

STATE OF SOUTH CAROLINA)

) **ORDINANCE NO. 11-25-2022**

COUNTY OF NEWBERRY)

FILED
NEWBERRY COUNTY
2023 FEB 16 AM 11:48
ELIZABETH P FOLK
CLERK OF COURT

ZONING DISTRICT REGULATIONS

§ 153.073 ZONING DISTRICT TABLE OF PERMITTED USES.

(D) *Zoning district table of permitted uses.*

ZONING DISTRICT TABLE OF PERMITTED USES										
Description of Use	2017 NAICS	R2	RS	RSV	RSM	RG	LC	GC	IND	C/SE Reference
UTILITIES AND INFRASTRUCTURE										
Solar Farm	221114	SE	-	-	-	-	-	-	C	§ 153.124 § 153.156

SPECIAL EXCEPTION REGULATIONS

§ 153.156 SOLAR FARM.

New solar farms or solar 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 Zoning Administrator by the applicant demonstrating compliance with the Solar Farm and all other applicable sections of this zoning ordinance. At a minimum, the plan must include:

- (1) Name of the project, names and addresses of the owner(s), engineers, and surveyors.
- (2) Date, scale, and accurate north arrow.
- (3) Property boundaries, including dimensions and size.
- (4) Required setbacks and buffers.
- (5) Location of all proposed facilities, including solar collectors and proposed structures
- (6) Horizontal and vertical (elevation) to-scale drawings with dimensions that show the location of the solar collectors and system.
- (7) Any existing or proposed signs, fencing, lighting, parking areas, driveways, easements, fencing, gates, vegetative screening, and applicable landscaping.

(8) Adjacent property lines, noting properties that include existing residential uses or residentially zoned properties and other adjacent land uses.

(9) Adjacent roads and road rights-of-way.

(10) Planting Plan shall demonstrate that sufficient plantings will be installed so as to screen the solar panels from view from any adjacent right of way.

(B) *Setback*. A minimum setback of 125 feet is required from all road rights-of-way and all adjacent property lines.

(C) *Buffer*. A buffer of at least 100 feet shall be required from all road rights-of-way and all adjacent property lines, per the requirements of § 153.182 - Buffers.

(D) *Screening*. Screening per the requirements of § 153.183 - Screening shall be provided for any adjacent property with an existing residential use or adjacent residentially zoned property line.

(E) *Height*. Systems, equipment, and structures shall not exceed 20 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 solar farm facility and shall meet the requirements of § 153.033 - Fences and walls, however the security fence may be chain link for this use.

(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. If screening is required, existing vegetation may be used to meet screening requirements as provided in § 153.183(C)(2) - Natural Areas. 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 as required by § 153.034 - Light and Glare.

(I) *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 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 6 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 zoning permit, and annually thereafter, 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.

(J) 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.

(K) Site design shall ensure safe, predictable vehicular access and movement onto and off of the site.

(L) Additional conditions may be imposed to ensure that the use will not create a safety, health, or traffic hazard.

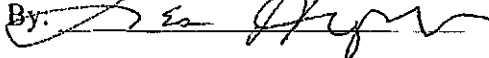
(M) The use will not substantially injure the value of adjoining properties.

This Ordinance is effective upon third reading.

AND IT IS SO ORDAINED by Newberry County Council this 7th day of Dec, 2022, in meeting duly assembled at Newberry, South Carolina.

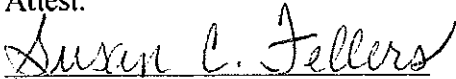
NEWBERRY COUNTY COUNCIL

(SEAL)

By: 

Les Hipp, Vice Chairman

Attest:



Susan C. Fellers, Clerk to Council

First Reading: November 2, 2022

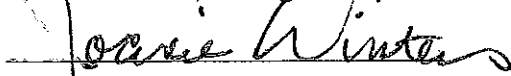
Second Reading: November 16, 2022

Third Reading: December 7, 2022

Reviewed and approved as to form:



Karen Brehmer, Acting County Administrator



Joanie Winters, Interim County Attorney