



Rowan County Planning and Development Department

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MEMORANDUM

TO: Planning Board Members
FROM: Committee B
RE: Courtesy Hearing for ZTA 02-19 Ground Mounted Solar Energy System
DATE: February 20, 2020

Background

Following adoption of the County’s six (6) month solar moratorium ordinance effective October 7, 2019, Committee B was tasked with reviewing the adequacy of current zoning ordinance requirements for solar energy systems and making any necessary recommendations based on their review and comparison of standards for similar uses in surrounding counties and receiving presentations from various viewpoints in the solar industry and information from the Rowan community.

Recommendation

At its February 19, 2020 meeting, Committee B unanimously recommended the Planning Board conduct a Courtesy hearing on the prosed zoning text amendments and Decommissioning Plan accompanying this memorandum.

Text Amendments

The proposed zoning text amendments recommended by Committee B appear as ***bold italicized text*** and deletions appear as strikethrough text. Be advised that only those pages with proposed amendments have been excerpted from the Zoning Ordinance. Refer to the hard copy Zoning Ordinance in your Planning Board manual for the full content or available at this link: https://library.municode.com/nc/rowan_county/codes/code_of_ordinances and selecting the Zoning Ordinance (Chapter 21).

The table below provides a brief summary of the proposed amendments by page number:

Page Number	Proposed Amendment
23	Modified the existing definition of ‘solar energy system’ and propose to use this definition to distinguish the type of system according to panel square footage, roof mounted or tract size
26	Created new term for system area
42,44,46,47	Updated the term to Type 1 for solar energy systems (6,000 sq ft or less or roof mounted) in the 85-ED districts
56	<u>These are the standards for locating a Type 1 facility in any Rowan County Zoning district.</u> Updated the term to Type 1. Included provision that roof mounted solar collectors are not permitted within the horizontal and conical surfaces of the

	airport.
68	<u>These are the standards for a Conditional Use Permit (CUP).</u> Created standards for Type 2 (facilities greater than 6000 sq ft but less than 15 acres) and Type 3 (facilities greater than 15 acres) These standards differ for setbacks between Type 2 and 3 facilities but are the same for: equipment setbacks, fencing, height, outdoor storage and interconnection
69	<u>Continuation of CUP standards</u> for Type 2 and Type 3 facilities. Lighting, signage, glare, additional and supplementary material are same for Type 2 and 3. Standards for screening and buffering are different; refer to item #11.
70	<u>Continuation of CUP standards</u> for Type 2 and Type 3 facilities. New requirement for Emergency Access, Maintenance and Decommissioning plans must be provided with the initial application and prior to becoming operational the plans must be recorded with the Register of Deeds. Likewise, any change in ownership will require notice to the Planning Department and new plans for each submitted within 30 days of changes.
71	<u>Continuation of CUP standards</u> for Type 2 and Type 3 facilities. This standard dictates what constitutes abandonment of the facility.
93	Updated terms in the Table of Uses to reflect Type 1, 2 or 3. Type 2 facilities would only be eligible as a CUP in the Rural Agricultural (RA) Commercial Business Industrial (CBI) or Industrial (IND) districts. Type 3 facilities would only be eligible for consideration as a CUP in an Industrial (IND) district
107	Removed the exemption for solar energy systems from the screening and buffering relationship requirements
115	Removed the exemption for roof mounted or systems within NCDOT right-of-way

Decommissioning Plan

The accompanying Decommissioning Plan is modeled after a similar document in the Template Ordinance for Solar Development in NC, but has been modified to address some concerns raised during committee meetings and public comment.

Process

The Board should conduct its scheduled Courtesy Hearing for the ZTA 02-19 amendments and following the hearing, discuss the case and make a recommendation to approve, approve with modifications or refer back to the Committee for further study. However, a referral back to Committee will warrant another Courtesy Hearing at a called or special meeting of the Planning Board next month given this hearing is consistent with the schedule for adoption (April 6, 2020) set in the moratorium ordinance timeline.

If the ordinance amendments (and Decommissioning Plan) are recommended by the Planning Board, then a Statement of Consistency is required and the accompanying worksheet may provide some guidance as to the content of the statement.



CONSISTENCY WORKSHEET

ROWAN COUNTY PLANNING BOARD

CONSISTENCY QUESTION — *"Is the proposed amendment consistent with any adopted plan..." & "Why action is reasonable & in the public interest"*

REFERENCE SOURCES

YES NO Is the request consistent with applicable plans?
 Example: _____
 Example: _____

Item #1 of the Staff Report

YES NO N/A Is the request consistent with any other adopted plans?

If applicable, refer to Item #1 of Staff Report

YES NO Is the request consistent with the zoning districts purpose and intent?
 Example: _____
 Example: _____

Item #2 and #3 of the Staff Report

YES NO Is the request reasonable and in the public interest?
 Example: _____
 Example: _____

Staff Report, Land Use Plans, Ordinances, Public Comment

STATEMENT DEVELOPMENT — *"Prior to adopting or rejecting any rezoning request, one of the following statements shall be adopted:"*

- 1 "Z _____ is consistent with the _____ Land Use Plan(s) based on the following...". "Furthermore, the adoption of Z _____ is reasonable and in the public interest based on the following..." (use blanks below).
- 2 "Z _____ is not consistent with the _____ Land Use Plan(s) based on the following...". "Furthermore, the denial of Z _____ is reasonable and in the public interest based on the following..." (use blanks below).
- 3 "Z _____ is appropriate and necessary to meet the development needs of Rowan County for the following reasons not previously envisioned by the _____ Land Use Plan(s)...". "Furthermore, the adoption of Z _____ is deemed an amendment to the _____ Land Use Plan(s) and is reasonable and in the public interest based on the following..." (use blanks below).

- _____
- _____
- _____
- _____

figures, designs, symbols, colors, or illumination.

Sign face means the surface of a sign where copy, message, or advertisements are attached for display to the public, including any parts of the sign structure upon which such information is located.

Sign, incidental means any sign that is used for a purpose other than to identify or bring attention to a particular establishment. These may include, but are not limited to, entrance, exit and parking signs.

Sign, on-premises means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on the premises which the sign is located.

Sign, off-premises means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a site other than the premises on which the sign is located.

Single-family dwelling means a detached dwelling unit constructed on-site (site built) or in modules or sections joined together on-site (modular) in compliance with the North Carolina State Building Code and designed for or occupied by one family.

Slow response means a measuring technique to obtain an average value when measuring a noise level that fluctuates over a range of four (4) dB or more. By way of illustration only, a sound level meter set on "slow response" would record a sound level between two (2) and six (6) decibels less than the reading for a steadying signal of the same frequency and amplitude when a tone of one thousand (1,000) Hz and for a duration of 0.5 seconds is applied.

Solar Collector means a device that absorbs solar radiant energy for use as a source of energy. The surface area is identified as all portions that absorb solar energy excluding frames, supports, and mounting hardware.

Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System means any ~~solar collector device or structural design feature of a building, except solar shingles, along with its ancillary equipment whose primary purpose is to provide for the collection, inversion, storage, and distribution of solar energy for space heating or cooling, water heating, or generation of electricity~~ **component(s) and subsystem(s) required to collect and convert solar energy into electric or thermal energy for use or sale. This term includes, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems and solar hot water systems, but** This definition is not intended to include incidental systems that generate a minimal level of electricity typically used to power signs, wells, gates, fences, or similar ancillary uses. **The gross acreage sum of all tracts (contiguous or not) identified in the NC Utilities Commission application for a solar energy system project shall be the manner for classifying a solar energy system. A solar energy system is classified as one of the following types:**

Type 1 - Ground mounted of six thousand (6,000) square feet or less; or, roof mounted on any code compliant structure.

Type 2 - Ground mounted that exceeds six thousand (6,000) square feet and having a gross acreage sum that does not exceed fifteen (15) acres.

Type 3 – Ground mounted having a gross acreage sum that exceeds fifteen (15) acres.

- (6) Land divided by a will or the courts for the purpose of dividing up a deceased person's property.

Subdivision, family means a subdivision of not more than three (3) lots plus the residual lot conveyed by the property owner to members of his / her immediate family as defined in this ordinance.

Subdivision, major means a major subdivision and defined as a subdivision where:

- (1) New roads are proposed or rights-of-way are dedicated; or
- (2) More than eight (8) lots are created after the subdivision is completed.

Subdivision, minor means a minor subdivision and defined as a subdivision where:

- (1) No new roads are proposed, or road rights-of-way dedicated; and
- (2) Where eight (8) or fewer lots will result after the subdivision is completed.

Subgrade means that portion of the roadbed prepared as a foundation for the pavement structure.

Substantial modification means the mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

- a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

System Area means all the land within the fenced perimeter of a ground mounted solar energy system.

Temporary family health care structure means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code, G.S. 143-139.1(b), and G.S. 160A-383.5.

Tower means any structure whose primary function is to support an antenna. As its use relates to supporting wireless facilities, the term 'tower' is synonymous with the term 'wireless support structure'.

Tract means a lot or parcel of land or a contiguous combination of two (2) or more parcels of land in one (1) ownership.

Transitional surface means the surfaces extend outward and upward at right angles to the

that exist along this corridor. Development within these districts shall be of types which maximize the economic benefits to the county while minimizing the potential impacts.

- (b) The district are designed to accommodate, as appropriate, uses such as manufacturing, distribution, retail, service industries, corporate parks. Certain individual uses may be allowed as uses by right in some districts, while other more intensive uses may require a higher level of review and approval by the county. The districts encourage and allow more creative design of land development than may be provided on other general zoning districts. This flexibility is provided for planned unit developments.
- (c) The district are labeled as 85-ED 1 through 4. "85" represents the relationship to I-85. "ED" represents the economic development designation for the sites.

(1) *85-ED-1*. The purpose of the 85-ED-1 district is to encourage the location of "high capital investment/high wage/low employment/clean" industries. Certain industries shall be allowed as permitted uses standards provided to protect adjacent neighborhoods. Other heavy industries may be allowed as conditional uses. If part of a larger master plan limited accessory and ancillary retail and service uses may be allowed.

- a. In the 85-ED-1 district the following uses are permitted by right with a minimum lot size of five (5) acres:

Manufacturing group:

- Printing and publishing (SIC 27).
- Rubber and miscellaneous plastics products (SIC 30).
- Fabricated metal products (SIC 34), except:
 - Ammunition, except for small arms (SIC 3483).
 - Ordnance and accessories (SIC 3489).
- Industrial machinery and equipment (SIC 35).
- Electrical and electronic equipment (SIC 36), except:
 - Power distribution and specialty transformers (SIC 3612).
- Transportation equipment (SIC 37).
- Instruments and related products (SIC 38).
- Miscellaneous manufacturing industries (SIC 39).

Transportation, communication, and utilities group:

Type 1-Ground Mounted Solar Energy Systems 6,000 sq.ft. or less (SIC 491 pt) subject to the size and locational restrictions of Section 21-56(6)c.

- b. The following are allowed with the issuance of a conditional use permit:

Construction group:

- General Building Contractors (SIC 15)
- Special Trade Contractors (SIC 17)

Manufacturing group:

plan limited accessory and ancillary retail and service uses may be allowed.

Manufacturing group:

Printing and publishing (SIC 27).

Rubber and miscellaneous plastics products (SIC 30).

Fabricated metal products (SIC 34), except:

 Ammunition, except for small arms (SIC 3483).

 Ordnance and accessories (SIC 3489).

Industrial machinery and equipment (SIC 35).

Electrical and electronic equipment (SIC 36), except:

 Power distribution and specialty transformers (SIC 3612).

Transportation equipment (SIC 37).

Instruments and related products (SIC 38).

Miscellaneous manufacturing industries (SIC 39).

Transportation, communication, and utilities group:

Type 1 ~~Ground Mounted Solar Energy Systems 6,000 sq.ft. or less (SIC 491 pt)~~
subject to the size and locational restrictions of Section 21-56(6)c.

Service industries group:

Engineering and management services (SIC 87).

- b. The following are allowed with the issuance of a conditional use permit:

Construction group:

General Building Contractors (SIC 15)

Special Trade Contractors (SIC 17)

Manufacturing group:

Lumber and wood products (SIC 24).

Furniture and fixtures (SIC 25).

Plastic materials, synthetic resins, etc. (SIC 282).

Drugs (SIC 283).

Paper and allied products (SIC 26).

Stone, clay, glass, and concrete products (SIC 32).

Primary metal industries (SIC 33).

Transportation, communication, and utilities group:

Local and interurban passenger transit (SIC 41).

Motor freight transportation and warehousing (SIC 42).

Transportation services (SIC 47).

Plastic materials, synthetic resins, etc. (SIC 282).

Drugs (SIC 283).

Rubber and miscellaneous plastics products (SIC 30).

Stone, clay, glass, and concrete products (SIC 32).

Primary metal industries (SIC 33).

Fabricated metal products (SIC 34), except:

 Ammunition, except for small arms (SIC 3483).

 Ordnance and accessories (SIC 3489).

Industrial machinery and equipment (SIC 35).

Electrical and electronic equipment (SIC 36), except:

 Power distribution and specialty transformers (SIC 3612).

Transportation equipment (SIC 37).

Instruments and related products (SIC 38).

Miscellaneous manufacturing industries (SIC 39).

Transportation, communication, and utilities group:

 Local and interurban passenger transit (SIC 41).

 Motor freight transportation and warehousing (SIC 42).

 Transportation services (SIC 47).

Type 1 ~~Ground Mounted~~ Solar Energy Systems 6,000 sq.ft. or less (SIC 491 pt)
 subject to the size and locational restrictions of Section 21-56(6)c.

Service industries group:

 Hotels, rooming houses, camps, and other lodging places (SIC 70).

 Personal services (SIC 72).

 Business services (SIC 73).

 Automotive repair, services, and parking (SIC 75).

 Health services (SIC 80).

 Legal services (SIC 81).

 Educational services (SIC 82).

 Membership organizations (SIC 86).

 Engineering and management services (SIC 87).

- b. Allowed accessory and ancillary uses on up to twenty (20) percent of the total acreage:

Transportation, communication, and utilities group:

 Local and interurban passenger transit (SIC 41).

Transportation services (SIC 47).

Wholesale trade group:

Wholesale trade--durable goods (SIC 50).

Wholesale trade--nondurable goods (SIC 51).

Retail trade group:

General merchandise stores (SIC 53).

Food stores (SIC 54).

Eating and drinking places (SIC 58).

Miscellaneous retail (SIC 59).

Finance, insurance, and real estate group:

Depository institutions (SIC 60).

Service industries group:

Hotels, rooming houses, camps, and other lodging places (SIC 70).

Personal services (SIC 72).

Business services (SIC 73).

- c. The following are allowed with the issuance of a conditional use permit:

Transportation, communication, and utilities group:

Communications and telecommunication towers (SIC 48 pt).

- (4) *85-ED-4 Retail Center.* Many areas near the interstate will draw interest from retailers. It is often appropriate or desirable to have a portion of an area zoned for larger retail development. This helps ensure availability of most retail and service needs in a location nearby and accessible to major employment and residential areas. Minimum development size is twenty (20) acres and will require approval of a PUD.

- a. Allowed primary and accessory uses are:

Transportation, communication, and utilities group:

Type 1 ~~Ground Mounted~~ Solar Energy Systems 6,000 sq.ft. or less (SIC 491 pt)
subject to the size and locational restrictions of Section 21-56(6)c.

Retail trade group:

Building materials, hardware, garden supply, and mobile (SIC 52).

General merchandise stores (SIC 53).

Food stores (SIC 54).

Automotive dealers and gasoline service stations (SIC 55).

Apparel and accessory stores (SIC 56).

Furniture, home furnishings and equipment stores (SIC 57).

Eating and drinking places (SIC 58).

Miscellaneous retail (SIC 59).

- b. *Winery.*
 - 1. *Setbacks.* The facility shall meet the setback requirements of Section 21-84. (Table of dimensional requirements)
 - 2. *Screening.* The facility shall meet the screening requirements of Article IX. (Screening and Buffering)
 - 3. *Licenses and permits.* All required licenses and permits (i.e. Environmental Health, ABC, etc.) shall be obtained prior to operation of the facility.
- (6) *Additional standards applicable to specific uses listed as SR in the transportation, communication, electric, gas and sanitary services group.*
 - a. *Trucking (SIC 421).*
 - 1. *Minimum lot size.* The minimum lot size is three (3) acres.
 - 2. *Buffer.* All operations shall be a minimum of fifty (50) feet from adjacent residentially developed property lines.
 - 3. *Applicability.* The provisions of this subsection shall apply to trucking businesses with three (3) or more trucks.
 - b. *Dead storage of manufactured homes.*
 - 1. Compliance with applicable standards of Chapter 14.5, Nuisance Ordinance.
 - 2. Dead storage of more than one (1) manufactured home by an individual is not allowed in the RA, RR, and MFR district.
 - 3. Dead storage of more than one (1) manufactured home is allowed in the CBI and IND district on property owned or leased by a licensed manufactured home dealer.
 - 4. Dead storage of more than one (1) manufactured home is allowed in the MHP district in a manufactured home park.
 - 5. Manufactured homes shall not be kept in dead storage for more than sixty (60) days in accordance with chapter 14.5 section 34 of the Nuisance Ordinance.
 - c. **Type 1** ~~Ground mounted solar energy systems 6,000 sq.ft. or less~~ (SIC 491 pt.). For the purposes of this subsection, the requirements of Sec. 21-54, 55, & 65 do not apply for RA or NB zoned properties.
 - 1. Size and Setbacks. **Ground mounted solar energy systems** ~~Solar collectors~~ shall conform to the lesser of 6,000 sq.ft. or 10% of the lot size and maintain a ten (10) foot setback from all property lines.
 - 2. **Roof mounted systems on non-residential structures are not allowed in the horizontal or conical surface of the Mid-Carolina Regional Airport Zoning Overlay.**
 - d. Co-location of Wireless and Eligible Facilities Requests (SIC 48 part). Co-location of wireless and eligible facilities requests are recognized as an efficient method for providing wireless facilities and are encouraged due to their minimization of adverse visual impacts and the opportunity for an expedited and effective administrative review.
 - 1. Applications for co-location of wireless facilities shall include two (2) copies of a site plan prepared by a registered professional engineer or a professional land surveyor as provided in Section 21-52 including items in Section 21-56 (6)(e)5 and Section 21-60(3)a.1.i.,

6. *Other special conditions.* Proof of a permit issued by the state in accordance with applicable provisions of the General Statutes.
 7. *LCID operations.* The following LCID landfill operations are not subject to the specific standards of this subsection but shall nonetheless adhere to applicable NCDEQ standards:
 - i. Landfills with a disposal area of .50 acre or less; or
 - ii. Beneficial fill used to improve the property's land use potential where no excavation of soil is proposed or has occurred within the area receiving fill.
- b. ***Type 2 and Type 3 ~~Ground mounted solar energy systems over 6,000 sq.ft. (SIC 491 pt.)~~ The standards contained herein are intended to accommodate the growing demand for solar energy systems while also minimizing aesthetic and safety impacts to adjoining residential and rural areas of the county.***
1. *Setbacks.* ~~Solar collectors~~ ***The system area setbacks*** shall be located a minimum of ~~fifty (50) feet from adjoining property lines~~ ***or public road rights-of-way shall be as follows:***
 - i. Type 2: Fifty (50) feet***
 - ii. Type 3: Two hundred (200) feet***
 - iii. Adjoining tract(s) of the same solar energy system may reduce the system area setback to twenty-five (25) feet for Type 2 systems and fifty (50) feet for Type 3 systems along internal common tract lines, but where tract lines adjoin other properties or road rights-of-way the system area setbacks based on the type facility noted in (b)1(i) and (ii) shall be observed.***
 2. ***Equipment Setbacks. All proposed inverters, substations, buildings or other structures not utilized as a solar collector shall be located within the system area and separated by a minimum of three hundred (300) feet from any existing residence, church or school on an adjoining property.***
 3. ~~2.~~ ***AZO. Type 2 and Type 3 systems shall not be located within the horizontal or conical surfaces associated with the Mid-Carolina Regional Airport. Either system*** ~~Systems proposed within the portion of the approach surface extending beyond contained by the horizontal surface of the AZO shall provide an approved FAA form 7460-1.~~
 4. ***Security Fencing. Security fencing, a minimum of six (6) feet in height, shall be provided at the system area limits and maintained to preclude unauthorized access. Fencing of an adjoining tract(s) in the same solar energy system application is not subject to system area setback restrictions.***
 5. ***Height. When installed and operational, all solar collectors within the system area shall be no taller than twenty (20) feet above ground level.***
 6. ***Outdoor Storage. Outdoor storage of materials is only permitted during the construction phase of the solar energy system. Prior to obtaining its final electrical inspection, all materials or equipment located within the system area shall be removed or permanently located in a building within the system area.***
 7. ***Interconnection. Electrical connections within the system area shall be located underground. Power lines or electrical connections from the solar energy***

- system to the electrical utility provider shall be located underground to the maximum extent possible. If needed, utility poles to facilitate the interconnection are not subject to the setbacks for the system area.*
- 8. Facility Lighting.** *Lighting shall be located and designed to prevent light from directly shining on an adjacent residential property.*
 - 9. Signage.** *An identification sign shall be located at the primary entrance to the system area that includes the owner(s) and operator (if different) name and address, contact person and phone number. The identification sign shall be updated within thirty (30) days after any required information changes. Warning signs concerning voltage shall be placed on the perimeter fencing at intervals sufficient to provide notice.*
 - 10. Glare.** *All solar collectors utilized in the solar energy system shall have an anti-reflective coating. The applicant shall provide the manufacturer, model number and any other information that readily identifies the solar collector to be utilized at the site.*
 - 11. Screening and Buffering.**
 - i. Type 2 solar energy system screening shall be installed within a twenty (20) foot buffer located along the exterior of the system area. Screening options are specified in Section 21-215(1) b (1) or (3).*
 - ii. Type 3 solar energy system screening shall be installed within an eighty (80) foot buffer located along the exterior of the system area. Screening shall be as specified in Section 21-215(2) b (1).*
 - iii. Buffering and screening requirements noted herein are also subject to the standards of Section 21-213(d) Standards for trees and shrubs; (f) Maintenance of buffer; and, as applicable (h) Watershed buffer areas required.*
 - iv. Screening and buffering requirements referenced in Section 21-219 are not applicable.*
 - 12. Additional site plan information.** *In addition to the requirements of Section 21-52, the site plan shall be prepared by an NC Professional Land Surveyor or an NC Registered Professional Engineer and include:*
 - i. Proposed location and dimension of solar panels, inverters, existing and proposed structures, ancillary equipment, fencing, property lines, buffer areas, turnout locations, staging areas, transmission lines, waterways, streams, floodplains, the location of any residence, church or school within 300 feet of the system area, and total acreage of the system area.*
 - ii. Location of any proposed access and utility easements.*
 - iii. Location where wiring is brought together for interconnection between the system components and the electrical utility provider and location of disconnect switch.*
 - 13. Supplementary Materials.** *The applicant shall provide the following with the conditional use permit application:*
 - i. Any relevant studies, reports, documents, recommendations or approvals related to the site that were prepared or received as part of its application to*

the NC Utilities Commission.

ii. Evidence that the electrical utility provider has been informed by the applicant of their intent to install an interconnected system. Evidence may consist of copies and responses of certified letters (or similar) to the utility provider detailing their solar energy system plans, location, etc.

iii. A copy of the Certificate of Public Convenience and Necessity for facilities over 2 megawatts or a copy of the Report of Proposed Construction for facilities under 2 megawatts approved by the North Carolina Utilities Commission.

iv. An approved commercial driveway permit issued by NCDOT.

v. Required Plans for Review.

a. Emergency Access Plan. The applicant shall provide the Rowan County Emergency Services Director, Rowan County Fire Marshal and local fire department having jurisdiction an emergency access plan for their review.

b. Maintenance Plan. The applicant shall provide a preliminary narrative detailing the manner, schedule and party responsible for ensuring routine maintenance of the solar energy system will occur. At a minimum, the plan must address the grounds, buffer, fencing, solar collectors and associated support structures, electrical connections, etc. Similarly, the plan must detail maintenance actions following storm events (wind, snow, etc.) and natural disasters (tornado, fire, etc.) that may cause damage to the facility.

c. Decommissioning Plan. The applicant shall provide a preliminary plan detailing how the solar energy system and system area will be reasonably restored to its original condition if deemed abandoned per this section or no longer operational for other reasons. For reference, the plan should contain all the information found in the Rowan County's Template Decommissioning Plan located on the Planning Department's webpage at:

<https://www.rowancountync.gov/396/Forms-and-Applications>

14. Final Review and Operation. Prior to obtaining a final electrical inspection for operation of the facility, the applicant shall submit the Emergency Access, Maintenance and Decommissioning plans for review to the Rowan County Planning Director. If the Director finds the plans to be consistent with the stipulated conditions required by the Board of Commissioners as a matter of approval, the applicant shall be directed to file the plans with the Rowan County Register of Deeds along with a Request for Notice of Sale advising the Rowan County Planning Department when any changes in ownership occur.

15. Change in Ownership, etc. It shall be the responsibility of the current owner to notify the Planning Director of any fundamental or operational changes to any of the plans referenced in item 14 of this section. Likewise, it shall be the responsibility of a new owner to notify the Planning Director of any ownership changes. In either case, the Planning Director shall be notified by US Postal Service First Class Certified mail service within thirty (30) days of any information, ownership or responsible party changes. The notification shall include copies of each new plan identified in item 14 of this section, with an

update of decommissioning plan estimates, for consistency review by the Planning Director and County Attorney. Upon concurrence from the Director and Attorney, the owner will be directed to file the updated plan(s) in the manner outlined in item 14 of this section.

16. Abandonment. A solar energy system that ceases to produce energy on a continuous basis for twelve (12) months shall be considered abandoned unless the responsible party with ownership interest provides substantial evidence (deemed to be every six (6) months after twelve (12) months of no energy production) to the Planning Director of intent to maintain and reinstate operation of the facility. If the responsible party does not provide substantial evidence as specified herein, the Planning Director shall notify the responsible party the decommissioning plan for the solar energy system must be immediately initiated.

(5) *Wholesale trade group.*

a. *Motor vehicle parts (outdoor), used in the IND district (SIC 5015).*

1. *Operation.* Operations, including but not limited to, storage of dismantled motor vehicles or motor vehicle parts or keeping of junk which are not fully contained within a building enclosed on all sides shall be subject to the standards of this subsection.
2. *Setbacks.* No material shall be stored closer than one hundred (100) feet to a public right-of-way.
3. *Security fencing.* Security fencing, a minimum of six (6) feet in height, shall be provided and maintained to preclude unauthorized access.

b. *Motor vehicle parts (outdoor), used in the RA district (SIC 5015).*

1. *Operation.* Operations, including but not limited to, storage of dismantled motor vehicles or motor vehicle parts or keeping of junk which are not fully contained within a building enclosed on all sides shall be subject to the standards of this subsection and section 21-246.
2. *Front yard setback.* The facility shall be one hundred (100) feet from the edge of the right-of-way.
3. *Separation from certain uses.* The facility shall be a minimum of one thousand (1,000) feet from a school, residence, church or place of public assembly. The separation shall be measured from the closest point of the structure containing the school, residence, church or place of public assembly and the nearest point of the operational area of the automobile salvage yard. This requirement shall not apply to residences owned by the operator of the facility.
4. *Side and rear yard buffering and screening.* The facility shall be completely surrounded by type B buffer and screening, as provided in article IX.
5. *Operational area.* No operations shall occur in the required buffer.

c. *Livestock yard.*

1. *Setbacks.* One hundred (100) feet between improvements such as buildings, animal enclosures, and storage areas and any zone lot line.
2. *Dust, odor, glare.* All access roads and storage areas shall be maintained in a dust-

Committee B: RECOMMENDED Solar Text 2.0

49	Electric, gas, water services (SIC 491, 492, 493, 494), <i>all except</i>						C			C	
	Electric and water distribution lines, gas pipelines	P	P	P	P	P	P	P	P	P	
491 (pt)	Type I Ground Mounted Solar Energy Systems 6,000 sq-ft. or less	SR	SR	SR	SR	SR	SR	SR	SR	SR	
491 (pt)	Type II Ground Mounted Solar Energy Systems over 6,000 sq-ft.	C	€				C	€		C	
491 (pt)	Type III Solar Energy Systems									C	
494	Water supply	P	P	P	P	P	P	P	P	P	
4952	Sewerage systems	C	C				P			P	
4953	Refuse systems, all prohibited <i>except</i>										
	Dumps: operation of	C								C	
	Garbage: collect, destroy & process									C	
	Land clearing and inert debris landfill (LCID)	C								C	
	Landfills, sanitary: operation of	C								C	
P- Permitted by Right		Zoning Districts									
P(A) - Permitted as Accessory Use											
SR - Permitted with Special Requirements		Residential					Nonresidential				
C- Conditional Use											
Use		RA	RR	RS	MHP	MFR	CBI	NB	INST	IND	
Transportation, communications, electric, gas and sanitary services cont.											
	Refuse systems									C	
	Rubbish collection and disposal	C								C	
	Sludge disposal sites	C								C	
4959	Sanitary services, NEC	C					P			P	
496	Steam and air conditioning supply						P			P	
Wholesale trade											
50	Wholesale trade, durable goods, <i>all except</i>	SR	SR				P	SR		P	
5015	Motor vehicle parts, used (outdoor)	C								C	
5015	Motor vehicle parts, used (indoor)						SR			SR	
5032	Brick, stone & construction materials						P	SR		P	
505	Metal & minerals, except petroleum						P			P	
5083	Farm & garden machinery & equipment	SR	SR				P	SR		P	
5093	Scrap and waste materials									C	
51	Wholesale trade, nondurable goods, <i>all except</i>	SR	SR				P	SR		P	
5153	Grain and field beans	SR or C	SR or C				P	SR		P	
5154	Livestock (wholesale)									C	
5159	Farm product raw materials, NEC	SR or C	SR or C				P	SR		P	
516	Chemical and allied products									C	
517	Petroleum and petroleum products									C	
5191	Farm supplies	SR or C	SR or C				P	SR		P	
SIC 516 and 517 were removed as conditional uses in the CBI district as a result of Z-10-04 text amendments.											
Retail trade											
52	Building material, hardware, garden supplies and mobile home dealers	SR	SR				P	SR		P	
53	General merchandise stores	SR	SR				P	SR		P	
54	Food stores	SR	SR				P	SR		P	
55	Auto dealers, gas service stations	SR	SR				P	SR		P	
56	Apparel and accessory stores	SR	SR				P	SR		P	
57	Home furniture, furnishings and equipment stores	SR	SR				P	SR		P	
58	Eating and drinking places, all except	SR	SR				P	SR		P	
5813	Drinking places (alcoholic beverages)						C			P	
59	Miscellaneous retail	SR	SR				P	SR		P	
Finance, insurance and real estate											
60	Depository institutions	SR	SR				P	SR		P	
61	Non-depository institutions	SR	SR				P	SR		P	
62	Security and commodity brokers	SR	SR				P	SR		P	
63	Insurance carriers	SR	SR				P	SR		P	
64	Insurance agents, brokers & service	SR	SR				P	SR		P	
65	Real estate	SR	SR				P	SR		P	
67	Holding and other investment offices	SR	SR				P	SR		P	

- (14) Rubber and miscellaneous products (30).
 - (15) Leather and leather products (31) except leather tanning and finishing.
 - (16) Stone, clay, glass and concrete products (32) except hydraulic cement, structural clay products, concrete, gypsum and plaster products.
 - (17) Abrasives, asbestos, nonmetallic mineral products, fabricated metal products (34) except ammunition, except for small arms; ordnance and accessories.
 - (18) Industrial and computer machinery and equipment (35).
 - (19) Electronic and other electrical equipment (36).
 - (20) Transportation equipment (37).
 - (21) Measuring, analyzing and controlling instruments (38).
 - (22) Miscellaneous manufacturing (39).
 - (23) Transportation and utilities (Division F), all except sanitary services, sewerage systems, refuse systems, dumps, sanitary land fills, **and** rubbish collection and disposal, ~~and solar energy systems.~~
 - (24) Wholesale trade (50 and 51) all except motor vehicle parts, used; brick, stone, and related construction materials, metal and minerals, except petroleum, scrap and waste materials, livestock (wholesale); chemical and allied products, petroleum and petroleum products.
 - (25) All retail trade (Division G).
 - (26) All finance, insurance, and real estate (Division H).
 - (27) All services (Division I), except shooting ranges, skeet shooting facilities, trap shooting facilities, and institutional uses listed in Group 2.
- (e) *Group 4 (most intensive):*
- (1) Metal mining (10).
 - (2) Mining and quarrying of non-metallic minerals (14).
 - (3) Sawmills (242).
 - (4) Pulp mills (261).
 - (5) Paper mills (262).
 - (6) Chemicals and allied products (28).
 - (7) Petroleum refining and related products (29).
 - (8) Leather tanning and finishing (3111).
 - (9) Hydraulic cement (324).
 - (10) Structural clay products (325).
 - (11) Concrete, gypsum and plaster products (327).
 - (12) Abrasives, asbestos, non-metallic mineral products (329).
 - (13) Primary metal industries (33).

- (1) Flagpoles and mailboxes;
 - (2) Landscaping features such as fences, trees and shrubs, terraces, gazebos, and similar items;
 - (3) Piers, wharves, and bulkheads;
 - (4) Recreational improvements such as swing sets and playgrounds;
 - (5) Wells and pumphouses.
- (b) *Utilities.* Except where otherwise expressly addressed, the following utility structures and facilities are not intended to be regulated by this chapter:
- (1) Utility lines, pipes, cables, & associated minor equipment & structures, including transformers, pumping stations, "signal boosters", & maintenance buildings;
 - (2) Electronics cabinets for telephone switching and similar devices used by public service providers;
 - (3) Water towers or tanks;
 - (4) Water systems or sewage disposal systems as an exclusive accessory use for a development project; and
 - ~~(5) Solar energy systems located on the roof or exterior wall of any building and systems located within a NCDOT right-of-way are not intended to be regulated herein unless located within the portion of the approach surface contained by the horizontal surface of the AZO and exceed 6,000 sq.ft. solar collector area. Systems that meet these standards must provide an approved FAA form 7460-1 prior to receiving a zoning permit.~~
- (c) *Exceptions to front setback requirements for dwellings.* Setback requirements for dwellings may be modified when the setbacks of contiguous existing buildings are less than required. These decreased setbacks are determined by computing the average setback on adjacent lots one hundred (100) feet on either side of the lot of the proposed dwelling. The modified setback may be equivalent to the average setback or ten (10) feet from the rights-of-way line, whichever is greater.
- (d) *Antennae for private or public safety use.* Antennae for private use or for use by "police protection" or "fire protection" are exempt from the requirements contained in Sections 21-56 (6)(d)(e) and (f). Private, non-commercial antennae exempted under this provision include: residential radio and television, private citizen's bands, amateur (HAM) radio and any others determined as similar by the Zoning Administrator on a case-by-case basis.

(Ord. of 1-19-98, § XII; Ord. of 2-1-99(1); Amend. of 3-4-13; Amend. of 12-2-13; Amend. of 9-6-16)

Sec. 21-278. Skirting in existing manufactured home parks.

All manufactured homes in manufactured home parks shall be skirted as provided in subsection 21-276(b) of this article within two (2) years of February 16, 1998.

(Ord. of 1-19-98, § XII)

Sec. 21-279. Exceptions for certain turkey shoots.



Example Decommissioning Plan: This document is intended to be a template for use by the owner of a solar energy system to publicly document their intent and responsibilities for decommissioning a solar energy system in the event it is no longer operational based on the conditions herein or is deemed abandoned pursuant to the standards of the Rowan County Zoning Ordinance.

DATE FILED: _____

SECTION 1 Background Information

Location

Site Name: _____ Tax Map(s) _____ Parcel Number(s) _____

Address: _____

Solar Energy System Ownership*

Company Name: _____

Mailing Address: _____

Website: _____

Contact Person: _____ Title: _____

Contact Person Mailing Address: _____

Landowner*

Name: _____

Mailing Address: _____

Phone: _____ Email Address: _____

**For multiple system or landowners, provide a similar sheet as an addendum and also include the additional owner acceptance as per Section 1.6.*

SECTION 1.1 Decommissioning Conditions

As owner(s) of the above referenced solar energy system, (company name), will execute decommissioning of the facility named herein as a result of any of the following conditions:

1. The land lease ends
2. The system does not produce power for twelve (12) months
3. The system is damaged and will not be replaced

SECTION 1.2 Decommissioning Responsibilities

At a minimum, as owner(s) of this facility, I, (contact person) will ensure that (company name) will conduct the following actions to remove all solar energy system improvements and decommissioning of

this facility will be completed within twelve (12) months if any of the conditions noted in Section 1.1 of this Decommissioning Plan occur:

1. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.
2. Remove all graveled areas, access roads, fencing and buildings unless the owner of the leased real estate requests in writing for it to stay in place.
3. Restore the land to a condition reasonably similar to its condition before solar energy system development, including replacement of top soil removed or eroded.
4. Revegetate any cleared areas with warm season grasses that are native to the Piedmont region, unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting.

SECTION 1.3 Site Improvements

Total Number of Solar Collectors / Panels Installed: _____ Dollar Value: _____

Dollar Value of all other Ancillary Equipment and Structures: _____

Anticipated Life Span of the Facility (years and / or months): _____

SECTION 1.4 Decommissioning Estimate

\$ (Insert dollar amount), represents the total sum of the accompanying cost estimate(s) prepared by an NC Registered Professional Engineer to decommission and restore the (site name) in accordance with the conditions outlined in Section 1.2 of this Decommissioning Plan, including any additional conditions or requirements as stipulated in the lease agreement with the landowner.

NOTE: The cost estimate shall be an itemized estimation for site restoration and removal of each major aspect of the project, e.g. solar collector removal, fencing removal, etc. For clarification, the cost estimate must bear the original seal and signature of the North Carolina Registered Professional Engineer and shall be recorded with the Decommissioning Plan.

SECTION 1.5 Financial Assurance

As owner of this solar energy system, (company name) shall be responsible for decommissioning this system in accordance with Section 1.2 of this Plan in the event it must be decommissioned based on the conditions of Section 1.1 noted herein. To ensure decommissioning of this solar energy system occurs should (company name) fail to initiate or complete decommissioning activities per Section 1.2, Rowan County requires (company name) to provide and maintain financial surety to decommission the solar energy system. *NOTE: Financial surety shall be in the form of a surety bond equal to 1.25 times the decommissioning cost estimate included in Section 1.4. Said bond must be issued from a company authorized to conduct business in North Carolina and shall be payable to Rowan County, NC. A copy of the surety bond shall be attached to this plan and the original maintained in the offices of the Rowan County Finance Department.*

(Company name) authorizes Rowan County to execute the surety bond if (company name) fails to initiate or complete decommissioning as specified herein and furthermore indemnifies Rowan County from any liability related to decommissioning of or access to the site. Rowan County shall contact the bonding agency or the financial institution holding the surety bond, to pay all or any portion of the funds to Rowan County up to the amount needed to complete decommissioning based on the estimate in Section 1.4. Upon payment, the Board of Commissioners, in its discretion, may expend such portion of said funds as it considers necessary to complete all or any portion of the required decommissioning activities. The county shall return to the appropriate institution any funds not spent in completing activities. Should the amount of funds needed to complete decommissioning exceed the amount in the bond, (company name) shall nonetheless be responsible for providing the funds to cover such cost. (Company name) shall always bear the financial burden for the decommissioning this solar energy system.

NOTE: If the company or owner of the solar energy system is not the landowner, then the company shall provide a notarized document from the landowner indemnifying Rowan County from any liability claims associated with decommissioning or access to the site. Said document shall be attached to the Plan.

SECTION 1.6 Notification Required

As owner of the (site name), I, (contact person) am the responsible party of (solar energy system name) to certify that when any change in landowner, or to the fundamental or operational changes in the Decommissioning Plan, Emergency Access Plan or Maintenance Plan occur, I will cause notice to be sent within thirty (30) days of the change(s) to the Rowan County Planning Director via US Postal Service First Class Certified mail service at the address below. I further consent the notice shall include copies of the updates to the Decommissioning Plan (cost estimates and surety bond), Emergency Access Plan and Maintenance Plan.

Mailing Address: **Rowan County Planning and Development Department
402 N. Main Street Room 204
Salisbury, NC 28144**

SECTION 1.6 Acceptance and Verification

As owner(s) of the (site name) solar energy system, I accept the stipulations noted herein and attest the information contained in this Decommissioning Plan is true and accurate to the best of my knowledge.

Owner Date
I, _____, a Notary Public for _____ County and the State of _____, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Date: _____

My commission expires _____, 20____. _____
Notary Public