

amended, associated with the existing or proposed runways at any publicly owned airport, regardless as to whether said airport is located in Cherokee County. All communication towers located within the first twelve thousand (12,000) feet of the approach surface of an existing or proposed runway, or within the horizontal surface associated with such a runway as described in FAR Part 77 shall be lighted. Such towers shall be illuminated by strobe lights during daylight and twilight hours and red lights during evening hours. Prior to the issuance of a building permit, applicants shall provide documentation that the proposed communication tower has been reviewed and approved by the Federal Aviation Administration, if required in accordance with FAR Part 77.

- b. All communication towers shall be lighted in accordance with the most recent amendment of the Federal Aviation Administration Circular 70-7460, "Obstruction Marking and Lighting."
- (9) *Site plan requirements.* In addition to the site plan requirements as specified in section 13-156 of this chapter, the following information shall be included on any land development plan submitted for a communication tower:
- a. The height of the proposed tower;
  - b. Guy anchors;
  - c. The distance from all guy anchors to the closest property line; and
  - d. Any proposed fences or landscaped areas.

These additional site plan requirements (a.—d.) do not apply to stealth towers. For stealth structures, the applicant is required only to submit the proposed height of the antenna from the ground, as well as the height above the structure upon which it is to be attached.

- (10) *Permit requirements.* Subsequent to the adoption of this section, no communication tower shall be constructed within the unincorporated portions of Cherokee County unless a communication tower permit shall have first been issued by the designated ordinance administrator.

Permit issuance shall be subject to the requirements and provisions of this section, as well as upon approval of a land development project site plan, as described herein.

The permit fee for construction of a communication tower or stealth tower shall be ten thousand (\$10,000.00) dollars.

(Ord. of 10-16-00, § 5.6)

### **Sec. 13-128. Solar energy systems and wind farms.**

(a) The purpose of this section is to protect the health and safety of the citizens of Cherokee County through establishing reasonable standards for the construction, installation, and operation of commercial energy systems including specifically solar energy systems and wind farms in Cherokee County.

(b) Solar energy system. A series of ground-mounted solar collectors placed in an area for generating photovoltaic (PV) power as a commercial enterprise. The minimum side for a solar energy system is twenty (20) acres.

(c) Wind farm. Two (2) or more ground-mounted wind turbines placed in an area of generating power as a commercial enterprise. The minimum for a wind farm is twenty (20) acres.

(d) The establishment and operation of solar energy systems and wind farm facilities shall comply with the following design and development standards:

- (1) Site plans shall be prepared by a licensed land surveyor, landscape architect, or engineer in the State of South Carolina. Plans must be sealed.
- (2) All internal roads servicing the system or farm must be named. E-911 addressing per county policy shall approve new road names.
- (3) Setbacks. Solar energy systems and wind farms shall be set back fifty (50) feet from adjoining property lines and two hundred (200) feet from the nearest residence. All setbacks shall be measured from the exterior of the fencing and gates which are required around the perimeter of all solar energy systems and wind farms.
- (4) Water and sewer systems approved by South Carolina Department of Health and Environmental Control (SCDHEC).
- (5) Height. As set forth hereinafter, solar structures shall not exceed fifteen (15) feet in height. Wind turbine structures including rotor blades shall not exceed one hundred seventy (170) feet in height.
- (6) Wind turbine system shall be engineered to survive a one hundred (100) mph wind load or greater.
- (7) No appurtenances (i.e., lighting, flags, signs, or decorations) shall be attached to the system. Lighting would be required by the Federal Aviation Administration (FAA).
- (8) Noise levels shall not exceed fifty-five (55) decibels (dba).
- (9) Wind turbines climbing apparatus shall be no lower than twelve (12) feet from the ground.
- (10) Wind equipment shall be white or earth toned and remain painted and finished. The intent is to minimize glare/flicker and attraction to birds.
- (11) A fail-safe breaking system, auto-furling system, or similar system shall be incorporated to prevent uncontrolled rotation, over-speeding, and excessive pressure on system.
- (12) Developer shall make practical efforts to preserve natural features and landscape.
- (13) A continuous vegetative buffer shall be installed around the perimeter of the solar energy system/wind farm. This buffer shall be thirty-six (36) inches to forty-eight (48) inches in height at planting and must reach one hundred (100) percent of the

panel height within three (3) years of planting. The vegetation must be planted in two (2) staggered rows at a spacing interval between eight (8) feet and ten (10) feet. The fence must be located on the inside of the vegetative buffer.

- (14) Development shall maintain a fifty-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.
- (15) All lighting shall be shielded or directed in a downward position to prevent noxious glare. A light fixture is required at the ends of all turnarounds.
- (16) All solar energy systems shall be completely enclosed with a minimum of six (6) feet high chain link or security fencing as measured from the natural grade of the fencing perimeter) The fence must be secure at all times.
- (17) Signage. No signage is allowed on the solar energy system or wind farm fencing except for a warning sign concerning voltage must be placed at the main gate to include the address and name of the solar energy system and wind farm operator and a twenty-four-hour phone number for the solar energy system or wind farm.
- (18) The height of solar energy system solar panels shall be measured from the highest natural grade below each solar panel to the top of that panel. Panel height shall not exceed fifteen (15) feet. Every component of the solar energy farm shall be limited to a maximum fifteen (15) feet in height. Poles and wires necessary to connect to public electric utility shall not be subject to this requirement.
- (19) Solar connectors shall be designed with anti-reflective coating to minimize glare. Textured glass coupled with the anti-reflective coating further minimizes solar glare. Textured glass is optional. Mirrors are prohibited.
- (20) Electric solar system components must have an underwriters laboratories (UL) listing.
- (21) All active solar energy systems and wind systems shall meet all requirements of the Cherokee County Building Codes Department.
- (22) Submit and maintain an updated facility decommission plan. At least annually, the latest facility decommission plan shall be recorded in the Cherokee County Register of Deeds Office. An applicant must include a decommissioning plan that describes the anticipated life of the solar energy system. Following a continuous six-month period in which no electricity is generated, the permit holder shall have six (6) 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 decommissioning plan. Simultaneously at the time of application submission the owner of the solar energy system shall provide Cherokee County with a fifty thousand dollar (\$50,000.00) surety or performance bond to be maintained by the solar energy system owner or subsequent owner(s) until the solar energy system is decommissioned. Prior to the issuance of any electrical permit, the owner of the solar energy system must submit

a notarized affidavit acknowledging the above decommissioning obligations. Decommissioning plan must be passed by conveyance to successive owner(s). The fence and gate requirements shall continue until such solar energy system is dismantled and removed from the parcel or parcels of land upon which it was constructed. Upon failure to accomplish the decommissioning plan, the Cherokee County Building Inspector may take action authorized in the Cherokee County Code of Ordinances as applicable to unsafe buildings.

(e) Upon receipt of a completed solar energy system application, the county planning department shall issue a public notification of the projected date of the public hearing to be held by the county planning commission. Public notification includes posting in the local newspaper at least fifteen (15) days prior to the public hearing.

(f) Solar energy system/wind farm permitting process. Applicants shall apply to the planning department and meet the following requirements:

- (1) Request for district location letter.
- (2) Submit solar energy system/wind farm application and payment.
- (3) E-911 address inquiry and approval.
- (4) Restrictive covenants affidavit.
- (5) Submit three (3), 11" x 17" inches (or larger) site plans by land surveyor, engineering, or landscape architecture to include:
  - a. Developer's name, address, and phone number;
  - b. Property boundaries with dimensions and identify adjacent property owners and land uses (i.e., residential, commercial, farmland, or wooded);
  - c. Road(s) layout and public roads;
  - d. North arrow and vicinity map (may attach assessor's tax map of vicinity);
  - e. Identify existing and proposed structures, including dimensions (i.e., equipment location, fencing);
  - f. Tax map number, scale (engineer scale: i.e., 1 inch = 30 feet or 1" = 30'), and date;
  - g. Bodies of water (i.e., lakes, ponds, and streams) with minimum fifty-foot buffer shown flood hazard areas, wetlands, adjacent ditches, and easements;
  - h. Proposed surface covers (i.e., grass, gravel, etc.) location and size of land disturbance, and vegetated landscaping.
- (6) Submit a complete set of sealed construction plans and specifications including the design of all structures, foundation details, wiring/thermal diagrams, vertical illustrations of panels with maximum height, a grading plan with drainage details, and maintenance service road plan certified by licensed engineer in South Carolina.
- (7) Facility decommission plan.

(8) Mandatory permits/agreement:

- Utility company agreement.
- Lease agreement.
- Stormwater NPDES permit from South Carolina Department of Health and Environmental Control.
- Encroachment permit by South Carolina Department of Transportation or Cherokee County Roads and Bridges.
- Fire department review and approval per the International Fire Code.

(g) If applicable approval letters:

- FAA letter (mandatory for wind/solar energy system within airport district).
- Septic systems approved by South Carolina Department of Health and Environmental Control indicating sewer capacity/existing septic tank affidavit - if applicable.
- Receipt of road and stop signage paid (for new roads only).
- South Carolina Public Services Commission approval (nameplate of seventy-five (75) or more megawatts).
- Public hearing once all other conditions are met.

(h) Nonconformity. Solar energy systems in existence prior to this article are grandfathered. Grandfathering is applicable as long as the current design and use remains unchanged. Changes, additions, and expansions shall comply with this article.

(i) Fees. Fee structure to follow Cherokee County Code section 1701[sic] appendix A - fee schedule.

(j) Notice of violations/penalties. Upon the failure or refusal of the owner or operator given notice of violation (NOV) of this article to comply with said violations, the Cherokee County Code Enforcement department shall issue a uniform summons for the ordinance violation or institute legal action under the appropriate state and county statutes.

(k) Should any section or provision of this article for solar energy and wind farm development be determined by a court of competent jurisdiction to be unconstitutional or invalid, such determination or decision shall not affect the validity of the article as a whole, or a part thereof, other than the part so declared to be unconstitutional or invalid.

(Ord. No. 2019-14, § 1(Exh. A), 4-15-19)

**Secs. 13-129—13-150. Reserved.**