

**PB 16-28
CURRITUCK COUNTY**

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, to remove solar array as an allowable use in the county.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 4 is amended by deleting the following bold strikethrough language in Section 4.1.2:

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]													ADDITIONAL REQ. (4.2.)		
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI		PD-R	PD-M
INSTITUTIONAL USE CLASSIFICATION																	
Utilities	Solar array		C														3.H.1

Item 2: That Chapter 4 is amended by deleting the following bold strikethrough language in Section 4.2.3.H.1:

4.2.3. Institutional Uses

H. Utilities

~~(1)~~ **Solar Array**

- ~~(a)~~ **Solar arrays shall be configured to avoid glare and heat transference to adjacent lands.**
- ~~(b)~~ **Appropriate ground cover/grass is required and shall be maintained as not to create a fire hazard.**
- ~~(c)~~ **The solar panels, equipment, and associated security fencing shall be located at least 300 feet from any perimeter property line abutting a residential dwelling, residential zoning district, religious institution, public school, state licensed day care center, public playground, public swimming pool, or public park. The solar panels, equipment, and associated security fence shall be screened from those uses or zoning districts by a Type D buffer. The buffer may be reduced to a Type C when abutting a right-of-way, use, or zoning district not listed above and the setback may be reduced to 100 feet in these instances.**

- ~~(d) The total height of the solar energy system, including any mounts, shall not exceed 15 feet above the ground when orientated at maximum tilt.~~
- ~~(e) The solar energy system owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.~~
- ~~(f) Operations, maintenance, and decommissioning plans are required.~~
- ~~(g) Ground water monitoring wells shall be installed prior to construction of the solar energy system and testing data shall be submitted annually to the Planning and Community Development Department until decommissioning occurs. Monitoring wells shall be located near the center of the site and along each exterior property line at approximately the lowest ground elevation point of each property line. Testing data shall be provided to the county indicating compliance with EPA National Primary Drinking Water Standards prior to construction and annually until decommissioning occurs.~~
 - ~~(i) Should the initial ground water testing indicate that the site is not in compliance with the EPA National Primary Drinking Water Standards subsequent annual reports shall indicate no increase in noncompliance with those standards.~~
- ~~(h) Prior to the issuance of a building permit, the developer shall post a performance guarantee in the form of cash deposit with the county to ensure decommissioning funds are available in the amount equal to 115 percent of the estimated decommissioning costs minus salvageable value. Estimates for decommissioning the site and salvageable value shall be prepared and certified by a registered engineer or North Carolina licensed general contractor and submitted prior to building permit approval and verified by a registered engineer or North Carolina licensed general contractor and resubmitted every two years thereafter until decommissioning occurs.~~

Please note that the sections following this item will be renumbered accordingly.

Item 3: Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- It protects active agricultural lands having a high productive potential and conserves those lands for continued agricultural use. (LUP POLICY AG1)
- It does not support the exploration or development of energy producing facilities within the county's jurisdiction. (LUP POLICY ID9)

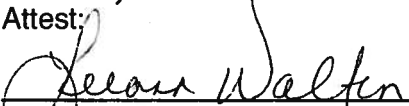
The request is reasonable and in the public interest because:

- It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.
- It promotes the conservation of farmland which is consistently a community value and need included in adopted plans
- In reference to a February 10, 2016 report provided by the North Carolina Department of Environmental Quality, It limits the loss of agricultural land and jobs in the county from conversion of agriculturally used property to use for solar arrays and the loss of wildlife habitat due to large areas encompassed by solar arrays that are fenced and affect food availability for wildlife.

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 5: This ordinance amendment shall be in effect from and after the 20th day of February, 2017.


 Board of Commissioners' Chairman

Attest:

 Leean Walton
 Clerk to the Board



DATE ADOPTED: 2/20/17
 MOTION TO ADOPT BY COMMISSIONER: Beaumont
 SECONDED BY COMMISSIONER: Gilbert
 VOTE: 5 AYES 0 NAYS

PLANNING BOARD DATE: 2/20/17
 PLANNING BOARD RECOMMENDATION: Approval
 VOTE: 5 AYES 0 NAYS
 ADVERTISEMENT DATE OF PUBLIC HEARING: 2/5/17 & 2/15/17
 BOARD OF COMMISSIONERS PUBLIC HEARING: 2/20/17
 BOARD OF COMMISSIONERS ACTION: Approved
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: 2/21/17
 AMENDMENT NUMBER: 33

