Kishpaugh thanked the board for letting him speak and stated that currently the existing mobile home park is considered a non-conforming use under Article 15 of the new Navassa Zoning Ordinance. Mr. Kishpaugh said that he became involved with the property in early 2008 and shortly thereafter the property was facing serious sanitary issues at the park. To stay in operation the property owners had to begin to design water and sewer infrastructure for the 52 lot mobile home park. At the same time the owners have the desire to move the land to single-family homes, so concurrently they also designed the water and sewer so that it could accommodate 42 single-family lots under what was at that time a R-6 zoning district. Mr. Kishpaugh said that his plan was derailed in September of 2008 when the financial crisis hit and they lost financing for the sewer and water installation.

Mr. Beatty asked Mr. Kishpaugh to clarify what he was intending to do with the 42 lot subdivision. Mr. Kishpaugh stated that he has designed a 42 lot single-family home subdivision that would have water and sewer infrastructure in place. Mr. Kishpaugh stated that the original plan was to get into compliance with Brunswick County for the existing mobile home park and then to convert it over to a single-family home neighborhood. Mr. Kishpaugh then said that after the financial crisis the market demand for single-family homes has dropped off and suddenly the company was faced with the health violations issues with the park, a financial issue with securing funding for the infrastructure project, and also the decreased demand for the single family homes. So the company proceeded to work to secure new financing for the water and sewer infrastructure for the 52 lots, which was secured in late March of 2009. Old Mill paid for the design, construction, impact fees for the meters and the project is currently about two weeks away from cutting over to water and sewer service and taking the trailers off the septic systems. Old Mill spent approximately \$500,000 on this infrastructure which will benefit that area.

Mr. Kishpaugh went on to state that during this period of time his company was not aware that the town was working on a new zoning ordinance and specifically the impact that the rezoning from R-6 to R-10 would have on the property and the fact that the mobile home park was a nonconforming use. Since the desire has always been to convert this land to single-family housing and the designs were done for a R-6 density. Once we found out that the zoning had changed I came to the town to speak with Mr. Barnes and Mr. Beatty about applying for a rezoning to convert the property back to a R-6 district. It is when we started to submit the rezoning application this past Monday that we found out the nonconforming rule could significantly impact our business plan to operate a 52 lot trailer park until we could put in a 42 lot development later.

Mr. Kishpaugh stated that the issue is that there are some lots in the mobile home park that are currently vacant and they are only vacant because when Brunswick County Health Department told him that the septic tanks were failing they had to pull the trailers out. Therefore some people pulled their trailers out and there are vacant lots and the issue with the nonconforming article of the zoning ordinance is as I understand it, a nonconforming mobile home park is not allowed to bring any additional structures into a nonconforming use, which would prevent the company from operating a 52 lot mobile home park. Mr. Kishpaugh said that if this is the case then the company cannot continue to refurbish the park and operate it until we get to a point where there is demand for a single-family development. Mr. Kishpaugh said that his company wants to do what's right for the community and that if they can continue to operate as a 52 lot mobile home park then they can generate the capital and eventually transition to a single-family home development. In the short term there will be a 52 lot mobile home park that will have water, sewer, lighting, new roads, and will be a much better park than it was in the past. He said that it will provide workforce housing and a tax base for the community. In the long term, once a steady revenue stream from the park occurs then Navassa will get a quality 42 single-family home

neighborhood on the property. That is the goal and if the demand was there today then that is what we would do now. Mr. Kishpaugh said that Old Mill of NC is helping Navassa and will work with them to transition to meet their ten to twenty year growth plans. He said he was dumbfounded when he realized that the nonconforming issue could limit the ability to operate a mobile home park. He said he thinks that the new zoning regulations are a good foundation for the town to position itself for future growth but that he hopes we can take a common sense approach to this situation which would allow the park to operate as a 52 lot park with the infrastructure that has already been paid for and installed.

Mr. Beatty asked the board if they had any questions for Mr. Kishpaugh. Mr. Walker asked Mr. Kishpaugh to clarify the original mobile home park was operating as a 52 lot mobile home park and Mr. Kishpaugh said that is correct. Mr. Kishpaugh said that there are 13 vacant lots because of the septic issues. Mr. Walker stated that the goal is to clean up the mobile home park because it has been bad for the people living there and the surrounding community and he is trying to understand that if 52 trailers were put back on the property, how would Old Mill get back down to 42 single-family stick built homes? Mr. Kishpaugh said that they would eventually transition out the trailer park and into the single-family neighborhood. Mr. Kishpaugh said the trailers would be sold and the residents would have to find new places to live, although they would be given plenty of notification. Mr. Walker asked how the lot sizes would change seeing that sewer is being provided to the 52 lots but would transition to 42. Mr. Hood stated that he is with HICAPS engineering and they are the construction manager for the project. Mr. Hood said that the water and sewer design was created so that there would be 52 lots in the short term and then 42 lots in the longer term so some of the 42 single family lots would have two sewer and water taps on the same larger lot, but of course the extra taps would then be properly vacated. Mr. Kishpaugh stated that the design that has already been done and paid for was drawn under the R-6 lot size configuration.

Mr. Beatty stated that the first time he spoke with Mr. Kishpaugh about this project a while back he had asked Mr. Kishpaugh to evaluate how an R-10, and R-8 zoning district would change the layout of the designs and still allow the company to break even and make money. Mr. Beatty stated that the 42 lot design at the R-6 zoning level is not a given at this point and that the current zoning for the property is R-10 so they would have to apply for a rezoning of the property in order to get the original plans to work. Mr. Walker said that he would like to get to a happy medium but he is concerned about getting stuck with another trailer park. For example, what happens if the property is sold and the new owners have no desire to transition the property to single-family stick built homes. Mr. Kishpaugh said the property will be a much improved well run, well managed trailer park until it can be converted over to single-family homes. Mr. Beatty asked how many units are currently on the property. Mr. Kishpaugh said that there are currently 39 units with 19 currently being rented. Mr. Kishpaugh said that he wants to refurbish all of the existing trailers and then bring in more up to 52 total within the next year and that would require an additional investment of up to \$250,000. Mr. Beatty said that he would like to know how many single-family units would allow the group to break even on their investment.

Mr. Walker stated that in order to work with the development he would like to have something in place that would obligate Old Mill of NC to transition over to the single-family homes by a set date and that there needs to be an agreed upon timeline and he told Mr. Kishpaugh to get with staff to work on figuring out a plan that he thought would work. Mr. Kishpaugh and Mr. Hood thanked the Planning Board for their time and stated that they would get some additional information together.

OLD BUSINESS:

1. **Noise/Nuisance Ordinance-** Mr. Beatty stated that a copy of the DRAFT Noise/Nuisance Ordinance has been included in the Planning Board information packets and that the majority of the draft language for the ordinance originated from Leland's ordinance. Mr. Beatty stated that the goal of this ordinance is to gradually improve the appearance of the town and that we do not want to do it over night and that we will need to work with the residents of the town.

Mr. McMillan stated that the town has a lot of older people and that some of the residents take their old cars and other possessions to heart and what may look like junk to some people is not junk to others. Also due to the economic conditions of some of the people in addition to their age it might be hard for some of the Navassa residents to clean up their properties. Mr. McMillan asked if the Town was prepared to help these people clean up their land because in his opinion the town should help. Mr. Beatty stated that the town will need to work with citizens by being understanding and gradually giving them the time needed to comply with the ordinance but right now the town does not have a means of actually cleaning up the properties for them.

Mr. Barnes stated that from his perspective the main points to consider when reviewing this draft ordinance is what things the town wants to regulate and what enforcement mechanisms are in place. Mr. Barnes stated that the board will need to review each proposed item and determine if it needs to be regulated and if so, how is the town going to go about that regulation as far as establishing timelines for compliance and penalties for noncompliance. Mr. Barnes stated the third important issue to consider is the staff time and resources that will have to be utilized to properly enforce the noise/nuisance

ordinance because once it is officially adopted then the town has to enforce the ordinance uniformly across the town and we can't play favorites.

Mr. Ballard stated that he has 4 or 5 tractors that run when he wants them to run but normally just sit on his property and some people might call it junk but his mind it is not junk. Mr. Barnes state that it might be best to just have the ordinance address a few of the major issues that the town wants to change and to gradually add to this list over a period of a couple of years so as to ease the transition for residents. Mr. Walker stated that enforcement is going to be the biggest issue because if residents report violations under the new ordinance to the town then the town has to follow the ordinance and proceed with the process of enforcement and that will require additional staff time. Mr. Barnes stated that if the draft ordinance were to be adopted as it currently is then he feels that there would need to be another staff person to help with code enforcement.

Mr. Beatty requested that staff pass the draft ordinance on to the Police Department and to have them review the ordinance from their perspective seeing that they are out riding around town and come across some of these issues. Mr. Beatty also asked the board members to go through the ordinance line by line and take note of what elements they wanted to keep and to also note the portions of the ordinance they did not like. Mr. Walker stated that he would like the development of this ordinance to be done in the same way as the zoning ordinance and to have public meetings so that the citizens could participate. Mr. Barnes stated that we definitely need to have public input in creating this but that the first thing to do would be to figure out what items the board wants to address and to then start having public meetings to help shape the ordinance into something we can recommend up to the Town Council. Mr. Barnes stated that there are some items that the ordinance would help address that are not just aesthetic issues but are really public health issues, such as the burnt down houses. Mr. Walker asked staff to research what Brunswick County can do about these issues right now while the board is working on developing our ordinance.

Mr. Barnes stated that the town could possibly work on an interlocal agreement with the county to enforce the noise/nuisance ordinance but that could cause problems seeing that they are an outside organization that would be coming in and telling Navassa citizens what to do. All the planning board members stated that they thought an interlocal agreement would cause more problems then it would be worth. Mr. Walker stated that he would start to talk to the Town Council to make sure that they are supportive of the direction that the board is heading in.

NEW BUSINESS:

1. **2nd Round of Text Amendments to the Zoning Ordinance (ATTACHED)**- Mr. Beatty stated that there is a second round of text amendments that will mainly address certain land uses that were not thought about during the original drafting of the zoning ordinance such as solar farms. Mr. Beatty asked staff to present the proposed text amendments.
 - Mr. Barnes stated that the proposed text amendments are attached to the Planning Board packet and that the first proposed text amendment is designed to address minor administrative variances in order to allow the Zoning Administrator to grant variances for setback encroachments up to five feet so that the Board of Adjustment would not have to hold a hearing to grant a variance for something small as they have had to grant 3 in the past couple of months. The town council had asked staff to look into a way to allow the Zoning Administrator have this power. Mr. Beatty stated that he does not want to have developers thinking that they can get around the setback requirements of the zoning ordinance because this new language would make it easier to get a variance. Mr. Barnes stated that all of the exceptional site conditions that are required to receive a variance would still have to be met although if those conditions were present on the site and the variance request was for something minor and less than 5 feet then the Zoning Administrator could grant the variance without having to take it to the Board of Adjustment. Mr. Walker stated that he wanted to add language that would require the Zoning Administrator to keep a file of the minor variances granted and to report them to either the planning board or town council. Mr. Barnes stated that he could do that.
 - In regards to proposed text amendment two concerning solar farms, Mr. Barnes stated that he has been looking at other municipalities across the state to see how they define and regulate solar farms. Mr. Barnes stated that he wanted to make sure to distinguish between solar farms and solar panel systems that would be placed on homes or commercial buildings and then he proceeded to review the proposed definitions and additional development standards. Mr. Beatty stated that the board is now just being exposed to the solar farm regulations and that more research will need to be done but this is what we have been working on so far.

Mr. McMillan asked how the height limit of the accessory solar structures would affect the aesthetics of the

town. Mr. Walker said that he would recommend that the solar panels be able to go as high as the height limit in each respective district. Mr. Barnes stated that the only reason that the solar panels would want to go up in height would be if there were shading issues that would make it more productive to go up to get out of the shade. Mr. Barnes stated that the majority of any solar panels would go on the roof of a home.

Mr. Barnes stated that he would research the screening requirements of the solar collectors in more detail.

Mr. Walker asked if the Brunswick County Inspections Department would be able to properly inspect solar panel installations. Mr. Barnes stated that he has yet to speak with the county about inspecting these types of installations but that he will do so. Mr. Beatty stated that he would like staff to continue to do more research on the solar farm regulations and Mr. Walker stated that there has yet to be a formal application submitted for anything so we have time.

- Mr. Beatty suggested that the board move on to address the proposed text amendment on page 15-1 of Article 15 of the Zoning Ordinance that deals with nonconformities. Mr. Barnes stated that as he has been reviewing the Zoning Ordinance he has found an error in the opening paragraph of the article that takes away from the original intent of the article by incorrectly referencing another section of the ordinance that does not in fact pertain to the nonconforming use mentioned. The existing language states, *“A lawful preexisting use, structure, or lot which does not meet the requirements of the current adopted Zoning Ordinance is called a nonconformity. Special provisions apply to nonconformities and these are listed in this Article of the Ordinance. In lieu of the provisions in this Article, nonconforming signs shall comply with the requirements in Section 11.3 and nonconforming manufactured home parks shall comply with the requirements of Section 9.2(27).”*

Mr. Barnes stated that this existing language directs the reader to reference Section 9.2(27) of the Zoning Ordinance incorrectly and takes the reader to an unenforceable and clearly unintentional section of the ordinance that in no way addresses nonconforming mobile home parks. Mr. Barnes stated that Section 9.2(27) of the ordinance addresses “Manufactured Home, Class B (i.e. Single Wide) homes and does not relate to nonconforming mobile home parks. Mr. Barnes said that he contacted Mark Zeigler with the NC Division of Community Assistance and Allen Serkin, the previous Navassa Town Planner, both of which played a role in writing the Zoning Ordinance to see if this mistake was in fact an error that was not caught and both stated that this is in fact an error that should have been corrected in the cleanup phase of the Zoning Ordinance review. Mr. Barnes stated that the existing language does not add to the intent of the ordinance and should therefore be deleted.

On page 15-1 of *Article 15 – Nonconformities* of the Zoning Ordinance staff recommends the following language be deleted from the ordinance.

In lieu of the provisions in this Article, nonconforming signs shall comply with the requirements in Section 11.3 ~~and nonconforming manufactured home parks shall comply with the requirements of Section 9.2(27)~~

Mr. Walker and the board asked Mr. Barnes to clarify nonconforming uses versus nonconforming structures and staff did so.

MS. GRAHAM MADE A MOTION THAT THE PLANNING BOARD RECOMMEND THAT THE TOWN COUNCIL APPROVE THE PROPOSED TEXT AMENDMENT TO DELETE THE INACCURATE LANGUAGE FROM THE FIRST PARAGRAPH OF ARTICLE 15 OF THE ZONING ORDINANCE IN ORDER TO CLARIFY THE INTENT OF THE ZONING ORDINANCE.

MR. MCMILLAN SECONDED THE MOTION AND IT PASSED UNANIMOUSLY.

Mr. Beatty stated that he would like to table the other text amendments and the review of the Planning Board’s membership and bylaws to the next meeting.

Mr. Beatty stated that he would not be able to attend the next Town Council meeting to give the Planning Board Chairman’s report and Mr. Walker stated that he would do it as the Vice Chairman of the Planning Board.

STAFF REPORT:

1. **Development Summary:** There have been 2 zoning compliance applications approved this month: 1 for the construction of an accessory child's play house for Charlena Alston at 742 Park Ave, and 1 for construction of a new 4' fence at 828 Pine Valley Road in conjunction with zoning compliance for a home day care for Tracy Mosley. Ms. Mosley has been directed to provide the planning staff with a copy of her license upon her certification by the state.
2. On Thursday, October 15th, the Town Council will hold a public hearing regarding the 1st round of text amendments to the Subdivision Ordinance and the Zoning Ordinance.
3. On Thursday, October 15th, the Town Council will vote on whether or not to approve the rezoning application submitted by Antonio Hooper for the property located at 124 N. Navassa Road.
4. **CAMA Land Use Plan text amendments:** Staff has a meeting with Mike Christenbury with the Division of Coastal Management to discuss updating the Draft 2008 CAMA Land Use Plan on October 20th. Further recommendations will be provided based on this meeting in order to address the following issues identified:
 - a) Marina issues on page 87
 - b) General data sets and maps
 - c) Consistency with new Zoning Ordinance
2. Staff contacted the Cape Fear Pallet Company and requested that they continue to cleanup their property and to not stack pallets as high outside the fence. The company was informed that there continues to be complaints against them and that if progress is not made then a written notification will be provided to them that will require action. Hopefully the noise/nuisance ordinance will address this and similar issues.

CHAIR'S REPORT:

1. Next Planning Board meeting will be Tuesday, November 10th at 7:30 PM.

MEMBER COMMENTS

PUBLIC COMMENT

- Antonio Hooper stated that he thinks a way to help beautify the area would be to start a neighborhood "best yard" or yard of the month program in the town. The Board agreed that this would be a good idea.

ADJOURNMENT

Minutes prepared by Travis Barnes, October 30, 2009.



TO: Planning Board
FROM: Travis Barnes, Town Planner
DATE: October 14, 2009
RE: ROUND 2 Suggested Text Amendments to the Zoning Ordinance

The following list outlines suggested text amendments to the Zoning Ordinance. Upon the Planning Board's recommendation, they will be sent to the Town Council for review. In accordance with N.C.G.S. 160A-383, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the adopted land use plan and any other applicable officially adopted plan. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters deemed appropriate by the Planning Board (staff has drafted a written statement for the Planning Board). The Town Council will have to hold a public hearing on the proposed text amendments and the town will have to publish the notification of the hearing in the newspaper for two consecutive weeks. (N.C.G.S. 160A-364)

Text Amendments:

5. Due to the recent prevalence of variance applications going before the Board of Adjustment for minor setback relief for distances less than 5 feet, the Town Council has asked the Planning Board to add language to the Zoning Ordinance that will grant authority to the Zoning Administrator to approve minor variances for similar situations in the future. Below is the recommended text amendments to address this issue:

A. On page 8-16 of *Article 8 – General District Requirements* of the Zoning Ordinance:

Exceptions and Modifications

(9) Minor Administrative Variances. When owing to special conditions, practical difficulties or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Zoning Administrator shall have the power to vary or modify the requirements of front, side, and rear setbacks up to a length not to exceed a total of five (5) feet, so the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In situations where the Zoning Administrator grants a minor administrative variance from the setback requirements of this Ordinance as described in this section, the applicant, developer, or property owner shall not have to proceed with applying for a variance from the Board of Adjustment as described in Section 16.1(3) of this Ordinance.

B. On page 16-5 of *Article 16 – Administration of the Zoning Ordinance*:

(B) Power and Duties of the Board of Adjustment

8. Minor Administrative Variances. When owing to special conditions, practical

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difficulties or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Zoning Administrator shall have the power to vary or modify the requirements of front, side, and rear setbacks up to a length not to exceed a total of five (5) feet, so the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In situations where the Zoning Administrator grants a minor administrative variance from the setback requirements of this Ordinance as described in Section 8.14(9), the applicant, developer, or property owner shall not have to proceed with applying for a variance from the Board of Adjustment as described in Section 16.1(3) of this Ordinance.

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6. Due to the recent discussions between the Town of Navassa and a private company considering to develop a solar farm within the town, and in addition to the rising interest in green energy across the state and the country, and due to the inadequate development regulations of such land uses within the current Zoning Ordinance, the Navassa Planning Department would like to be proactive in addressing the development and siting of solar farms with the following text amendments to the Zoning Ordinance:

A. On page 2-9 of *Article 2 – Definitions* of the Zoning Ordinance:

SOLAR SYSTEMS

- (1) BUILDING-INTEGRATED SOLAR SYSTEM** - An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.
- (2) SOLAR ENERGY SYSTEM** - A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.
- (3) SOLAR FARM** – A use where a series of solar collectors are placed in a area for the purpose of generating photovoltaic power for an area greater than the principal use on the site. Also referred to as Solar Power Plant and Solar Photovoltaic Farm.
- (4) ACCESSORY SOLAR COLLECTOR/ENERGY SYSTEM**- A solar energy system that is of a nature customarily incidental or subordinate to the primary use or structure on the same lot.
- (5) Grid-intertie Solar System** - A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

B. On page 8-4 of *Article 8 – General District Requirements* of the Zoning Ordinance:

8.2 Accessory Uses, Accessory Buildings, Amateur Wireless Facility, and Home Occupations, and Accessory Solar Collector/Energy System

(5) Accessory Solar Collector/Energy Systems, Residential or Nonresidential

(A) Active solar energy systems shall be permitted as an accessory limited use in all zoning districts under the following standards:

- A. **Roof-mounted Solar Systems – In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.**
 - a. **Pitched Roof Mounted Solar Systems – For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.**
 - b. **Flat Roof Mounted Solar Systems – For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.**
 - c. **The underlying zoning district maximum height for these systems shall be complied with.**
- B. **Ground-mounted Solar Systems – Ground-mounted solar energy systems shall meet the minimum zoning setback for the zoning district in which located, or 25 feet, whichever is strictest. The height of the structure(s) shall not be taller than 25 feet in height.**
- C. **Visibility – Active solar systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways or adjacent residentially-zoned property.**
- D. **Approved Solar Components – Electric solar system components must have a UL listing.**
- E. **Plan Approval Required – All solar systems shall require a approval by the planning department.**
 - a. **Plan Applications – Plan applications for solar systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground mount system, including the property lines.**
 - b. **Plan Approvals – Applications that meet the design**

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requirements of this section shall be granted administrative approval by the planning department.

3. Compliance with Building Code- All active solar systems shall meet approval of local building code officials, consistent with the North Carolina Building Code.
4. Compliance with State Electric Code – All photovoltaic systems shall comply with the National Electrical Code, current edition.
5. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning Department that the owner has been approved by the utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

C. On page 9-23 of *Article 9 – Additional Development Standards for Individual Uses* of the Zoning Ordinance:

(36) “Solar Farm” Ground-Mounted Solar Power Energy System (NAICS 221119)

A ground-mounted solar power energy system “solar farm” (NAICS 221119) must meet the following standards:

(A) *Height* – Solar power electric generation structures shall not exceed the height of 25 feet.

(B) *Setback* – Active solar system structures must meet the following setbacks:

1. Ground-mounted Solar Systems – Ground-mounted solar energy systems shall meet the minimum zoning setback for the zoning district in which located, or 25 feet, whichever is strictest.

(C) *Visibility* – Active solar systems shall be screened from routine view from public right-of-ways or adjacent residentially-zoned property.

(D) *Approved Solar Components* – Electric solar system components must have a UL listing.

(E) *Compliance with Building Code*- All active solar systems shall meet all requirements of the North Carolina State Building Code.

(F) *Compliance with National Electric Code* – All photovoltaic systems shall comply with the National Electrical Code, current edition.

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7. There is an error that has been found by the planning staff on page 15-1 in *Article 15- Non-Conformities* of the Zoning Ordinance. This error consists of language in the opening paragraph of the article that takes away from the original intent of the article and the Zoning Ordinance by incorrectly referencing another section of the ordinance that does not in fact pertain to the nonconforming use mentioned. The existing language states, “A lawful pre-existing use, structure, or lot which does not meet the requirements of the current adopted zoning Ordinance is called a nonconformity. Special provisions apply to nonconformities and these are listed in this Article of the Ordinance. “In lieu of the provisions in this Article, nonconforming signs shall comply with the requirements in Section 11.3 and nonconforming manufactured home parks shall comply with the requirements of Section 9.2(27).” The existing language directs the reader to reference Section 9.2(27) of the Zoning Ordinance incorrectly and takes to the reader to an unenforceable and clearly unintentional section of the ordinance that in no way addresses nonconforming mobile home parks. Section 9.2(27) of the ordinance addresses “Manufactured Home, Class B (i.e. Single Wide)” homes and does not relate to nonconforming mobile home parks. Staff has discussed with Mark Zeigler with the NC Division of Community Assistance and Allen Serkin, previous Navassa Town Planner, and they have both stated that this is an error that was not incidentally not caught in the cleanup phase of the Zoning Ordinance review. The exiting language does not add to the intent of the ordinance and should therefore be deleted.

A. On page 15-1 of *Article 15 – Nonconformities* of the Zoning Ordinance staff recommends the following language be deleted from the ordinance.

In lieu of the provisions in this Article, nonconforming signs shall comply with the requirements in Section 11.3 and nonconforming manufactured home parks shall comply with the requirements of Section 9.2(27).