

## § 150.040 SOLAR ENERGY SYSTEMS.

(A) *Definition.* For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**SOLAR ENERGY SYSTEMS (SES).** The components and subsystems required to convert solar energy into electric energy.

(B) *Levels of SES.*

(1) *Level 1.* Systems designed to provide power to the structures on a parcel. Level 1 systems include roof mounted systems (such as, but not limited to panels, solar shingles, and the like) and ground mounted systems larger than 60 square feet but covering less than one-half acre. Level 1 systems are considered accessory structures; and

(2) *Level 2.* Ground mounted systems greater than one-half acre or greater in size for the commercial production of electricity and transmission to a public utility.

(C) *Conditional use.*

(1) Level 2 SES are a conditional use in the AG Zone. Level 2 SES are not permitted in RR, UR, C, ML, or MH Zones. Any Level 2 SES proposal must also agree with the county's adopted future land use plan for areas designated as Agricultural. Any application that does not agree with the future land use plan shall be rejected by the Board of Adjustment.

(2) Level 1 SES are permitted in all zones.

(D) *Setbacks.*

(1) Level 1 SES which are ground mounted are not permitted in front or side yards. In rear yards, ground mounted systems shall be a minimum of 50 feet from any principal structure on an adjoining property.

(2) Level 2 SES are required to be setback 150 feet from all exterior property lines, and shall not be placed closer than 500 feet to any existing or permitted residential structure intended for human occupancy. SES that extends across multiple parcels do not have to follow setback requirements (zero lot lines) for interior property lines located within the security fencing.

(E) *Screening.*

(1) All previously existing perimeter tree lines shall be left in place to serve as a visual buffer. Where tree lines do not exist or are removed, a natural screen of a double row of staggered evergreens (minimum eight-foot height at planting and maturing to a minimum of 15 feet tall) planted 15 feet on center from any public right-of-way or adjacent residential use shall be used. Screening shall remain 90% visually solid year-round. Screenings shall be located a minimum of 50 feet from property lines. Visual buffers shall be placed on the exterior of the security fence.

(2) Level 1 SES are exempt from screening requirements excluding ground mounted systems which shall be screened from adjacent residential uses located within 200 feet of the ground mounted system. Screening shall be a six-foot high fence that is 90% visually solid or six-foot tall shrubs and/or evergreen trees that remain 90% visually solid year-round.

(F) *Security fencing.* A security fence shall surround all Level 2 SES and be at least seven feet tall or six feet tall with three strands of barbed wire. Level 1 SES are exempt from security fencing requirements.

(G) *Signage.* There shall be no signs permitted except those displaying emergency information, owner contact information, warning or safety instructions or signs that are required by a federal, state or local agency. Such signs shall not exceed five square feet in area.

(H) *Ground maintenance.* Topsoil shall not be removed. Grasses shall be maintained or established. Herbicides and ground sterilant and gravel shall not be used as a method of vegetative control, except around fences. Grasses inside and outside the security fence shall not exceed ten inches tall. The Board of Adjustment may waive this requirement if the developer can show this requirement will create an undue burden and an acceptable ground maintenance plan is submitted with the conditional use permit application.

(I) *Stormwater management.* For Level 2 SES stormwater and erosion control plans per §150.085 must be submitted with the site plan and approved prior to construction or clearing.

(J) *Decommissioning.*

(1) A decommissioning plan shall be prepared by a licensed engineer and updated every five years. The decommissioning plan must be submitted and approved with the site plan. The plan shall establish the party responsible for decommissioning, the anticipated life of the project, the estimated decommissioning cost including removal of all structures, facilities, equipment, fencing, conduit, driveways and the estimated salvage value of such. Decommissioning must begin no later than 12 months after a solar farm has substantially ceased to generate electricity for a period of three months. All structures, facilities, and equipment must then be removed from the property within six months and any disturbed areas for the property reclaimed, revegetated, and otherwise restored in a manner consistent with its prior state. A copy of all leases containing language regarding decommissioning must also be approved by the county.

(2) A performance bond, or other approvable financial surety, payable to McCracken County Fiscal Court sufficient to cover 110% of the net cost of decommissioning of the site by a third party in the event the assigned party defaults on this

obligation. The amount shall be evaluated every five years in conjunction with the revision to the decommissioning plan by a third-party engineer at the expense of the developer, or SES owner, and requires final approval by the Fiscal Court.

(K) *Fees.* Site plan review fees are \$10 per acre in addition to the conditional use application fee for any application and due at the time of application.

(Ord. 2021-03, passed 3-8-2021; Ord. 2021-18, passed 12-13-2021)