



KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ November 1, 2011

A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on Tuesday, November 1, 2011. A quorum of the commission was present.

MEMBERS IN ATTENDANCE

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

MEMBERS ABSENT

Member Timothy Bullard
Emilie Swearingen, Liaison Commissioner

STAFF PRESENT

John Batson, Building Inspector
Josie Fitzgerald, Administrative Assistant

Attorney Holt Moore was not in attendance

CALL TO ORDER:

Chairman Galbraith called the meeting to order at 7: 15 p.m.

APPROVAL OF AGENDA:

MOTION: Member Alan Votta moved to adopt the agenda
SECOND: Member Dennis Clouse
VOTE: Unanimous

APPROVAL OF MINUTES:

MOTION: Member Alan Votta moved to approve the minutes of October 4, 2011
SECOND: Member Dennis Clouse
VOTE: Unanimous

PERSONS TO ADDRESS COMMISSION:

None

OLD BUSINESS:

A. New Member – Joseph Whitley

Welcomed to the commission

B. Alternative Energy

Chairman Galbraith summarized to bring all members up to date. Since solar panels are coming down in price and there is more use they are becoming more popular. Many communities do not have ordinances and are starting to develop ordinances to manage the placement of solar panels and windmills. We will be seeing more and we are looking to the future.

Chairman Galbraith brought handout for members to review.

- Reasons why ordinances are necessary and what communities are worried about
- Attractiveness and what can happen if placement is not addressed
- Town of Delaware in NJ is one of the cleanest—comments from other ordinance just for solar panels
- Minor solar vs. major solar facility—some use wattage (110% energy is minor, over 110% is major (needs more acreage)
- NC General Statute limits solar panels but allows restriction from view from street
- Solar panels need building permit, planning process, side and back are simple –if on the front roof, requires notifying adjacent neighbors.
- Over roof deck is allowed by some ordinances
- More restrictive for commercial than residential use—We will be dealing with residential only
- We have 35' height limit, some ordinance say you can go above the height limit.
- Some ordinance have shadow regulations. A patio, extension shadow can't interfere in case neighbor wants solar panel. Some get very complicated
- No roof mounted panel shall be installed on a non-conforming structure
- We will deal with minor solar panels--roof mounted panel parallel with roof angle not more than 12 ins. Above the edge of the roof line or the highest point of the roof surface and not above roof line
- Discussion regarding non-integrated panels—some look like shingles(10-20 years future)
- Panels mounted on flat roofs can be angled to achieve maximum exposure, but not above 5'-6' above roof. We have flat roofs in Kure Beach
- No part of a roof mounted panel should extend beyond the roof edge
- Plumbing and electric lines need to blend
- External disconnect switch should be provided and a map filed with the Fire and Police Departments (safety)

It was agreed that ground mounted panels are not desirable and we need to be careful. Regulations are similar to satellite dishes. Landscape solar lights are technically ground mounted.

Some council members do not want to regulate panels which is surprising

Typically ground mounted are not allowed on less than one acre and set back requirements should be considered. Some ordinance say 50 ft. set back and some say 75 ft. Some were as less as 15 but they correlated with height restrictions. Panels larger than 12' are usually not allowed. Some limited the number of panels, i.e. 10 or less.

Noise should also be considered.

Other points of consideration:

- Any of the restrictions would not conflict with HOA regulations (even State does not conflict w/HOA)
- Multiple facilities could be addressed in ordinances (more than 5 units would be facility)
- Do we want to limit panels and keep uniform
- Get feedback from council as far as issues
- Engineering requirements were discussed
- NC regulations want to restrict view from public, streets and ocean front would be included
- Get balance with green community

Chairman Craig –Suggested that he will come up with language to look at next meeting (draft) And will look at windmills and water heating components

C. Reaction to the B-1 expansion workshop—

- It was agreed that the workshop went well and that the public got an education of what is already allowed which they were not aware of before.
- There was concern about parking
- The audience was very small and we need more input
- Beautification was important
- The idea of mixed use can offer supplement with two uses for a property—the residence and business can compliment each other
- Expanding permitted uses needs to be reviewed
- In RA-2 there are things that should not be allowed. We will look at RA-2 and RA-3 and see what should not be included
- We can speak with our attorney and see if only certain things can be in K Ave
- Parking has to be provided for residences

MEMBER ITEMS:

None

ADJOURNMENT:

MOTION: Member Alan Votta moved to adjourn the meeting

SECOND: Chairman Craig Galbraith

VOTE: Unanimous

Meeting was adjourned at 8:05 p.m.



Craig Galbraith, Chairman



Josie Fitzgerald
Administrative Assistant



Delaware Township (2011 Ordinance)

MINOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE. A fuel cell, solar or photovoltaic panel or system of panels for the collection of energy and conversion to electrical energy, 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 Delaware Township Zoning Officer; and is secondary to the beneficiary's use of the premises for other lawful purposes.

MAJOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE. A system of fuel cells, solar or photovoltaic panels and equipment for the production of energy that is not a minor photovoltaic energy facility of structure.

1. The Township of Delaware ordinance seems to be most specific and understandable of about 100 looked at
2. Major solar energy requires more acreage.
3. Locations
 - a. Some don't allow to be seen from street
 - b. Some require review by Planning for view from street, otherwise building permit (some require notice being sent to adjacent property owners)
 - c. Some don't restrict view from street
4. Some specifically allow solar over roof decks
5. Most ordinances more restrictive for commercial than residential
6. Towns are more and more looking at regulations, often encouraged by a "bad" placement and complaint.
7. Very "liberal" communities have adopted regulations that allow solar panels to extend above height limits (see Santa Monica, CA) and/or regulations that protect property to have "sun" (such as shadow regulations, or solar access regulations – (see Boulder, Co),

3:1.23. Minor Solar or Photovoltaic Energy Facilities and Structures.

A. Roof-mounted.

1. No roof-mounted Minor Solar or Photovoltaic Energy Facilities or Structures shall be installed on a non-conforming structure.
2. A roof-mounted Minor Solar or Photovoltaic Energy Facility or Structure shall be mounted parallel to the roof angle and shall not exceed a height of 12" above the edge of the roof line or above the highest point of the roof surface or structure.
3. A roof-mounted Minor Solar or Photovoltaic 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 5 feet above the roof.
4. In no instance shall any part of a roof-mounted Minor Solar or Photovoltaic Energy Facility or Structure extend beyond the roof edge.
5. All exterior electrical or plumbing lines must be painted a color scheme that matches as closely as reasonably possible the color of the structure and adjacent materials.
6. 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.

Some have no restrictions on panels integrated into roof (vs. non-integrated panels).

Some regulate not to exceed top roof line, or extend beyond bottom roof line

Some allow 6ft above flat roof.

B. Ground-mounted.

1. A ground-mounted Minor Solar or Photovoltaic Energy Facility or Structure shall be located on lots of one acre gross or more and shall not exceed 20% of lot coverage.
2. A ground-mounted Minor Solar or Photovoltaic Energy Facility or Structure shall comply with all principle building setbacks in the applicable zone.
3. A ground-mounted Minor Solar or Photovoltaic Energy Facility or Structure shall not exceed 12 feet in height.
4. All power transmission lines from a ground-mounted Minor Solar or Photovoltaic Energy Facility or Structure to any building, structure or utility connection shall be located underground.
5. Inverter noise shall not exceed 40dBA at the property line.
6. Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
7. 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.

Some regulate ground mounted by set-back, such as 50 ft or 75ft (a couple have as little as 15ft), not to exceed a certain height, either 7ft, 10 ft or 12 ft, and limit number of panels (such as 10 or less). Smaller set-backs usually are associated with lower heights

