

ORDINANCE No. 355.2020

AN ORDINANCE BY KERSHAW COUNTY TO AMEND THE KERSHAW COUNTY UNIFIED CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS (ZLDR) ARTICLE 2 – DEFINITIONS, ARTICLE 3 SECTION 3:1.3 – TABLE OF PERMITTED USES, AND ARTICLE 3, SECTION 3:3 CONDITIONAL USES, TO ADD REGULATIONS FOR LARGE-SCALE COMMERCIAL STANDALONE SOLAR ENERGY FARM USES.

WHEREAS, the Kershaw County Planning and Zoning Commission recommends text amendments to the Unified Code of Zoning and Land Development Regulations concerning Large-Scale Commercial Standalone Solar Energy Farm Uses; and

WHEREAS, the Kershaw County Planning and Zoning Commission on June 8, 2020 unanimously recommended text amendments to the Unified Code of Zoning and Land Development Regulations as requested by Kershaw County Council; and

WHEREAS, Kershaw County Council wishes to amend the Unified Code of Zoning and Land Development Regulations in accordance with the recommendations of the Kershaw County Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED by Kershaw County Council

SECTION I: Amend Article 2, Definitions, of the Zoning and Land Development Regulations to add the following new definitions:

SOLAR COLLECTOR. A device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy for direct power consumption, which may or may not include interconnection with the power grid to offset energy consumption of a principal use.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector

LARGE-SCALE COMMERCIAL STANDALONE SOLAR ENERGY FARM. A series of three or more ground-mounted solar collectors installed on a site for the purpose of converting energy into electrical or thermal energy for on-site and/or off- site energy consumption. The area of the system includes all land inside the perimeter of the system and extends to any fencing. This term does not include building-integrated or building- mounted systems.

SOLAR ENERGY SYSTEM. A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to active photovoltaic or

FILED FOR RECORD
2020 SEP 16 AM 11:40
JANET C. HASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.

hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings, or passive systems that are designed to capture direct solar heat.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM. A solar energy system affixed to either a principal or accessory structure on a lot.

GROUND-MOUNTED SOLAR ENERGY SYSTEM. A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is structurally independent from any building.

SECTION II: Amend Article 3, Section 3.3 Conditional Uses, of the Zoning and Land Development Regulations to add the following new conditional use criteria:

3:3.26 Large-Scale Commercial Standalone Solar Energy Farm

New large-scale commercial standalone solar energy farms or large-scale commercial standalone solar energy farms proposed to be expanded by more than 10% of original footprint shall meet the following requirements where conditionally permitted.

- (A) Site plan required. A site plan drawn to scale shall be submitted to the Planning and Zoning Department by the applicant demonstrating compliance with 3:3.26 – Large-Scale Commercial Standalone Solar Farm, Article 4, Section 4:3 and Article 5 Section 5:2.6 Group Developments, and all other applicable sections of the Zoning and Land Development Regulations.

In addition to the site plan requirements referenced above, the site plan submission shall include:

- (1) Location of all proposed facilities, including solar collectors and proposed structures
 - (2) Horizontal and vertical (elevation) to-scale drawings with dimensions that show the location of the solar collectors and system.
 - (3) Any existing or proposed signs, fencing, lighting, parking areas, driveways, easements, fencing, gates, vegetative screening, and applicable landscaping.
 - (4) Adjacent property lines, noting properties that include existing residential uses or residentially zoned properties and other adjacent land uses.
- (B) Setback. A minimum setback of 100 feet is required from all road rights-of-way and all adjacent property lines. This setback is applicable to all structures and solar collectors.
- (C) Buffer. A buffer of at least 50 feet shall be required from any adjacent property with an existing residential use or adjacent residentially zoned property line and a buffer of 20 feet is required for all other adjacent property lines including road rights-of-way.

- (D) Buffer Standards. Buffers shall meet design, planting, and maintenance standards for Type “C” and “D” buffers as set forth in Article 3, Section 3:5.
- (E) Height. Systems, equipment and structures shall not exceed 15 feet in height, with the exclusion of associated electric transmission lines and utility poles.
- (F) Fencing. A security fence at least six feet in height shall be provided around the perimeter of the large-scale commercial standalone solar energy farm facility. The security fence may be chain link for this use. The fence may be placed within the required buffer. However, the fence shall be located behind plantings within any required buffer.
- (G) Preservation of existing vegetation. Where possible, existing vegetation shall be protected and preserved in the required buffer and setback areas to provide natural screening for the use. Existing vegetation may be used to meet buffer requirements as provided Article 3, Section 3:5.1-7. Such preservation does not include areas designated for roads, driveways, or required parking areas.
- (H) Glare. Solar collection equipment shall be installed so that no reflected glare is visible at the property line or right-of-way. The design and construction of the solar farm shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.
- (I) Access. Site design shall ensure safe, predictable vehicular access and movement onto and off of the site, and shall accommodate safe access to the property by emergency vehicles.
- (J) Decommissioning plan. The applicant must provide a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) that describes the anticipated life of the large-scale commercial standalone 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 to its condition prior to the development of the solar farm.
 - (1) Decommissioning will be required following a continuous six month period in which no electricity is generated by the facility.
 - (2) The permit holder will have 12 months to complete decommissioning of the solar farm. Decommissioning shall include removal of solar panels, foundations, structures, cabling, electrical components, conduit, and any other associated facilities as described in the decommissioning plan.
 - (3) Prior to issuance of the Use Permit and Building Permit, the applicant must provide the County with a performance guarantee in the form of an irrevocable letter of credit in the amount of 125% of the estimated decommission cost minus the

salvageable value or \$50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina.

- (4) The full amount of the irrevocable letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration work is completed.
- (5) The decommissioning plan, estimated cost of removal, and performance guarantee shall be updated every (5) years or upon change of ownership of either the property or the project's owner.

SECTION III: Amend Article 3, Table 3.3 Schedule of Permitted and Conditional Uses, of the Zoning and Land Development Regulations to add the use of Solar Electric Power Generation – Large-Scale Commercial Standalone Solar Energy Farms as a Conditional Use in the Rural Resource zoning districts of RD-1, RD-2, and MRD-1, as well as a permitted use in the Industrial (I-1) zoning district.

Unified Code of Zoning and Land Development Regulations (As Amended 10-25-2016)
 Article 3 - Zoning Regulations
 3-7

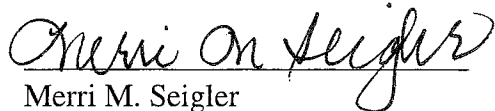
Zone Districts	NAICS	R-15	R-10	R-6	O-1	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Sector 22: Utilities	221										
Electric, Gas, and Sanitary Services	221										
Electric	2211										
Generation	22111	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Transmission	22112	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Solar Electric Power Generation - Large-Scale Commercial Standalone Solar Energy Farms	221114	N	N	N	N	N	N	P	N	C	By individual review
Natural Gas (Transmission Only)	2212	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Natural Gas (Storage)	2212	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Water Supply Systems	22131										
Storage	22131	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Treatment	22131	N	N	N	N	P	N	P	P	P	1 per 500 GFA

DONE, RATIFIED, AND ADOPTED IN REGULAR MEETING THIS 8th DAY OF
SEPTEMBER, 2020.

KERSHAW COUNTY COUNCIL

BY: 

ATTEST:



Merri M. Seigler
Clerk to County Council

First Reading	July 14, 2020
Second Reading	August 11, 2020
Public Hearing	September 8, 2020
Third Reading	September 8, 2020