

ORDINANCE AMENDING THE VANCE COUNTY ZONING ORDINANCE TO PROVIDE ADDITIONAL PROTECTIONS FOR SOLAR FARMS

WHEREAS, the Board of Commissioners have asked staff and the planning board to review the county's solar farm regulations; and

WHEREAS, the Vance County Planning Board has reviewed the proposed amendments to the Vance County Zoning Ordinance, has determined them to be consistent with the land use plan, and has provided a recommendation for their approval.

WHEREAS, the proposed amendments provide additional protections for property owners and citizens of the county while maintaining an environment conducive to economic development; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that:

- A. The amendments as presented are consistent with the county land use plan by encouraging development at a rate and in a pattern which can be efficiently and effectively served by existing and planned services and facilities. Additionally the amendments accommodate and allow economic development and growth while protecting the environment, public health and general welfare.
- B. The Vance County Zoning Ordinance be amended as follows (deletions as ~~striketroughs~~, additions shown as underlined text):
 - 1) AMEND Section 6.10 N Solar Energy Systems, Large Scale (Solar Farms) as follows to add additional safety protections pertaining to setbacks, reflectivity and decommissioning:
 1. Height: Systems, equipment and structures shall not exceed twenty-five (25) feet in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles. Roof mounted systems shall not exceed the maximum height for the applicable zoning district.
 2. Setback: ~~Active solar system structures must meet the following setbacks: Ground mounted~~ Ground mounted solar energy systems as part of a solar farm shall have a setback for all equipment including fences a minimum of 100 feet on the front and 50 feet from all other property lines. The Board of Adjustment may reduce such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining properties or public rights-of-way. ~~meet the minimum zoning setback for the zoning district in which it is located.~~
 3. Screening and Fencing: ~~Adequate fencing shall be provided along the perimeter of the area (with all entrances gated) to prevent trespassing on the property.~~ Systems, equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 8 feet. A thirty (30) foot vegetative buffer consisting of a compact evergreen hedge or other type of evergreen foliage shall be required along the entire perimeter of the facility. The buffer shall be planted at a minimum of three (3) feet tall and reach the height of at least eight (8) feet within three years and shall be maintained in good condition. Failure to maintain the buffer shall constitute a violation of this ordinance. Earth-berms, other topographical features and existing wooded areas may be accepted in lieu of the above requirements, if they conceal the use from public view and are maintained.
 4. Lighting: If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred. ~~all lighting shall be arranged and shaded so as to reflect the light away from adjoining properties and streets.~~
 5. Noise: Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district.

6. Power Transmission Lines: To the extent practical, all new power transmissions lines to any building, structure or utility connection shall be located underground. Existing above ground utility lines shall be allowed to remain in their current location.
7. ~~Approved Solar Components~~ Installation and Design: Electric solar system components must have a UL listing and must be designed with anti-reflective coating(s). Individual arrays/solar panels shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
8. Compliance with Building and Electrical Codes: All solar farms shall be in conformance with the requirements of the State Building and Electrical Codes (current addition), the State of North Carolina and Vance County. All active solar systems shall be inspected by a Vance County building inspector.
9. Inspections: Each solar farm shall be required to have the facility inspected annually for 3 years following the issuance of the zoning permit to verify continued compliance with the Zoning Ordinance. Additional inspections necessitated by complaints or otherwise shall not replace the annual inspection requirement.
10. Utility Notification: No grid tied photovoltaic system shall be installed until evidence has been given to the Planning and Development Department that the owner has been approved by the utility company to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
11. Abandonment and Decommissioning: It is the responsibility of the solar system owner and landowner to notify the County and to remove all obsolete or unused systems within twelve (12) months of cessation of operations. Reusable components are to be recycled whenever possible.

A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with the permit application.

- a. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)
- b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations
- c. Restoration of property to condition prior to development of the solar farm.
- d. The timeframe for completion of decommissioning activities.
- e. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
- f. The party currently responsible for decommissioning.
- g. Plans for updating this decommissioning plan.

B. The above amendments are effective upon adoption of this ordinance.

Adopted this the 3rd day of August, 2015.

ATTEST:

 Archie B. Taylor, Jr., Chairman
 Vance County Board of Commissioners

 Kelly H. Grissom
 Clerk to the Board

ORDINANCE AMENDING THE VANCE COUNTY ZONING ORDINANCE TO PROVIDE FLEXIBILITY IN THE DEVELOPMENT OF CHURCH AND FAMILY CEMETERIES, MANUFACTURING USES AND HOME OCCUPATIONS.

WHEREAS, the Board of Commissioners have asked staff and the planning board to review the permitted districts for church and family cemeteries; and

WHEREAS, the Vance County Planning Board has reviewed the proposed amendments to the Vance County Zoning Ordinance, has determined them to be consistent with the land use plan, and has provided a recommendation for their approval.

WHEREAS, the proposed amendments provide additional protections for property owners and citizens of the county while maintaining an environment conducive to economic development; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that:

- A. The amendments as presented are consistent with the county land use plan by encouraging development at a rate and in a pattern which can be efficiently and effectively served by existing and planned services and facilities. Additionally the amendments accommodate and allow economic development and growth while protecting the environment, public health and general welfare.
- B. The Vance County Zoning Ordinance be amended as follows (deletions as ~~striketroughs~~, additions shown as underlined text):
 - 1) AMEND the Table of Permitted Uses by permitting Cemetery (Church, Family) as a Permitted Use within the OI zoning district and prohibiting Cemetery (Church, Family) within the R-10 zoning district.
 - 2) AMEND the Table of Permitted Uses by permitting Manufacturing as a Conditional Use within the (HC) Highway Commercial zoning designation.
 - 3) AMEND Section 12 Definitions as follow:
Home Occupation. Any occupation or profession carried on entirely within a dwelling or accessory building on the same lot by one or more occupants thereof, providing the following (No Retail Sales on permanent display permitted): [...]
- B. The above amendments are effective upon adoption of this ordinance.

Adopted this the 3rd day of August, 2015.

ATTEST:

Archie B. Taylor, Jr., Chairman
Vance County Board of Commissioners

Kelly H. Grissom
Clerk to the Board