

ORDINANCE #2020-03

AN ORDINANCE TO AMEND SECTION 8.34, SOLAR GENERATION FACILITY, UTILITY SCALE OF ARTICLE VIII OF APPENDIX A OF THE VILLAGE ZONING ORDINANCE, FOXFIRE VILLAGE, NORTH CAROLINA

THE FOXFIRE VILLAGE COUNCIL ORDAINS:

SECTION 1

Section 8.34, sub-section A., B., and C. are deleted in their entirety and replaced with the following:

Section 8.34 A. Setbacks and facility size. The perimeter fencing of the area containing the solar generation facility shall be located a minimum of 200 feet from the property line of adjoining properties, including public road rights-of-way.

Section 8.34 C. Poles and lines. Except for poles and lines necessary to connect the facility to the electrical utility grid, the height of all structures and arrays associated with the facility shall not exceed 20 feet, and all structures and arrays shall be set back a minimum of 200 feet from the property line of adjoining properties and every public road right-of-way.

Section 8.34 D. Vegetative screening and buffers. The screening or buffer yard shall be placed outside the solar generation facility perimeter fencing, shall be at least 20 feet wide, and consist of at least two staggered rows of ten evergreen trees or shrubs per 100 linear feet or fraction thereof. The evergreen buffer must reach a height of six feet within two years of planting. The screening or buffer shall be provided where the solar generation facility adjoins residential property and public road rights-of-way, unless the Village Council finds that equivalent natural vegetation or topography exists sufficient to satisfy the screening requirement, or that the distance between the use and adjoining properties or right-of-way renders all or certain portions of screening unnecessary. The vegetative buffer must be maintained throughout the life of the facility.

SECTION 2

Section 8.34, sub-section K. 2. is amended by adding the following:

A bond with surety and condition satisfactory to the Village, cash, or a certified letter of credit from a local bank, in an amount equal to one hundred twenty percent (120%) of the estimated cost of decommissioning must be presented to the Village prior to commencement of construction of the solar generation facility.

SECTION 3

All provisions of any Village ordinance in conflict with this ordinance are hereby repealed. The Foxfire Village Council has determined that the amendments herein are reasonable and consistent with the Village Long Range Plan and Land Use Plan to retain open views and spaces within the Village and to preserve environmental resources and an attractive visual appearance.

SECTION 4

This ordinance shall become effective upon adoption.

Adopted this 28th day of May 2020.



E.M. McCue, III
Mayor

ATTEST:



Lisa A. Kivett, CMC, NCCMC, CZO
Village Clerk