

ORDINANCE

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AN ORDINANCE TO AMEND THE CHERRY VALLEY, ARKANSAS ZONING REGULATIONS AND DECLARING AN EMERGENCY

WHEREAS, the City of Cherry Valley, Arkansas desires to amend its zoning regulations to identify Solar Generation Facilities and agricultural uses as uses permitted by right in Zoning Districts designated as Light Industrial (I-1), to define "Solar Generation Facilities," to designate the lot coverage, yard, and off-street parking requirements applicable to Solar Generation Facilities, and for other purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CHERRY VALLEY, ARKANSAS:

Section 1. Article II of the Cherry Valley, Arkansas Zoning Regulations is hereby amended to add the following definition:

Solar Generation Facility: A transmission-interconnected solar energy system that utilizes solar collectors, controls, cells, panels, arrays, devices, materials, exchangers, hardware, and other equipment necessary to the process to collect and convert radiant energy received from the sun into electricity or other form of energy, and shall include, without limitation, generating units, transmission facilities, substations, electric transformers, batteries and other energy storage facilities, operations and maintenance buildings, telecommunications equipment, roads, meteorological equipment, foundations, pads, footings, mounting structures, supports, foundations, fencing, reasonable signage and all related or ancillary improvements and equipment.

Section 2. Section 8.03.0 of the Cherry Valley, Arkansas Zoning Regulations is hereby amended to add Solar Generation Facility as a use permitted by right in Zoning Districts designated as Light Industrial (I-1).

Section 3. Section 8.03.0 of the Cherry Valley, Arkansas Zoning Regulations is hereby amended to add "field crops, floriculture, greenhouses, horticulture, nursery truck gardening, including retail sales on the premises" as uses permitted by right in Zoning Districts designated as Light Industrial (I-1).

Section 4. Article V of the Cherry Valley, Arkansas Zoning Regulations is hereby amended to add a new Section 5.16 providing for siting and usage requirements applicable to Solar Generation Facilities, which new section shall read as follows:

Section 5.16.0 Solar Generation Facilities

The following siting and usage requirements shall apply to Solar Generation Facilities and accessory uses and shall supersede the requirements of Sections 8.02.0, 8.04.0, 8.05.01, 8.05.03, 9.01.01, 9.02.0, and 9.03.01 of the Zoning Regulations:

1. Maximum lot coverage requirements shall not apply to Solar Generation Facilities.
2. The minimum Front Yard, Rear Yard, and Interior and Exterior Side Yard shall each be fifty (50) feet when abutting property in a residential district, and twenty-five (25) feet when abutting property in a nonresidential district.
3. Adequate area will be allocated to park all employee and customer vehicles and adequate space for loading, unloading, and storing all vehicles used incidental to or as part of the primary operation of the facility. Gravel and dirt surfaces shall be allowed for areas intended for driveways, parking, maneuvering, and vehicular access and pavement shall not be required.
4. Temporary structures used during periods of construction for offices and storage shall be permitted without a Special Use Permit.
5. No fencing or screening shall be required to prevent materials, equipment, and vehicles stored outdoors from being seen from any street or road.
6. Noise from the standard operations of a Solar Generation Facility shall not exceed seventy (70) decibels as measured at the boundary line of any property owner not associated with the Solar Generation Facility. Noise related to the construction of a Solar Generation Facility exceeding seventy (70) decibels shall not be deemed excessive or obnoxious.
7. The off-street loading and unloading requirements of Section 9.02.0 shall not apply.

Section 5. All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This ordinance being necessary for actions required immediately by the City and otherwise for the immediate protection of the health, safety and welfare of the citizens of the City of Cherry Valley, Arkansas, an emergency is hereby declared to exist and this Ordinance shall take effect and be in full force from and after its passage.

PASSED and APPROVED this 9 day of May, 2023.


Adam Love, Mayor

ATTEST:


Stacey Bennett, Recorder/Treasurer

[Seal]

