

Motion and
Statement of Consistency with Comprehensive Plan
UDO-248

I move that the following statement be adopted in support of a **Motion to Approve** Zoning Text Amendment UDO-248.

The zoning text amendment, proposed by the City/County Planning and Development Services staff to amend Chapter A (Definitions) and Chapter B, 2-5 (Use Conditions) of the Unified Development Ordinances (UDO) to define and add specific conditions for the use, Solar Farms, within the use conditions for Utilities, is in conformance with the recommendations of the Legacy Comprehensive Plan and is reasonable and in the public interest because:

1. this proposed text amendment addresses local interests relating to the anticipated increase in solar energy development in our area; and
2. while some of the provisions in the UDO apply to Solar Farms, due to the potential size and locations of Solar Farms, the proposed text amendment is necessary to address additional conditions for the planting of trees as a screen in the required setback areas around Solar Farms and requirements for the termination of the Solar Farms use which are not currently addressed in the UDO.

Based on the foregoing Statement, I move adoption of UDO-248.

Second:

Vote:

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: February 10, 2014 **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public Hearing on Zoning Text Amendment Proposed By the Planning and Development Services Staff to Amend Chapter A (Definitions) and Chapter B 2-5 (Use Conditions) to Define and Add Specific Conditions for the Use Solar Farms Within the Use Conditions for Utilities (UDO-248).

- B. Ordinance Proposed by City-County Planning and Development Services Staff to Amend Chapters A and B of the Unified Development Ordinances to Define and Establish Use Conditions for Solar Farms

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the zoning text amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

County Manager

STAFF REPORT

DOCKET # UDO-248
STAFF: [David Reed](#)

REQUEST

Zoning text amendment proposed by the City-County Planning and Development Services staff to amend Chapters A and B of the *Unified Development Ordinances* to define and add specific conditions for the use Solar Farms within the use conditions for Utilities (UDO-248).

BACKGROUND

Over the last several years, there has been a rapid increase solar energy development in North Carolina. The creation of Solar Farms in other counties around the state has led to concerns about the possible impacts of this use on surrounding properties. The North Carolina Sustainable Energy Association in conjunction with the North Carolina Solar Center brought together a broad stakeholder group to develop a Template Solar Energy Development Ordinance for North Carolina. This template ordinance provides numerous regulation possibilities which local jurisdictions can consider to help address local interests. Planning and Development Services staff has reviewed the template ordinance and adapted some of the proposed regulations to fit in with the language in the Unified Development Ordinances (UDO).

ANALYSIS

The use “Solar Farm” is currently classified as a Utility in the UDO. There are some use conditions for Utilities in the UDO, however, because of the potential large site area of Solar Farms, staff recommends adding some specific conditions for large ground mounted Solar Farms.

There are some existing conditions for the buffering and fencing of Utilities in residential zoning districts, however, the potential size and locations of solar farms warrant additional considerations. Staff recommends additional conditions for the planting of evergreen trees as a screen in the required setback area for Solar Farms and requirements for the termination of use. Setbacks for all Utilities adjacent to residentially zoned properties are adequately addressed in the UDO and apply to Solar Farms. The proposed ordinance references to residentially zoned properties include the AG and YR zoning districts.

Roof mounted solar panels or small scale ground mounted solar panels that are accessory to another use are not affected by this text amendment.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-248
JANUARY 9, 2014**

David Reed presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

There are no solar farms in Forsyth County at this time although there is one which is an Accessory Use. This is an attempt to be proactive and look at potential issues for nearby property owners when solar farms are requested and address those issues in advance.

MOTION: Paul Mullican moved approval of the text amendment.

SECOND: Lynne Mitchell

VOTE:

FOR: Tommy Hicks, Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services

UDO-248
A UDO TEXT AMENDMENT PROPOSED BY
CITY-COUNTY PLANNING AND DEVELOPMENT SERVICES STAFF TO
AMEND CHAPTERS A AND B OF THE *UNIFIED DEVELOPMENT*
***ORDINANCES* TO DEFINE AND ESTABLISH USE CONDITIONS**
FOR SOLAR FARMS

Be it ordained by the Board of Commissioners of Forsyth County, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter A, Article II of the *UDO* is amended as follows:

Chapter A - Definitions Ordinance
Article II – Definitions

Solar Farm Ground mounted components and subsystems required to convert solar energy into electric energy on sites one acre or larger.

Section 2. Chapter B, Article II Section 5.80 of the *UDO* is amended as follows:

Chapter B - Zoning Ordinance
Article II – Zoning Districts, Official Zoning Maps and
Uses

2-5.80 UTILITIES

(A) Setbacks

Any structure erected or use instituted shall be set back not less than forty (40) feet from property lines of any adjacent residentially zoned property.

(B) Solar Farms

The following additional conditions apply to Solar Farms:

(1) Screening. Adjacent to residentially zoned property and public rights-of-way, natural evergreen plant materials shall be required along the property line (Suggested plant materials are listed in Section B.3-4.10 (E)).

(a) Minimum Height. The minimum height of the plant material shall be six (6) feet at installation; and,

(b) Spacing. The spacing of the planting shall be in a double row configuration, staggered, with five (5) foot spacing between the centers of the main trunks.

(2) Termination of Use. The components and subsystems of a Solar Farm that is no longer used to convert solar energy into electric energy must be removed within 12 months of the date it is taken out of service.

(C B) Residential Districts

The following conditions apply in residential districts:

(1) **Health or Safety Hazards.** All uses which may produce health or safety hazards shall be enclosed by a fence a minimum of six (6) feet in height. Any required buffers or screening shall be installed between the fence and the property line.

(2) **Bufferyard.** All uses which may be potential nuisances by creating glare, dirt, noise or other adverse impacts shall be screened, except for driveways, with a type I bufferyard as specified in Section B.3-5. Solar Farms require screening described in Section 2-5.80 (B) (1) above.

(3) **Exemptions.**

(a) General. Exempt from the provisions of this section are lines for the transportation, transmission, and distribution of the various utilities. This category includes but is not limited to electricity, telegraph, and telephone services and their supporting structures, other than buildings; the lines related to sewerage, water, oil, steam and gas; and rail trackage.

(b) Fencing and Screening. Exempt from the above fencing and screening requirements are reservoirs, water treatment plants, and wastewater treatment plants.

Section 3. This ordinance shall be effective upon adoption.