

P15-25

PENDING TEXT AMENDMENT

County Zoning Ordinance
Solar Farms

CURRENT MEETING INFORMATION:

Cumberland County Board of Commissioners, Monday, May 18, 2015 at 6:45 pm,
Commissioners' Hearing Room, Room # 118 (Main Courthouse), 117 Dick Street,
Fayetteville

CASE HEADING:

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 202. METHODS OF CALCULATIONS CREATING PROVISIONS FOR THE MEASUREMENT OF HEIGHT AND SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY AMENDING *PUBLIC UTILITY STATION* AND CREATING A DEFINITION FOR *SOLAR FARMS*; AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX BY INSERTING *SOLAR FARMS* AS A LAND USE CLASSIFICATION ALLOWED AS A PERMITTED (P) USE IN THE A1 AGRICULTURAL AND THE M1(P) AND M(P) INDUSTRIAL ZONING DISTRICTS; AMENDING ARTICLE IX INDIVIDUAL USES, CREATING SECTION 924.1, ENTITLED: *SOLAR FARMS*, INCLUSIVE OF SUB-SECTIONS A THROUGH H; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

ADDITIONAL INFORMATION:

Complete text is attached.

On April 21, 2015 the Joint Planning Board unanimously voted to recommend approval of the text amendment as proposed.

CONTACT INFORMATION:

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P15-25
County Zoning Ordinance
Text Amendment
(Solar Farms)

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 202. METHODS OF CALCULATIONS CREATING PROVISIONS FOR THE MEASUREMENT OF HEIGHT AND SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY *PUBLIC UTILITY STATION* AND *SOLAR FARMS*; AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403 USE MATRIX BY INSERTING *SOLAR FARMS* AS A LAND USE CLASSIFICATION ALLOWED AS A PERMITTED (P) USE IN THE A1 AGRICULTURAL AND THE M1(P) AND M(P) INDUSTRIAL ZONING DISTRICTS; AMEND ARTICLE IX INDIVIDUAL USES CREATING SECTION 924.1, ENTITLED: *SOLAR FARMS*, INCLUSIVE OF SUB-SECTIONS A THROUGH H; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND Article II Interpretations, Calculations, and Definitions, Section 202. Methods of Calculation, C. Calculations of Measurements, by CREATING a new sub-section 4, *entitled: Height*, to read as indicated below:

Section 202. Methods of Calculations.

C. Calculations of Measurement. The spatial separations required by this ordinance shall be calculated as follows:

1. Distance. By drawing a straight line from the closest point on the perimeter of the exterior wall of the site being measured to the closest point of the property line in question.

2. Separation from a Use/Structure. By drawing a straight line from the closest point on the perimeter of the exterior wall, structure or bay to another structure, the property line, or a well or septic, as applicable.

3. Area. Multiplying the length times the width and then further calculate to provide total acreage or square footage.

4. Height. Measuring from grade to the apex of the structure being measured, except that antennas added to an approved tower shall not be counted toward the height of the structure.

AMEND Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by MODIFYING the definition for *Public Utility Station* by

INSERTING the term *solar farm* as an exclusion from public utility station and INSERTING the term *Solar Farm* in alphabetical order CREATING the associated definition, to read as indicated below:

Section 203. Definitions of Specific Terms and Words

Public Utility Station: A structure or facility used by a public or quasi-public utility agency to store, distribute or generate electricity, gas, communications and related equipment or to pump or chemically treat water. This does not include [solar farms](#), storage or treatment of sewage, solid waste or hazardous waste. (Amd. 01-19-10)

Solar Farm: [The components and subsystems required to convert solar energy into electric or thermal energy suitable to supply merchant power to the electricity grid. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing, land area required for setbacks, landscaping and signage. This term applies, but is not limited to, solar photovoltaic \(PV\) systems and solar thermal systems. This term does not apply to roof mounted on any code-compliant structure, ground mounted and in compliance with accessory structure provisions as contained within this ordinance, or any building integrated solar \(i.e., shingle, hanging solar, canopy\).](#)

AMEND Article IV Permitted, Conditional, and Special Uses, Section 403 Use Matrix, by INSERTING the term *Solar Farms* in alphabetical order in the LAND USES column, with a “P” in the solar farms row under the A1, M1(P) and M(P) ZONING CLASSIFICATIONS columns

Section 403. Use Matrix

(See Use Matrix attached to this text amendment.)

AMEND Article IX Individual Uses, by CREATING a new Section 924.1, entitled: *SOLAR FARMS*, inclusive of sub-sections A through H, with the contents to read as follows:

Section 924.1. Solar Farms

[A. Solar farms shall be located on a minimum 20-acre tract and shall comply with the minimum yard setbacks for the zoning district in which the property is located.](#)

[B. Solar farms shall not be constructed over any onsite waste water system unless otherwise specifically approved by the County’s Environmental Health Department.](#)

[C. Every component of the solar farm shall be limited to a maximum of 20 feet in height; this provision shall not include the interconnection poles, substation equipment or other devices necessary for the electricity to be delivered to the public utility station.](#)

D. Streetscape landscaping and buffering as required in Section 1102 shall be provided.

E. The military Garrison Commander or the commander's representative shall be afforded a maximum of ten days to comment on any proposed solar farm site plan submittal.

F. After site plan approval and prior to permit application, the developer must submit the Federal Aviation Administration's FAA Form 7460-1, filed under Part 77 and included in the Obstruction Evaluation Program, in which the FAA must determine the proposed solar farm to be no obstruction/hazard to air traffic. For all proposed solar farms within five miles of the Fayetteville Regional Airport, a solar glare analysis, with the Airport Director's approval, indicating "no glare" shall be attached to the Form 7460-1 and included with the Form 7460-1 when presented for permit application. The Solar Glare Hazard Analysis Tool (SGHAT) may be found at www.sandia.gov/glare.

G. In the event power production ceases for a period of six (6) months, the owner of the real property upon which the solar farm is located shall remove from the site all the components of the solar farm, to include equipment, conduit, structures, foundations and any other improvements or devices used in the installation or operation of the solar farm and dispose of these components in accordance with applicable law. The owner's failure to remove and dispose of these components within nine (9) months from the date which power production ceases shall constitute an unlawful condition existing upon or use of the real property which may be enforced by all the remedies available under this ordinance and N.C.G.S. § 153A-123.

H. All Federal, State and other local regulations shall be complied with.