



**Town of Weaverville  
Planning Board  
Regular Monthly Meeting  
Tuesday, March 1, 2022, 6:00pm**

**Agenda**

1. Call to Order – Chair Gary Burge
2. Approval of the Agenda
3. Approval of the Minutes from the January 4, 2022 Meeting of the Board
4. Solar Collector Regulations
  - Discussion Related to the Stated Goal of Study Solar Collector Regulations from the Comprehensive Land Use Plan
  - Consideration of a Motion Offering a Recommendation to Town Council on the Proposed Zoning Text Amendment
5. Any Other Business
6. Adjournment

**TOWN OF WEAVERVILLE**  
**PLANNING BOARD AGENDA ITEM**

**Date of Meeting:** Tuesday, March 1, 2022

**Subject:** Minutes

**Presenter:** Planning Director

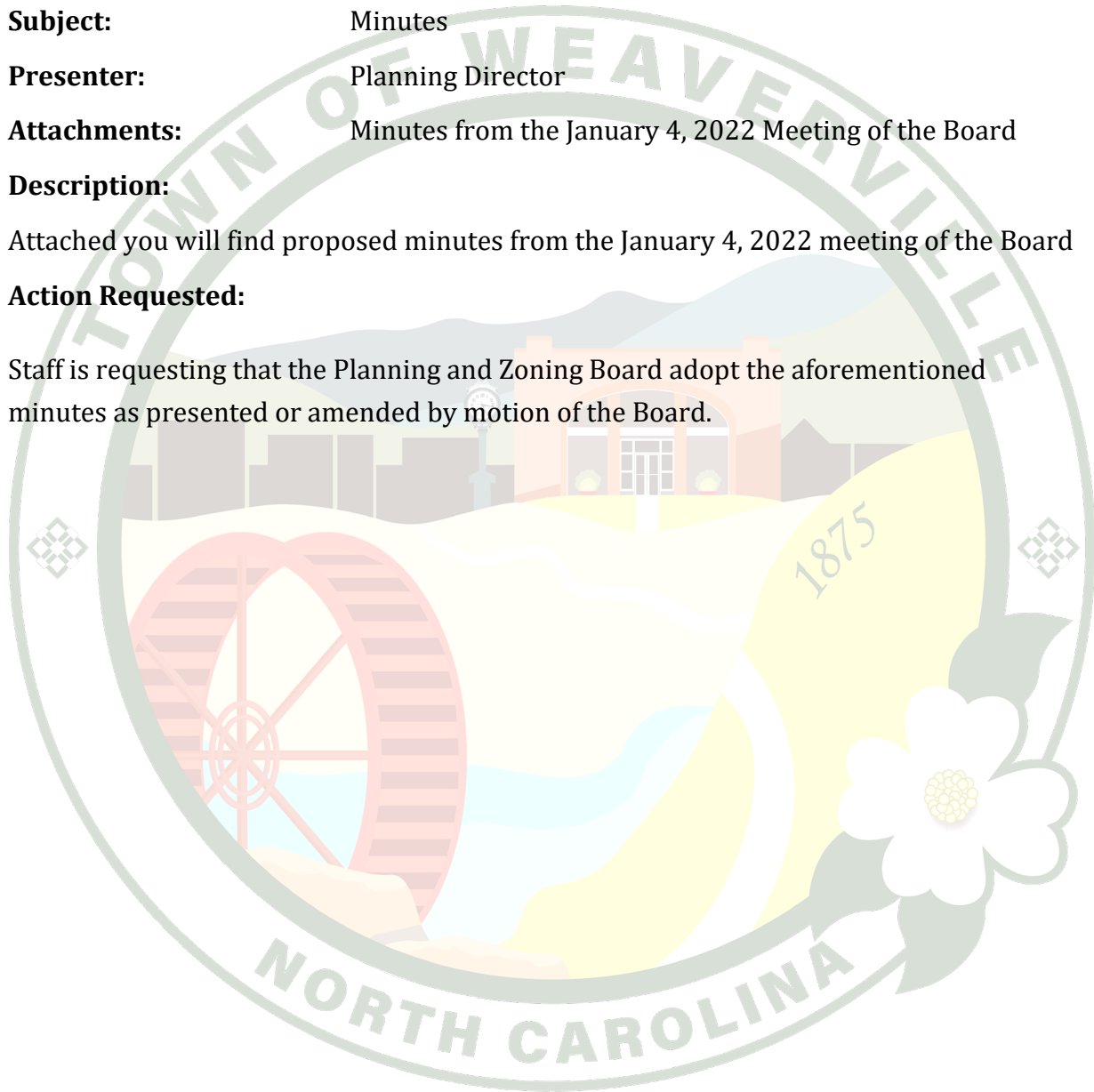
**Attachments:** Minutes from the January 4, 2022 Meeting of the Board

**Description:**

Attached you will find proposed minutes from the January 4, 2022 meeting of the Board

**Action Requested:**

Staff is requesting that the Planning and Zoning Board adopt the aforementioned minutes as presented or amended by motion of the Board.



Town of Weaverville  
Planning and Zoning Board  
Minutes – Tuesday, January 4, 2022

The Planning and Zoning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, January 4, 2022 remotely via zoom.

Present: Chair Gary Burge, Vice Chair Rachael Bronson, Board Members Suzanne Devane, Jane Kelley and Bob Pace Alternate Members Donna Mann Belt and Mark Endries, Town Council Liaison Catherine Cordell, Town Attorney Jennifer Jackson and Planning Director James Eller.

**1. Call to Order**

Chair Gary Burge called the meeting to order at 6:00 pm.

**2. Approval of the Agenda**

Ms. Bronson motioned to approve the agenda as presented. Ms. Devane seconded and all voted unanimously in favor of the motion.

**3. Approval of the Minutes from the December 7, 2021 Meeting of the Board**

Mr. Pace motioned to approve the minutes as amended by the comments of Ms. Devane. Ms. Kelley seconded and all voted unanimously in favor of the motion.

**4. Approval of the 2022 Planning Board Schedule of Meetings**

Mr. Pace motioned to adopt the 2022 Planning Board schedule of meetings as presented. Ms. Bronson seconded and all voted in favor of the motion.

**5. Approval of the Statement of Consistency/Reasonableness and Recommendation**

Through conversation it became the consensus of the Board to reflect Ms. Cordell's recent appointment as Town Council Liaison to the Board and to highlight the votes cast for additional clarity.

Mr. Pace made a motion to approve the proposed statement of consistency/reasonableness and recommendation as amended. Mr. Burge seconded the motion. Via a role call vote Ms. Bronson and Ms. Kelley also voted in favor of the motion. Ms. Devane cast a dissenting vote. Motion passed 4-1.

**6. Solar Collector Regulation**

Mr. Eller presented the Board with information related to the possible regulation of solar collector systems including a publication from the University of North Carolina Scholl of Government "Planning and Zoning for Solar in North Carolina." Through conversation the following became consensus positions of the Board for staff to consider in drafting forthcoming regulations related to solar collectors.

1. Solar collector systems should be independently regulated and for various reasons should not be included in current regulations related to accessory structures.
2. No particular distinction should be made for solar collector systems on residential, commercial or industrially zoned properties and uses of said properties.
3. A distinction should be made between roof-mounted and ground-mounted systems and the systems should be regulated as such.
4. Roof mounted solar collector systems should continue to be permitted by right.
5. Street facing roof mounted solar collector systems should not be regulated as it relates to the visibility of the system from places accessible to the general public such as streets and sidewalks. Furthermore, such regulations could encourage or force more ground mounted systems which could lead to other concerns such as the creation of additional impervious surfaces and related stormwater or erosion control concerns.
6. No ground mounted solar collector systems should be permitted within the setbacks established by the underlying zoning district.
7. No ground mounted solar collector systems should be permitted within the defined front yard of any property.
8. For ground mounted solar collector systems, such systems shall not exceed a percentage of the footprint of the existing primary structure to ensure that the solar collector system remains an accessory structure and/or use for the property.

**7. Any Other Business to Come Before the Board**

No further business was discussed.

**8. Adjournment.**

By consent, Mr. Burge declared the meeting adjourned. Meeting adjourned at 7:00pm.

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**Gary Burge, Chair**  
**Planning and Zoning Board**

**ATTEST:**

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**James W. Eller**  
**Planning Director / Town Clerk**

**TOWN OF WEAVERVILLE**  
**PLANNING BOARD AGENDA ITEM**

**Date of Meeting:** Tuesday, March 1, 2022  
**Subject:** Solar Collector Regulations  
**Presenter:** Planning Director  
**Attachments:** Staff Report on Solar Collector Regulations

**Description:**

With the August 2021 annual review of the priorities of the Comprehensive Land Use Plan, the stated goal of study solar collector regulations was both added to the priority list and given the highest priority. As the Board is aware, items given the highest priority are expected to be addressed within one year.

This item was requested to be added to the priority list due to the high volume of zoning permits which are issued for residential solar panel installation with no direct language to regulate the use and/or structure. A vast majority of these permits have been issued for roof mounted solar collection meaning the footprint of the structure on the property is not being changed and the solar collection is accessory to the primary residential purpose of the property. However, no language exists for ground mounted solar collectors which is the real concern of staff. Once the panels escape the parameters of the residential structure there is no current mechanism to limit the size of the use/structure.

**Action Requested:**

Staff is requesting the Board's review of the proposed zoning text amendment related to solar collector regulation and a recommendation from the Board to Town Council on said regulations.

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan;  
Planning and Zoning for Solar in North Carolina

### **Comprehensive Land Use Plan Stated Goal and Background Information**

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in August 2021, call for the consideration of solar collector regulations. The goal of considering solar collector regulations was also given number 1 (highest) priority within the CLUP giving staff the direction to accomplish or address the stated goal within 12 months.

### **General Observations**

In the calendar years 2020 and 2021, 43 zoning permits were issued for solar collectors. Of these issued permits, 42 were roof mounted installations and the remaining one was for a ground mounted system. All were residential in nature.

Under current zoning regulations the Town summarily permits roof mounted solar collection systems under the assumption that given the roof mounted nature of the installation the footprint of existing structures on the property is not being expanded and the nature of the use on the property is not being changed. These conclusions do not hold true for ground mounted systems as once the solar collector system leaves the constraints of the primary structure on the property.

Following a conversation with the Board in January, the following is the understanding of staff as it relates to the position of the Board on proposed solar collector regulations:

1. Solar collector systems should be independently regulated and for various reasons should not be included in current regulations related to accessory structures.
2. No particular distinction should be made for solar collector systems on residential, commercial or industrially zoned properties and uses of said properties.
3. A distinction should be made between roof-mounted and ground-mounted systems and the systems should be regulated as such.
4. Roof mounted solar collector systems should continue to be permitted by right.
5. Street facing roof mounted solar collector systems should not be regulated as it relates to the visibility of the system from places accessible to the general public such as streets and sidewalks. Furthermore, such regulations could encourage or force more ground mounted systems which could lead to other concerns such as the creation of additional impervious surfaces and related stormwater or erosion control concerns.
6. No ground mounted solar collector systems should be permitted within the setbacks established by the underlying zoning district.
7. No ground mounted solar collector systems should be permitted within the defined front yard of any property.

# Town of Weaverville, North Carolina

## Staff Report: Solar Collector Systems

Prepared February 2022

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Planning and Zoning for Solar in North Carolina

8. For ground mounted solar collector systems, such systems shall not exceed 25% of the footprint of the existing primary structure to ensure that the solar collector system remains an accessory structure and/or use for the property.

Staff has discussed the proposed solar collector regulations with the additional members of the Technical review committee. There are no known ways in which the proposed regulations would negatively impact the Fire and Public Works Departments. Furthermore, the TRC agrees with the assessment that ground mounted systems could lead to other concerns related to stormwater and erosion control.

Mr. Endries has been kind enough to photograph solar installations in and around town. The following is a link to his photographs: <https://photos.app.goo.gl/ZcQBzJ1yVkzLFqVH9>

### Statutory Limitations

#### **§ 160D-914. Solar collectors.**

- (a) Except as provided in subsection (c) of this section, no local government development regulation shall prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property, and no person shall be denied permission by a local government to install a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property. As used in this section, the term "residential property" means property where the predominant use is for residential purposes.
- (b) This section does not prohibit a development regulation regulating the location or screening of solar collectors as described in subsection (a) of this section, provided the regulation does not have the effect of preventing the reasonable use of a solar collector for a residential property.
- (c) This section does not prohibit a development regulation that would prohibit the location of solar collectors as described in subsection (a) of this section that are visible by a person on the ground and that are any of the following:
  - (1) On the facade of a structure that faces areas open to common or public access.
  - (2) On a roof surface that slopes downward toward the same areas open to common or public access that the facade of the structure faces.
  - (3) Within the area set off by a line running across the facade of the structure extending to the property boundaries on either side of the facade, and those areas of common or public access faced by the structure.
- (d) In any civil action arising under this section, the court may award costs and reasonable attorneys' fees to the prevailing party. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

# Town of Weaverville, North Carolina

## Staff Report: Solar Collector Systems

Prepared February 2022

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Planning and Zoning for Solar in North Carolina

### Proposed Definition(s) for Solar Collector Systems

*Solar Collector System.* The components and subsystems required to convert solar energy into electric or thermal energy suitable for use.

*Solar Collector System – Roof-Mounted.* A solar collector system attached to the roof of a primary or accessory structure and which does not expand the footprint of any structure on the lot.

*Solar Collector System – Ground-Mounted.* A freestanding solar collector system mounted on the ground using either a metal frame or pole.

### Proposed Table of Uses Amendment

#### Sec. 20-3205. Table of uses.

The following notes shall be applicable to the Table of Uses established herein.

- (1) Additional standards for those uses identified on the Table of Uses as "permitted with standards" are found in article III of part III of this chapter.
- (2) If a proposed use can't be found on the table of uses herein established or is not specifically defined herein, then the zoning administrator shall make a determination on which use most closely resembles the proposed use and shall apply those regulations and restrictions. Such determination may be made as a formal interpretation, or as part of an issuance or denial of a zoning permit or a notice of violation. The zoning administrator's determination is subject to an appeal of an interpretation which shall be heard by the board of adjustment.
- (3) The abbreviations and symbols shown in the Table of Uses have the following meanings:
  - "C" = Conditional District required
  - "P" = Permitted
  - "PS" = Permitted with Standards
  - "-" = Not Permitted

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1	MHO
<b>UTILITIES</b>								
Solar Collector System – Primary Use	-	-	-	-	-	-	PS	-
<b>MISCELLANEOUS USES</b>								
Solar Collector System – Accessory Use - Roof Mounted	P	P	P	P	P	P	P	P
Solar Collector System – Accessory Use - Ground Mounted	PS	PS	PS	PS	PS	PS	PS	PS



Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Planning and Zoning for Solar in North Carolina

**Proposed Additional Standards Related to Solar Collector Systems**

Sec. 20-3323. Accessory structures.

- (a) The footprint of accessory structures within any residential zoning district shall not exceed the following maximum footprint(s).

Lot Size	One Structure	All Structures
Less than 1 acre	800 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	No limit	No Limit

- (1) The footprint of any structure defined as "dwelling - secondary" shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Code section 20-3309.
- (2) The footprint of any structure defined as "solar collector system – ground mounted" shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Code section 20-3327.
- (3) The footprint of any accessory structure implemented with any use defined as "agriculture - commercial" or "agriculture - neighborhood" shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Code section 20-3305 and Code section 20-3306.
- (b) Accessory structures shall not exceed the height of the primary structure and in no event exceed 25 feet.
- (c) Accessory structures shall only be located within the side or rear yard of the primary structure and shall only be permitted within the setbacks established by the applicable zoning district.
- (d) Accessory structures providing common facilities for residential developments, including but not limited to a clubhouse, mail receptacle facilities, pool house, rental or property management office, shall not be subject to the footprint limits or location requirements established in this section.

**Sec. 20-3327. – Solar Collector Systems**

- a) Solar collector systems of any kind shall not be placed within the setbacks established by the underlying zoning district.
- b) Ground mounted solar collector systems that are accessory uses shall only be located within the side or rear yard of the primary structure.
- c) Ground mounted solar systems that are accessory uses shall not exceed 25% of the footprint of the primary structure.
- d) Ground mounted solar collector systems that are accessory uses shall not exceed the height of the primary structure on the property and in no case be taller than 15 feet.
- e) Ground mounted solar collector systems, whether a primary use or an accessory use, that are abandoned or are no longer operational must be timely removed and failure to do so may result in the revocation of the zoning permit and/or other enforcement action. For purposes of this section abandonment of a solar collector system means that the system has not been in use for 180 consecutive days or more, regardless of any intent or efforts to resume the use.