



**APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA**

Date Filed: May 28th, 2025. Application Number: TA-25-5.

I, the undersigned, do hereby respectfully make a formal application for your review of my request concerning the text amendment described below:

- 1. The amendment is found in the City of Mount Holly Zoning Ordinance relating to:

Note 28, Section C of Ch.12, § 12.6,

- 2. The following statement best describes what you would like the text amendment to reflect:

See Attached Text Amendment

- 3. Name: Bennett Thompson

Address: 1043 E Morehead St, suite 105, Charlotte, NC 28203

704-491-3436

bennett.thompson@advocatehealth.org

Bennett Thompson

5/28/2025

Phone Number

Email

Signature of Applicant

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning & Development Department, together with the application fee in the amount of \$250.00-plus \$20.00 per page for each page in the City's Zoning Ordinance that requires updating as a result of the text amendment at least 30 days prior to the Planning Commission meeting for initial consideration.

Note 28, Solar Energy Systems.

(A) *Intent.*

(1) To provide for the regulation of the construction and operation of solar energy facilities in the City of Mount Holly, subject to reasonable conditions that will protect the environment, public health, safety and welfare. Zoning permits are required for all energy systems. Additionally, a special use permit is required for some large energy systems.

(2) All applications for solar energy systems must include a full site plan showing the following:

- (a) Shape and dimensions of the parcel;
- (b) Location of the lot with respect to adjacent rights-of-way;
- (c) Shape, dimensions and location of all buildings or solar panels or arrays, both proposed and existing;
- (d) Square footage of any built upon area;
- (e) Elevation drawing of the solar energy system including, dimensions of each individual system, type and color of all materials; and
- (f) Full buffer plan illustrating compliance with this ordinance.

(B) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ACCESSORY SOLAR ENERGY SYSTEM. Any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity.

APPLICANT. The person or entity filing an application under this ordinance.

ENVIRONMENTAL ASSESSMENT. A detailed examination of the applicant's proposal and its local environmental context with an emphasis on avoiding, minimizing and mitigating adverse impacts.

FACILITY OPERATOR. The entity responsible for the day-to-day operation and maintenance of the energy facility.

FACILITY OWNER. The entity or entities having controlling or majority equity interest in the energy facility, including their respective successors and assigns.

PARTICIPATING LANDOWNER. A landowner under lease or other property agreements with the facility owner or operator pertaining to the energy facility.

SOLAR ENERGY. Radiant energy (direct, diffuse and reflected) received from the sun.

SOLAR ENERGY SYSTEM, LARGE. A solar collection system that generates electricity from sunlight to be sold-for-profit to a wholesale electricity market through a regional transmission organization and an inter-connection with the local utility power grid and/or for direct distribution to a number of properties and consumers. Any solar energy system not identified as a small solar energy system shall be considered a **LARGE SOLAR ENERGY SYSTEM**.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED. A solar collection system that is installed upon or is part of the roof of a building or structure located on the subject property. Systems integrated as awnings or attached to the roofs of porches, sheds, carports and covered parking structures also fall under this distinction.

SOLAR ENERGY SYSTEM, SMALL. An accessory solar collection system that generates energy from sunlight for direct consumption on the subject property and/or for inter-connection to the electric utility power grid to offset energy use on the subject property, in accordance with current state net-metering laws.

SPECIAL USE PERMIT. Requirements for special use permits may be found in Ch. 12, § [12.6](#), of the Zoning Ordinance.

(C) *Small solar energy systems.* The following shall constitute the criteria and requirements associated with a small solar energy system.

(1) *Permitted.* Small solar energy systems shall be permitted as an accessory use by right in all zoning districts, subject to the requirements set forth in this ordinance, except for L-I and H-I. Solar energy systems include ground-, pole- and roof-mounted systems.

(2) *Energy.* The energy generated by the small solar energy system shall be used primarily for direct consumption on the subject property and/or for inter-connection to the electric utility power grid to off-set energy use on the subject property, in accordance with current state net-metering laws.

(3) *Zoning permit.* The construction of the small solar energy system shall be in accordance with an approved zoning permit from the City of Mount Holly and building permit from Gaston County.

(4) *Number of allowed small solar energy systems.*

(a) Front yard and front facade placement are prohibited in all residential zoning districts. Properties that are located in commercial zoning districts greater than three acres may be in the front yard.

(b) Side yard and rear yard placement allows a maximum of four ground-mounted small solar energy systems per side or rear yard in residential zoning district.

(c) Front, side and rear roof slope placement shall be determined by a licensed engineer certifying that the structural integrity of the structure can support the required number of solar panels needed. Solar panels must not compromise the structural integrity of the structure and may be placed in any configuration on a front, side or rear roof slope.

(d) Solar panels may be placed in any configuration on the front roof slope of a structure if glare is mitigated. A licensed engineer must provide a letter stating that the angle of any front roof slope placement of a solar panel will not produce a glare directed towards the street or adjoining properties.

1. *Setback.* Ground- or pole-mounted solar energy systems shall be placed so that no individual component of the solar system may extend into the side or rear setback. Solar energy systems may be placed no closer than ten feet from the rear lot line (except on double frontage lots as defined in § 3.13 of this ordinance) and ten feet from side lot lines **if less than 12 feet above ground when orientated at maximum tilt.** Ground- or pole-mounted solar energy systems shall not be allowed in the front yards of residential properties. **If more than 12 feet above ground when operating at maximum tilt the systems shall not be placed within 100 feet of the side, rear, and front property lines, and the lot must be greater than three acres in size.**

2. *Ground-mounted small solar energy systems.*

a. The total height of the solar energy system, including any mounts shall not exceed 12 feet above the ground when orientated at maximum tilt **in residential zoning districts. The total height of the small solar energy system shall not exceed 20 feet in height when operating at maximum tilt in commercial zoning districts.** If the solar energy system is intended to provide power for outdoor lighting, the system shall not extend higher than the permitted height of the structure to which it is attached and/or inter-connected to.

b. The solar energy system shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions.

c. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

d. Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.

e. It shall be demonstrated that the small solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as a public park, a state designated scenic road or historic resources.

f. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.

g. No ground-mounted small solar energy systems shall be affixed to a block wall or fence.

3. *Roof-mounted small solar energy systems.*

a. Roof-mounted small solar energy systems shall include integrated solar shingles, tiles or panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush- or frame-mounted solar panels attached to the roof surface.

b. Separate flush- or frame-mounted small solar energy systems installed on the roof of a building or structure shall not:

i. Project vertically above the peak of the sloped roof to which it is attached;
or

ii. Project vertically more than five feet above a flat roof installation.

c. The combined height of a roof-mounted system and the principal structure to which it is attached may not exceed the maximum height for the relative zone, in which it is located, as described in Ch. 5 of this ordinance.

d. It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof and safe egress from the roof.

e. Any glare generated by the system must be mitigated or directed away from any adjoining property or adjacent road when it creates a nuisance or safety hazard.

4. *Appearance.*

a. The small solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.

b. All signs, other than the manufacture's identification, installer's identification, appropriate warning signs or owner identification on a small solar energy system shall be prohibited. Not more than one manufacturer label bonded to or painted upon the solar energy system shall be permitted.

(e) No element of the solar system shall reflect sunlight or glare onto a neighboring property or right-of-way. Failure to mitigate glare can result in an enforceable zoning violation.

(5) *Code compliance.*

(a) A small solar energy system shall comply with all applicable Construction and Electrical Codes.

(b) All obsolete or unused systems shall be removed within six months of cessation of operations without cost to the city. Reusable components are to be recycled whenever possible.

(6) *Violations.* Subsequent to the effective date of this ordinance, it is unlawful for any person to construct, install or operate a small solar energy system that is not in compliance with this ordinance or with any condition contained in a zoning permit issued pursuant to this ordinance.

(D) *Large solar energy systems.* The following shall constitute the criteria and requirements associated with a large solar energy system.

(1) *Permitted.* Large solar energy systems shall be a use permitted in the L-I and H-I Zoning Districts with a special use permit. Large solar energy systems are subject to a review and to the requirements set forth in this ordinance. If a large solar energy system does not sell for profit to a wholesale electricity market through a regional transmission organization, then a special use permit shall not be required but the applicant must meet all provisions of this ordinance.

(2) *Energy.* The electricity generated by the large solar energy system shall be sold for profit to a wholesale electricity market through a regional transmission organization and an inter-connection with the local utility power grid and/or for direct distribution to a number of properties and consumers. A business may choose to operate a large solar energy system and not sell the energy for profit to a wholesale electricity market through a regional transmission organization so long as the business primarily utilizes such electricity generated for the business activities on their property and are located in the L-I or H-I Zoning Districts.

(3) *Zoning permit.* The construction of the large solar energy system shall be in accordance with an approved zoning permit from the City of Mount Holly and building permit from Gaston County. If the large solar energy system is to be inter-connected to the local utility power grid, a copy of the conditional approval from the local utility must be provided prior to or at the time of application for the required zoning permit and building permit.

(4) *Setback.* Ground-mounted large solar energy systems shall be setback a minimum of 50 feet from any property line. If the large solar energy system abuts a residential zoning district the solar energy system shall be setback a minimum of 100 feet from any property line.

(5) *Ground-mounted large solar systems.*

(a) The total height of the solar energy system, including any mounts, shall not exceed 20 feet above the ground when oriented at maximum tilt.

(b) Shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions.

(c) Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

(d) A security fence equipped with a gate and a locking mechanism must be installed at a height of eight feet along all exterior sides of the solar farm.

(e) A landscape buffer/screen along all exterior sides of the security fence must consist of (the landscape buffer may be located in the setback areas):

1. On-site mature vegetation exists at a minimum height of ten feet and depth of 50 feet between the security fence and adjacent property including rights-of-way and/or on-site mature vegetation exists at a minimum height of ten feet and depth of 100 feet between the security fence and adjacent property including rights-of-way when abutting a residential zoning district;

2. A single row of evergreens in combination with mature vegetation, installed at a height of five feet achieving opaqueness and a minimum height of ten feet in five years;

3. A double row of off-set evergreens absent mature vegetation, installed at a height of five feet achieving opaqueness and a minimum height of ten feet in five years; or

4. A berm combined with evergreen vegetation installed at a height of five feet achieving opaqueness and a minimum height of ten feet in five years.

a. Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.

b. It shall be demonstrated that the large solar energy system shall not unreasonable interfere with the view of, or from, sites of significant public interest such as a public park, a state designated scenic road or historic resources.

c. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.

d. No ground-mounted large solar energy systems shall be affixed to a block wall or fence.

(6) *Roof-mounted large solar energy systems.*

(a) Roof-mounted large solar energy systems shall include integrated solar shingles, tiles or panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush- or frame-mounted solar panels attached to the roof surface.

(b) Separate flush- or frame-mounted large solar energy systems installed on the roof of a building or structure shall not:

1. Project vertically above the peak of the sloped roof to which it is attached; or
2. Project vertically more than five feet above a flat roof installation.

(c) The combined height of a roof-mounted system and the principal structure to which it is attached may not exceed the maximum height for the relative zone, in which it is located, as described in Ch. 5 of this ordinance.

(d) It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof and safe egress from the roof.

(e) Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.

(7) *Appearance.*

(a) The large solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.

(b) All signs, other than the manufacturer's identification, installer's identification, appropriate warning signs or owner identification on a large solar energy system shall be prohibited. Not more than one manufacturer label bonded to or painted upon the solar energy system shall be permitted. An appropriate warning sign concerning voltage must be placed at the main gate to include the name of the solar energy system operator and a local phone number for the solar energy system operator in case of an emergency.

(8) *Code compliance.* The applicant shall be required to provide an engineer as-built drawing which shall certify compliance with all safety requirements required under the code section and the manufacturer's specifications. A large solar energy system shall comply with all applicable Construction and Electrical Codes.

(9) *Removal of solar farm equipment and site restoration.*

(a) The application must include decommissioning plans that describe the anticipated life of the solar energy system, the estimated decommissioning costs in current dollars, the method of ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar energy system project will be decommissioned and the site restored.

(b) The land owner or tenant must notify the city when the solar energy system is no longer generating electricity and when the decommissioning of the solar energy system will begin.

(c) Following a continuous six-month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the solar energy system. Decommissioning includes removal of solar panels, buildings, cabling, electrical components and any other associated facilities below grade as described in the approved decommissioning plan. The land owner or tenant must notify the city when the decommissioning of the solar energy system is complete.

(10) *Violation.* Subsequent to the effective date of this ordinance, it is unlawful for any person to construct, install, or operate a large solar energy system that is not in compliance with this ordinance or with any condition contained in a zoning permit issued pursuant to this ordinance.