

RUTHERFORD COUNTY ORDINANCE FOR SOLAR ENERGY DEVELOPMENT

100.01 - TITLE

This Ordinance shall be known as the "Rutherford County Ordinance for Solar Energy Development"

100.02 - PURPOSE

The purpose of this ordinance is to protect public health and safety through establishing reasonable standards for the construction, installation, and operation of commercial energy systems (*solar farms*) in Rutherford County. This ordinance is not intended to abridge safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances.

100.03 - AUTHORITY

This Ordinance is adopted pursuant to the authority and provisions of North Carolina General Statutes Chapter 153A-121.

100.04 - JURISDICTION

This Ordinance shall apply to all unincorporated areas of Rutherford County which are not included in the extraterritorial jurisdiction of any municipality. All municipalities and their respective corporate limits shall be exempted from the Ordinance, unless they choose to adopt this Ordinance or some form thereof.

100.05 - DEFINITIONS

Solar Energy System – the components and subsystems required to convert solar energy into electric or thermal energy, including all equipment and accessory buildings.

Solar farm – a utility-scale, commercial solar energy system, the full size of which solar energy system is six (6) acres or more.

100.06 - APPLICABILITY

- a. "Solar Farm" shall not include non-commercial solar energy systems.
- b. This ordinance applies to the construction of solar farms in the jurisdiction of unincorporated Rutherford County.
- c. Solar farms established with appropriate building/electrical Permit from Rutherford County prior to the effective date of this ordinance shall be exempt.

- d. This ordinance shall not be deemed to supercede any other provisions of local, state, or federal law.

100.07 - PERMITS / REQUIREMENTS

- a. A building/electrical permit and compliance with this ordinance is required for all solar farms.
- b. An engineered site plan demonstrating compliance with this ordinance shall be submitted to the Building Inspector for review and approval of the site plan shall occur prior to issuing the building/electrical permit.
- c. Upon completion of site construction a certified as-built by the engineer shall be submitted to the Building Inspector and filed with the Register of Deeds. This as-built plan shall receive approval by the permitting staff prior to final inspection and prior to issuing the Certificate of Occupancy and/or the notice to proceed to the Utility provider,
- d. Solar panel materials shall comply with UL 1703 or as hereafter amended. Documentation of compliance shall be provided with the seal and signature of a design professional licensed in North Carolina.

100.08 SETBACKS / SCREENING

- a. A minimum setback distance of 50' from all property boundaries shall be required.
Exception: Property boundaries of adjoining parcels which are part of a single solar farm project as shown on the site plan shall not be subject to this setback requirement. A written waiver signed by the property owner(s) shall be required.
- b. Power inverters and other sound producing equipment shall be no less than 150' from any dwelling unit at the time of construction/installation.
- c. All solar energy systems shall be completely enclosed with a minimum of six (6) feet high chain link or security fencing as measured from the natural grade of the fencing perimeter.
- d. Solar farms shall be constructed with evergreen vegetative screening where existing buffers do not obscure solar energy system perimeters from dwelling units on adjacent parcels. At maturity required vegetative screening shall be not less than fifteen (15) feet tall, regardless of line-of-sight.

100.09 HEIGHT LIMITATIONS

The height of solar energy system solar panels shall be measured from the highest natural grade below each solar panel to the top of that panel. Panel height shall not exceed 15 feet.

Poles and wires necessary to connect to public electric utility shall not be subject to this requirement.

100.10 DECOMMISSIONING

A Decommissioning Plan shall be submitted to the building inspector as part of the permit approval process and recorded with the Register of Deeds. The Decommissioning Plan shall include the following provisions and requirements:

1. Defined conditions upon which decommissioning will be initiated (i.e., end of lease, condition of a potential public safety hazard, etc.)
Removal of all non-utility owned equipment conduits, structures, fencing, roads, and foundations; and restoration of property to condition prior to development of the solar farm.
A written waiver signed by the property owner is required in order to release any portion of this provision.
3. The timeframe for completion of removal and decommissioning activities. Signed statement from the party responsible for completing the Decommissioning Plan acknowledging such responsibility. Upon failure to accomplish the Decommissioning Plan, the Building Inspector may take action as authorized in the County Code Chapter 3 Article 4, Unsafe Buildings.

100.11 SEVERABILITY CLAUSE

Should any section or provision of the Ordinance for Solar Energy Development be determined by a court of competent jurisdiction to be unconstitutional or invalid, such determination or decision shall not affect the validity of the Ordinance as a whole, or a part thereof, other than the part so declared to be unconstitutional or invalid.

100.12 GRANDFATHER PROVISION

Any solar farm not permitted by this Ordinance, which is in operation at the time of the adoption of this Ordinance is hereby exempted from the provisions of this ordinance.

Effective date: 1st day of November 2013.