

STATE OF SOUTH CAROLINA)
)
COUNTY OF BARNWELL)

ORDINANCE NO. 2016-4-325-0

AN ORDINANCE TO AMEND THE BARNWELL COUNTY ZONING ORDINANCE DATED JUNE 6, 2007, AS AND IF AMENDED, TO ADD SECTION 5-120 TO ADDRESS SOLAR PROJECTS OR FARMS OF MORE THAN ONE MEGAWATT (AC)

WHEREAS, the Barnwell County Council adopted the Barnwell County Zoning Ordinance on June 6, 2007, by Ordinance No. 2007-224 ("2007 Zoning Ordinance");

WHEREAS, the 2007 Zoning Ordinance may be amended in accordance with Section 8-102 of the 2007 Zoning Ordinance;

WHEREAS, the Barnwell County Planning Commission issued a unanimous recommendation of the amendment herein adding Section 5-120 to the 2007 Zoning Ordinance (the "Amendment") on March 1, 2015; and

WHEREAS, the Barnwell County Council is authorized by law to adopt the Amendment as set forth in Exhibit A hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE BARNWELL COUNTY COUNCIL DULY ASSEMBLED THAT:

Section 1. *Authorization of Amendment.* The 2007 Zoning Ordinance is hereby amended by adding Section 5-120 as provided on the attached Exhibit A.

Section 2. *General Repealer.* All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. *Severability.* Should any part, provision, or term of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of the Ordinance or any part, provision or term thereof, all of which is hereby deemed separable.

This Ordinance takes effect and is in full force only after the County Council has approved this Ordinance following two readings and a public hearing.

BARNWELL COUNTY, SOUTH
CAROLINA



David Kenner, Chairman
Barnwell County Council



(SEAL)

ATTEST:



Kim Futrell, Clerk to Council
Barnwell County, South Carolina

First Reading: March 8, 2016
Second Reading: April 12, 2016
Public Hearing: April 12, 2016

EXHIBIT A

§ 5-120. Solar Projects or Farms of More than One Megawatt (AC)

This section is intended to provide the opportunity for solar energy to serve as a viable form of energy generation while protecting public health, safety and general welfare. All regulations in the zoning ordinance shall apply unless expressly allowed or modified in the below standards and requirements:

All Solar Projects or Farms, including any device, structure or part of a device or structure (i.e. array, panel, etc.) installed for the sole purpose of the collection, inversion, storage, and distribution of solar energy shall comply with the following:

1. They shall comply with all building and electrical codes.
2. They shall not create a visual safety hazard for passing motorists or aircrafts.
3. An applicant must include a decommissioning plan that describes the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored. Following a continuous six-month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the solar farm. Decommissioning includes removal of solar panels, buildings, cabling, electrical components, and any other associated facilities below grade as described in the decommissioning plan. Prior to issuance of a Building Permit, the applicant must provide the County with a performance guarantee (surety or performance bond, certified check or irrevocable letter of credit) in the amount of \$50,000 or 125% of the estimated decommission cost minus the salvageable value, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina. If the salvage value is determined to be greater than the cost of decommissioning then the performance guarantee will be deemed unnecessary. If the developer can provide proof in the form of a notarized statement or like document that a performance guarantee for decommissioning is part of the land lease or purchase agreement, then the performance guarantee will be unnecessary.

Allowed In RUD or Industrial Zoning Districts provided:

1. That a series of ground mounted solar collectors (minimum of three) are placed in an area for the purpose of generating photovoltaic power for resale purposes.
2. The use is setback a minimum of 100 feet from abutting residential properties and 50 feet from roadways.
3. That where property abuts residential property, solar collectors must be screened

so as to not be seen from the adjoining property line by means of a vegetative buffer. This buffer shall be 36"-48" in height at planting and must reach a height of 10' within 3 years of planting. The vegetation must be planted at a spacing interval between 8'-10' on center.

4. Panels are to be located and situated so glare is not offensive to traffic or residences; A manufacturer spec sheet or letter denoting that the panels use anti-reflective glass must be submitted with the application.
5. No structure shall achieve a height of greater than 20 feet.
6. Access to the site must be controlled by a fence of at least six feet in height.
7. The site shall adhere to the applicable sections of the International Building Code at time of construction and throughout the operation of the site.