

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
FOR THE TOWN OF MILLS RIVER**

154,007
154,055?
154,066
154,047
154,055
154,057
154,058
New 154,089

**ARTICLE NO. 1
AUTHORITY**

This Ordinance is enacted by the Town Council of Mills River, North Carolina pursuant to Chapter 160A of the North Carolina General Statutes, particularly Article 18. Town Council does hereby ordain and enact into law the following amendments to the Zoning Ordinance for the Town of Mills River.

**ARTICLE II
AMENDMENT TO ZONING ORDINANCE**

The Zoning Ordinance of the Town of Mills River as enacted effective March 1, 2004, is amended to add the following revisions to the following articles, sections and subsections:

- **Add the following to § 154.007 (B), Definitions**

SOLAR ENERGY GENERATION FACILITY. Any nonresidential solar collection applications designed to facilitate the capture and conversion of solar energy for the purpose of supplying electricity to utility companies. This definition does not include solar panels accessory to a principal use.

SOLAR PANELS. A solar collection application designed to facilitate the capture and conversion of solar energy for the purpose of supplying power to a specific site or set of equipment.

SOLAR PANEL HEIGHT. The measurement of a solar panel from the pivot point of the panel to the ground.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground or which is attached to something having permanent location on the ground; however, anything constructed or erected solely to provide ingress and egress to the site, ornamental enhancement of the property (exclusive of buildings), site stabilization, on-site utilities and lighting or property fencing shall not be considered a structure for the purposes of this chapter. Solar panels and wind turbines shall be considered a structure for purposes of this zoning code.

LARGE WIND ENERGY SYSTEM. A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of more than 20 kW.

SMALL WIND ENERGY SYSTEM. A wind energy conversion system consisting of a single wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 20kW.

WIND TURBINE HEIGHT. The height above grade to the top of the turbine blade when it reaches its highest elevation.

• **Add Solar Energy Generation Facilities to the list of permitted uses in § 154.005 (A) including "subject to XXXX" (see reference below for site design standards)**

154.055?

• **Add Solar Energy Generation Facilities subject to the list of uses permitted with standards to § 154.066 (E) (1) including "subject to XXXX" (see reference below for site design standards)**

154.069

• **Add § XXXX, Solar Energy Generation Facility Site Standards**

- 1) Area devoted to solar energy generation facilities may not exceed 15 acres per facility on any lot.
- 2) Solar Energy Generation Facilities shall be completely enclosed within:
 - a. a woven wire fence; or
 - b. a masonry wall; or
 - c. a wooden fence that contains spacing no greater than six (6) inches.

Such fences shall be at least six (6) feet in height. Wire woven fences shall be vinyl-coated or painted with a dark green, brown or black color. Vinyl-coating or painting of razor-wire or barbed-wire portions of the fence is not required.

- 3) A Buffer Strip as defined in 154.007(B) shall be planted to screen the site from all other properties. This may be along the lot line or surrounding the area designated for the solar energy generation facility.
- 4) All new power transmission lines shall be underground and any electrical disconnection switches should be clearly marked and unobstructed
- 5) Wind and Snow Load must be certified upon application. All equipment and structures shall comply with the N.C. State Building Code requirements for survival wind speeds and ground snow loads for buildings. Although the N.C. State Building Code may require such load designs for only buildings, all structures and equipment associated with this use shall meet those same wind and snow load requirements. Note that such requirements vary based on the elevation and location of the site. The Zoning Administrator shall require a certification from a structural engineer, licensed in North Carolina as a professional engineer, stating the designed

wind and snow load standards for equipment and structures have been constructed according to the State Building Code and will meet the following:

- a. Structures and buildings will meet a minimum wind survival speed of 90 m.p.h.; and
- b. Structures and buildings will meet a minimum snow load of 15 lbs. per square foot.

6) Should the facility stop being used or become unable to generate power, the property owner shall decommission the facility by removing the structures from the property within 180 days. After that time period, the town shall reserve the right to contract to have the equipment removed and lien against the property until payment for the contract is received in full.

- **Add the following language to the lists in § 154.047 (A), § 154.055 (B), § 154.057 (A), § 154.058 (A), and 154.066 (E):**

Solar panels shall be allowed as a secondary use as defined in this chapter. They shall not be allowed in front yards except by conditional use permit as approved by the Board of Adjustment. Application for a conditional use shall include justification for why the panels must be placed in the front yard and show that there is no practical alternative. Solar panels shall be subject to the setback requirements for structures in each district. Stand-alone solar panels shall be limited to 10 feet in height. Solar panels attached to buildings shall not extend more than 5 feet above the building. Stand-alone solar panels that are secondary uses to residential uses shall not be required to buffer. Stand-alone solar panels that are secondary uses to commercial uses shall be required to plant a buffer strip along side and rear property lines as defined in the zoning definitions. **Residential panels shall not produce more than 150% of the power required for the site.**

- **Add the following language to the lists in § 154.047 (A), § 154.055 (B), § 154.057 (A), § 154.058 (A), and 154.066 (E):**

Wind Turbines shall be allowed in all districts under a special use permit under § 154.138. Wind Turbines shall be required to have a setback from all property lines of two (2) times the fall radius of the wind turbine.

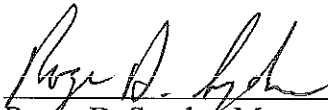
**ARTICLE III
SEVERABILITY**

Each section and subsection of said ordinance as adopted herein constitutes a separate and distinct provision. Whenever possible, each provision of such Ordinance shall be interpreted in a manner as to be effective and valid under applicable law. In the event that any provision so such Ordinance shall finally be determined by competent court or tribunal to be unlawful or unenforceable, such provision shall be deemed severed from such Ordinance but every other provision of the Ordinance shall remain in full force and effect.

**ARTICLE NO. IV
EFFECTIVE DATE**

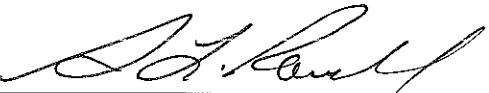
This Ordinance and the Amendment to the Zoning Ordinance of the Town of Mills River, North Carolina shall take effect and be effective at 12:01AM on June 1, 2013 and shall be in full force and effect at all times thereafter until duly amended.

ADOPTED AND PASSED by the Town Council of the Town of Mills River, North Carolina, this the 23rd day of May, 2013.



Roger D. Snyder, Mayor

ATTEST By:



Susan L. Powell, MMC, NCCMC
Town Clerk

