

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