

ORDINANCE REGULATING
THE OPERATION AND MAINTENANCE OF
SOLAR ENERGY FACILITIES

IN

GREENE COUNTY NC.

ADOPTED NOVEMBER 2ND, 2015

ORDINANCE REGULATING THE OPERATION AND MAINTENANCE OF
SOLAR ENERGY FACILITIES IN GREENE COUNTY NC

WHEREAS, this Board desires to enact the following ordinance regulating the operation or maintenance of solar energy facilities in the unincorporated areas of Greene County,

NOW, THEREFORE, BE IT ORDAINED by the Greene County Board of Commissioners, as follows:

SECTION ONE. TITLE

This ordinance may be known and may be cited as "Ordinance Regulating the Operation and Maintenance of Solar Energy Facilities in Greene County, N C." or the "Greene County Solar Farm Ordinance."

SECTION TWO. PURPOSES AND OBJECTIVES

The purposes and objectives for which this ordinance is passed are as follows:

- A. To preserve the dignity and aesthetic quality of the environment in Greene County.
- B. To preserve the physical integrity of land in close proximity to residential areas.
- C. To protect and enhance the economic viability and interests of the citizens and residents of Greene County who have made substantial financial investments in homes, businesses, and industry in Greene County.

SECTION THREE. DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural the singular; and the word "shall" is mandatory and not discretionary.

Building: Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Fence: A continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength.

Gate: A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.

Improved Area: Area containing solar panels, electrical inverters, storage buildings and access roads.

Public Road: Any road or highway which is now or hereafter designated and maintained by the North Carolina Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable roads which provide access to residential areas. Setbacks for improved areas shall be measured from the road right of way.

Residence: A building used as a dwelling for one or more families or persons.

Residential Area: Any area within one tenth mile of a solar energy facility having three or more dwellings.

Solar Energy Facility: An energy facility or area of land principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall only include those facilities that sell electricity to be used off site.

SECTION FOUR. PROHIBITIONS

It shall be unlawful after the effective date of this Ordinance for any person, firm, or corporation, or other legal entity to build and operate, maintain or establish in any unincorporated area of Greene County a solar energy facility which the site plan has not been approved by the Greene County Planning Board. Modifications to an existing solar energy facility that increases the area by more than 20% of the original footprint or changes the solar panel type shall be subject to this ordinance.

SECTION FIVE. LOCATION

- A. All solar energy facilities must comply with the requirements established in the Greene County Zoning Ordinance.
- B. Improved areas shall be at least **500** feet from any residence or church, measured from the principal building in a residential area.
- C. All access roads and storage areas shall be established on a **30'** minimum easement to a public right of way.
- D. All solar energy facilities shall have a minimum building setback of **25** feet from each side and rear property line and a setback of **40** feet from the right-of-way of any public road. All improved areas, including the perimeter fence, shall not be constructed within this area. A planted buffer shall also be required outside of all improved areas and the perimeter fence (See **Fence** as described in **Section Three**). The buffer may be constructed within the area of the minimum setback and shall be a minimum of **15** feet in width, it shall contain evergreen trees or bushes planted no more than **8** feet apart and at least **4** feet tall at time of planting. The buffer shall obtain a height of **10** feet within **3** growing seasons. The trees or bushes may be trimmed but no lower than a height of **10** feet.

SECTION SIX. SECURITY

- A. Solar energy facilities shall be fenced completely as defined in Section Three above. The perimeter fence shall be designed to restrict unauthorized access. A planted buffer, as described in Section Five above, must be planted along the sides and adjoining a public road.
- B. Each owner, operator or maintainer of a solar energy facility to which this Ordinance applies, and who chooses to use vegetation as defined in Section Three above with wire fence, shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed twelve inches in height

SECTION SEVEN. SUPPLEMENTAL REGULATIONS

- A. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
- B. On site power lines between solar panels and inverters shall be placed underground.
- C. The design of solar energy facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- D. If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
- E. The applicant must obtain from NC Department of Transportation a driveway permit.
- F. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the County.
- G. An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.
- H. Any other relevant studies, reports, certificates and approval as may be reasonably required by Greene County.
- I. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
- J. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
- K. It is the responsibility of the parcel owner to remove all obsolete or unused systems within 12 months of cessation of operations. Reusable components are to be recycled whenever possible.

SECTION EIGHT. SITE PLAN REQUIRED

- A. Owners or operators of solar energy facilities established after the effective date of this Ordinance shall present three copies of a site plan which conform to the standards of this Ordinance to the Greene County Planning

Board. The site plan shall include setbacks, panel sizes, and location of property lines, buildings and road right of ways.

- B. The Planning Board shall review the site plan to insure conformity with the requirements of this Ordinance. No new solar energy facility shall be operated until the site plan has been approved by the Greene County Planning Board; provided, however, that if the Planning Board has not taken action within ninety (90) days after the first Planning Board meeting after the submission of the site plan, said site plan will be deemed to be approved.
- C. The Planning Board may grant a variance to these requirements based upon good cause shown. Applications for such variance shall be made to the Greene County Planning Director.
- D. Prior to final inspection proof that a permit issued by the State in accordance with applicable provisions of the General Statutes has been issued.
- E. Appeals of a Planning Board decision shall be to the Greene County Board of Commissioners.

SECTION NINE. VIOLATION SHALL BE A MISDEMEANOR

Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a solar energy facility in violation of this Ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$50.00 or by imprisonment not to exceed thirty (30) days, or both, in the discretion of the Court. Each day that said solar energy facility shall be maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.

SECTION TEN. ENFORCEMENT

- A. The enforcement officer shall be the Greene County Planning Board or designee determined by the Planning Board. The enforcement officer shall review site plans submitted under Section Seven and make appropriate recommendations to the Planning Board. The enforcement officer shall also visit the facilities by this ordinance at least once per year and if the facility does not conform to said ordinance shall discuss with the owner and/or operator the steps needed to bring the facility into compliance. If these steps are not taken, the enforcement officer shall notify the owner in writing of the steps that must be taken to bring the facility into compliance. If the owner or operator still fails to bring the facility into compliance with this Ordinance, the enforcement officer, after consultation with the County Manager, shall institute the necessary steps to enforce this ordinance in accordance with the provisions of subsection B of this Section. The enforcement officer shall also assist owners or operators of any solar energy facility in making plans to comply with this Ordinance.
- B. This Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. It may be enforced by injunction and order of abatement. The County may apply for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct any unlawful condition upon or cease the unlawful use of property. The County may request an order of abatement as part of a judgment in the cause any may request the court to close, demolish or remove buildings or other structures or take any other action that is necessary to bring the solar energy facility into compliance with this Ordinance.

This Ordinance may be enforced by any one or more of the remedies authorized herein.

SECTION ELEVEN. SEVERABILITY

If any section or part of this Ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this Ordinance are severable.

SECTION TWELVE. EFFECTIVE DATE

This Ordinance shall become effective upon its adoption.

Adopted this the **2nd** day of **November, 2015**