STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

ORDINANCE # 818

AN ORDINANCE TO OUTLINE CONDITIONS FOR RENEWABLE ENERGY SYSTEMS AND TO ESTABLISH THE EFFECTIVE DATE OF THIS ORDINANCE

The purpose of this ordinance is to establish the process and regulations regarding renewable energy systems in Marlboro County.

Section 1: Definitions

Engineer. Design's materials, structures, and systems while considering the limitations imposed by practicality, regulation, safety, and cost. Engineer must be licensed in the State of South Carolina.

Setbacks. Setbacks must be from the fence line of the renewable energy system to the property line of the adjoining property, or in the case of the property containing a dwelling, the roof edge of the dwelling.

Solar Energy System. A series of ground mounted solar collectors placed in an area for generating photovoltaic (PV) power as a commercial enterprise. Solar collectors shall be designed with anti-reflective coating to minimize glare. The minimum size for a solar energy system is one acre. The maximum megawatt output of a solar energy system is 75. Formerly alternately addressed as 'solar farm'.

Wind Farm. Two or more ground-mounted wind turbines placed in an area of generating power as a commercial enterprise. The maximum megawatt output for a wind farm is 75. The minimum area for a wind farm is one acre.

Section 2: General Requirements

Solar energy systems and wind farms may be permitted by the Planning and Zoning Committee as a conditional use in Marlboro County. Solar energy systems and wind farms should be approved provided all the following conditions are met:

1) Submit three scaled 11-inch by 17-inch or larger site plans prepared by a licensed land surveyor, landscape architect, or engineer in the State of South Carolina. The site plan shall contain:
    a) developer's name, address, and phone number.
    b) property boundaries with dimensions.
    c) identification of adjacent property owners and land uses (i.e., residential, commercial, farmland, or wooded).
    d) road(s) layout and public roads.
    e) north arrow and vicinity map (may attach Assessor's tax map of vicinity).

f) identification of existing and proposed structures, include dimensions (i.e., equipment location, fencing).
g) tax Map Number, Scale (engineer scale: i.e., 1 inch = 30 feet or 1" = 30'), and date.
h) identification of bodies of water (i.e., lakes, ponds, and streams) with minimum 50-foot buffer shown, flood hazard areas, wetlands, adjacent ditches, and easements.
i) proposed surface covers (i.e., grass, gravel, etc.), location and size of land disturbance, and vegetated landscaping.
j) ground level profile drawings of structure.
k) designed snow, wind and ground loads.
l) buffer requirements.
m) placement of security fence and type.

2) Copy of permit letter from electric service provider.
3) Copy of DHEC stormwater impact study.
4) Proof that all necessary insurance is in place before land development begins.
5) Solar energy systems, equipment, and structures shall not exceed 25 feet in height when ground mounted. Roof mounted solar energy systems shall not exceed the maximum height for the applicable zoning district.
6) Ground mounted solar energy systems shall meet the minimum zoning setback requirements of the applicable zoning district in which it is located.
7) Electric solar energy system components must have UL listing or equivalent.
8) All photovoltaic systems shall comply with the current National Electrical Code; off grid systems shall be exempt from this requirement.
9) It is the responsibility of the company managing and/or owning the solar energy system, whether the property is outright owned by the company managing or owning the solar energy system or whether property is being leased, to remove within twelve months all obsolete or unused systems to include the concrete pads, solar panels, wiring, and all related equipment necessary for the operation of the solar energy system.
10) It is the responsibility of the company managing and/or owning the wind farm, whether the property is outright owned by the company managing or owning the wind farm or whether property is being leased, to remove within twelve months all obsolete or unused systems to include the concrete pads, turbines, wiring, and all related equipment necessary for the operation of the wind farm.
11) Security fence will surround the perimeter of the solar energy system or wind farm with a 6-foot-high woven or barbed wire fence from the ground up.
12) Reasonable accessibility for emergency service vehicles shall require a 25-foot easement or right-of-way.
13) No signage is allowed on the solar energy system fencing except for:
    a) A sign, not to exceed 32 square feet, displaying the facility name, address, and emergency contact information.
    b) Warning signage.

All active solar energy systems and wind farms shall meet all requirements of the County Code Enforcement Department.

Section 3: Setbacks.

Solar Energy Systems must be set back the greater of 100 feet from an adjoining property line OR 400 feet from the nearest dwelling.

Section 4: Screenings

A continuous vegetative buffer shall be installed around the perimeter of the solar energy system or wind farm. This buffer shall be 36" to 48" in height at planting and must reach 100 percent of the solar panel height within three (3) years of planting. The vegetation must be planted in two staggered rows at a spacing interval between 8' to 10' on center. The fence must be located on the inside of the vegetative buffer. Screening is not required along properties adjacent to non-residential uses or along roadways

Development shall maintain a 50-foot vegetated buffer from any body of water (i.e., lakes, streams, ponds, and rivers) to preserve the county's water quality and prevent any adverse stormwater effects.

Section 5: Decommissioning Plan

It is the responsibility of the company managing and/or owning the solar energy system or wind farm, whether land is owned or leased, to submit during the initial planning phase and maintain throughout operation an updated facility decommission plan. The latest facility decommission plan shall be recorded in the County's Building Code Department.

An applicant must include a decommissioning plan that describes the anticipated life of the solar energy system or wind farm; the estimated decommissioning cost in current dollars; the method for ensuring that funds will be available for decommissioning and restoration; and the anticipated manner in which the project will be decommissioned, and the site restored.

Following a continuous six (6) month period in which no electricity is generated, the permit holder will have six (6) months to complete decommissioning of the solar energy system or wind farm. Decommissioning includes removal of solar panels, turbines, buildings, cabling, electrical components, and any other associated facilities below grade as described in the decommissioning plan. Decommissioning Plan must be passed by conveyance to successive owner(s).

Section 6: Public Notice

Upon receipt of a completed solar energy system or wind farm application, the County planning staff shall send, by first class mail, a notice of the application to all property owners within 1,320 feet of the proposed solar energy system or wind farm. The notification shall include the projected date of the public hearing (regularly scheduled planning commission meeting) to be held by the planning commission. Public notification includes posting in the local newspaper and mail notice to residents postmarked at least 15 days prior to the public hearing.

Section 7: Overview of Permitting Process

Applicants shall apply to the Building Code Department and meet the following requirements:

1. Request for district of location letter.
2. Submit solar energy system or wind farm application and fee payment.
3. E-911 Address Inquiry and Approval.
4. Submit three (3) 11" x 17" (or larger) site plans prepared by a land surveyor, landscape architect, or engineer in the State of South Carolina, which shall include:
    a. Developer's name, address, and phone number.
    b. Property boundaries with dimensions.
    c. Identification of adjacent property owners and land uses (i.e., residential, commercial, farmland, or wooded).
    d. Road(s) layout and public roads.
    e. North arrow and vicinity map (may attach Assessor's tax map of vicinity).
    f. Identification of existing and proposed structures, include dimensions (i.e., equipment location, fencing).
    g. Tax Map Number, Scale (engineer scale: i.e., 1 inch = 30 feet or 1" = 30'), and date.
    h. Identification of bodies of water (i.e., lakes, ponds, and streams) with minimum 50-foot buffer shown, flood hazard areas, wetlands, adjacent ditches, and easements.
    i. Proposed surface covers (i.e., grass, gravel, etc.), location and size of land disturbance, and vegetated landscaping.
    j. Ground level profile drawings of structure.
    k. Designed snow, wind and ground loads.
    l. Buffer requirements.
5. Placement of security fence and type. Submit a complete set of sealed construction plans and specifications including the design of all structures, foundation details, wiring/thermal diagrams, and vertical illustrations of panels or turbines with maximum height, a grading plan with drainage details, and maintenance service road plan certified by licensed engineer in South Carolina.
6. Facility Decommission Plan.
7. Mandatory Permits/Agreements:
    a. Utility Company Agreement
    b. Lease Agreement
    c. Stormwater NPDES Permit from South Carolina Department of Health and Environmental Control
    d. Encroachment Permit by South Carolina Department of Transportation or Marlboro County Roads and Bridges
    e. Fire Department Review and Approval per the International Fire Code
8. If Applicable, Approval Letters:
    a. MS4 Approval (mandatory for wind or solar energy system within MS4 district)
    b. FAA letter (mandatory for wind or solar energy system within Airport district)

c. Septic systems approved by South Carolina Department of Health and Environmental Control indicating sewer capacity/existing septic tank affidavit
d. South Carolina Department of Health and Environmental Control letter approving well or Marlboro County Water and Sewer Authority approving water tap
e. Receipt of road and stop signage paid (for new roads only)
f. South Carolina Public Services Commission Approval (Nameplate of 75 or more megawatts)

9. Public Hearing once all other conditions are met.

Section 8: Non-Conformity

This Ordinance shall not apply to renewable energy systems (Solar energy systems and Wind farms) that have been approved by the Marlboro County Planning & Zoning Commission within the last year prior to the effective date of this Ordinance, unless those renewable energy systems are modified or expanded after the effective date of this Ordinance.

Section 9: Fees

Fees to cover the administrative cost of issuing building and use permits shall accompany all requests for such permits. The amount of such fees shall be determined by County Council, a schedule of which shall be available at the office of the Code Enforcement Official.

This ordinance shall be included and incorporated in the Code of Ordinances for Marlboro County, as an amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the code. This ordinance shall become effective upon public hearing and third reading.

ADOPTED THIS 10TH DAY OF AUGUST, 2021.

MARLBORO COUNTY COUNCIL

SEAL

Jason K. Steen, Chairman

ATTEST:

Patricia M. Bundy, Clerk to Council

First Reading (Title Only): June 21, 2021
Second Reading: July 13, 2021
Public Hearing: August 10, 2021
Third Reading: August 10, 2021