

**Resolution recommending amendment to Zoning Ordinance Secs. 15-102, 15-112, 15-132, 15-142, 15-152, 15-162, 15-172, 15-182, 15-192, 15-204, 15-214, 15-232, 15-242, 15-252, 15-262, and 15-272 (Uses and structures permitted by right (P) or by conditional use permit (CUP)) to allow energy storage facilities by conditional use permit in the Agricultural, General (A-1), Agricultural, Limited (A-2), Industrial, Limited (M-1), and Industrial, General (M-2) Districts; to allow principal solar energy facilities by conditional use permit in the Agricultural, General (A-1) District; to allow supplementary solar energy facilities by conditional use permit in the Industrial, Limited (M-1), and Industrial, General (M-2) Districts; and to allow accessory solar energy facilities as a permitted use in all zoning districts except the Agricultural, Intensive (A-3) District; to amend Sec. 15-500 (Definitions) to add solar-related terms; and to amend Sec. 15-289 (Renewable energy) to add use standards**

**WHEREAS**, Virginia Code §§ 15.2-1427 and 15.2-1433 enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

**WHEREAS**, Virginia Code §§ 15.2-2280, 15.2-2285, and 15.2-2286 enable a local governing body to adopt and amend zoning ordinances; and

**WHEREAS**, on October 4, 2022, the Board of Supervisors referred the proposed amendment to the Planning Commission and, on December 6, 2022, the Board of Supervisors re-referred the proposed amendment to provide an extension of time for an additional community meeting and input; and

**WHEREAS**, the proposed amendment would allow energy storage facilities in the Agricultural, General (A-1), Agricultural, Limited (A-2), Industrial, Limited (M-1), and Industrial, General (M-2) Districts with a conditional use permit; principal solar energy facilities in the Agricultural, General (A-1) District with a conditional use permit; supplementary solar energy facilities in the Industrial, Limited (M-1), and Industrial, General (M-2) Districts with a conditional use permit; and accessory solar energy facilities in all zoning districts except Agricultural, Intensive (A-3) as a permitted use; and

**WHEREAS**, pursuant to Virginia Code § 15.2-2286(A)(7), these amendments are a matter of public necessity, convenience, general welfare, or good zoning practice; and

**WHEREAS**, after the proper advertisement as required by law, public hearings were held on November 3, 2022 and February 2, 2023, and the full text of these proposed ordinance amendments was available for public inspection in the Goochland County Administrator's Office, County Administration Building, 1800 Sandy Hook Road, Goochland, Virginia 23063.

**NOW, THEREFORE, BE IT RESOLVED** by the Goochland County Planning Commission that the following proposed changes to the zoning ordinance are recommended to the Board of Supervisors for adoption as follows:

- 1. Article 3 (Agricultural, General, District A-1), Sec. 15-102 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-102. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
...		
<b>Utilities</b>	<del>Solar energy farm</del> <u>Energy storage facility</u>	CUP
	Small cell facility in accordance with Sec. 15-288.A	P
	<u>Solar energy facility, accessory, in accordance with Sec. 15-289.B</u>	<u>P</u>
	<u>Solar energy facility, principal</u>	<u>CUP</u>
	...	

**2. Article 4 (Agricultural, Limited, District A-2), Sec. 15-112 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-112. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
...		
<b>Utilities</b>	<u>Energy storage facility</u>	<u>CUP</u>
	Gas transmission line; compressor station; measurement station; regulator station	CUP
	Small cell facility in accordance with Sec. 15-288.A	P
	<u>Solar energy facility, accessory, in accordance with Sec. 15-289.B</u>	<u>P</u>
	...	

**3. Article 6 (Residential, Rural, District R-R), Sec. 15-132 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-132. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>		<b>P or CUP</b>
...		
<b>Non-residential</b>	...	
	School	CUP
	<u>Solar energy facility, accessory, in accordance with Sec. 15-289.B</u>	<u>P</u>
	...	

4. Article 7 (Residential, Preservation, District R-P), Sec. 15-142 of the Zoning Ordinance, is hereby amended as follows:

**Sec. 15-142. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Residential Lot</b>		
	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
...		
<b>Non-residential</b>	...	
	Recreation area, passive or active; pedestrian and jogging trail; bicycle path; picnic and sitting area; similar facility serving residents of the development	P
	<u>Solar energy facility, accessory, in accordance with Sec. 15-289.B</u>	<u>P</u>
...		

5. Article 8 (Residential, Limited, District R-1), Sec. 15-152 of the Zoning Ordinance, is hereby amended as follows:

**Sec. 15-152. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>		<b>P or CUP</b>
...		
<b>Non-residential</b>	...	
	School	CUP
	<u>Solar energy facility, accessory, in accordance with Sec. 15-289.B</u>	<u>P</u>
...		

6. Article 9 (Residential, General, District R-3), Sec. 15-162 of the Zoning Ordinance, is hereby amended as follows:

**Sec. 15-162. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>		<b>P or CUP</b>
...		
<b>Non-residential</b>	...	

	School	CUP
	<u>Solar energy facility, accessory, in accordance with Sec. 15-289.B</u>	<u>P</u>
	...	

**7. Article 10 (Residential, Neighborhood, District R-N), Sec. 15-172 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-172. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>		<b>P or CUP</b>
...		
<b>Non-residential</b>	...	
	School, public	P
	<u>Solar energy facility, accessory, in accordance with Sec. 15-289.B</u>	<u>P</u>
	...	

**8. Article 11 (Residential, Office, District R-O), Sec. 15-182 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-182. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>		<b>P or CUP</b>
...		
<b>Non-residential</b>	...	
	School, public	P
	<u>Solar energy facility, accessory, in accordance with Sec. 15-289.B</u>	<u>P</u>
	...	

**9. Article 12 (Residential Planned Unit Development, District RPUD), Sec. 15-192 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-192. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>	<b>P or CUP</b>
...	

Short-term rental, hosted or unhosted, in accordance with Sec. 15-285.G	CUP
Solar energy facility, accessory, in accordance with Sec. 15-289.B	<u>P</u>

**10. Article 13 (Residential, Manufactured Home Park, District R-MH), Sec. 15-204 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-204. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

Principal Uses and Structures	P or CUP
...	
Manufactured home	P
Solar energy facility, accessory, in accordance with Sec. 15-289.B	<u>P</u>

**11. Article 14 (Mixed Planned Unit Development, District MPUD), Sec. 15-214 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-214. Uses and structures permitted by right.**

No uses are permitted by right- provided that where uses are permitted by a conditional use, a solar energy facility, accessory, in accordance with Sec. 15-289.B is permitted.

**12. Article 15 (Business, Neighborhood, District B-N), Sec. 15-232 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-232. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

Principal Uses and Structures	P or CUP
...	
Retail trade establishment which serves the needs of the neighborhood	P
Solar energy facility, accessory, in accordance with Sec. 15-289.B	<u>P</u>
...	

**13. Article 16 (Business, General, District B-1), Sec. 15-242 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-242. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

	Principal Uses and Structures	P or CUP
...		

<b>Utilities</b>	...	
	Small cell facility in accordance with Sec. 15-288.A	P
	<u>Solar energy facility, accessory, in accordance with Sec. 15-289.B</u>	<u>P</u>
	...	

**14. Article 17 (Interchange Commercial, District B-3), Sec. 15-252 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-252. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

Principal Uses and Structures	P or CUP
...	
Small cell facility in accordance with Sec. 15-288.A	P
<u>Solar energy facility, accessory, in accordance with Sec. 15-289.B</u>	<u>P</u>
...	

**15. Article 18 (Industrial, Limited, District M-1), Sec. 15-262 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-262. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

Principal Uses and Structures	P or CUP
...	
Electric vehicle charging station	P
<u>Energy storage facility</u>	<u>CUP</u>
...	
Small cell facility in accordance with Sec. 15-288.A	P
<u>Solar energy facility, accessory, in accordance with Sec. 15-289.B</u>	<u>P</u>
<u>Solar energy facility, supplementary, in accordance with Sec. 15-289.C</u>	<u>CUP</u>
...	

**16. Article 19 (Industrial, General, District M-2), Sec. 15-272 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-272. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

Principal Uses and Structures	P or CUP
...	
Distribution center	P
<u>Energy storage facility</u>	<u>CUP</u>
...	
Sawmill, commercial	P

Solar energy facility, accessory, in accordance with Sec. 15-289.B	<u>P</u>
Solar energy facility, supplementary, in accordance with Sec. 15-289.C	<u>CUP</u>
....	

**17. Article 20 (Use Standards), Sec. 15-289 of the Zoning Ordinance, is hereby amended as follows:**

**Sec. 15-289. Renewable energy.**

...

**B. Solar energy ~~panel or structure~~ facility, accessory**

- (1) ~~A solar energy facility is permitted in any district by right if~~ Facility is designed to serve only the property on which it is located.
- (2) ~~The system~~ Facility may be located on the roof of a principal or accessory structure, on the side of those structures, ~~on a pole,~~ or on the ground.
- (3) Facility must comply with the setback and height requirements of the district for the building or structure on which it is mounted or attached.
- (34) ~~A solar energy~~ Ground-mounted ~~facilities~~ ~~installed as an accessory structure~~ must comply with the individual zoning district's accessory structure setback and height requirements.
- (4 5) ~~Roof-mounted systems~~ facilities cannot extend more than six feet above the roofline of the structure on which it is mounted.
- (6) Solar energy facilities cannot be used to provide advertising or function as signs.
- (7) In addition to 1 through 6 above, in A-1 and A-2 districts, the use is permitted if it is accessory to the permitted agricultural business or agricultural operation on the property, and it complies with Virginia Code §§ 56-594 and 56-594.2.

**C. Solar energy facility, supplementary**

- (1) Facility is located on a property having a permitted principal use.
- (2) Ground-mounted facilities must be located no closer to a road than the principal building or use, meet all other principal building setbacks, and not exceed a height of 25 feet.
- (3) Ground-mounted solar equipment must be screened from view of roads and non-manufacturing districts, provided that the director of community development may approve alternative treatments where it is demonstrated that, due to buffers, terrain or other site-specific conditions, the visual impact of the facilities on adjacent properties or rights-of-way is sufficiently mitigated.
- (4) Building-mounted equipment is required to comply with applicable building design standards, not exceed height requirements of the building upon which located, and in no case extend more than six feet above the building's roof or parapet.
- (5) The design and installation of the facility must conform to applicable industry standards, including that of the American National Standards Institute (ANSI),

Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and must comply with the Uniform Statewide Building Code and with all other applicable fire and life safety requirements. The type and manufacturer specifications of solar panels must be submitted for review and approval as part of the plan of development application or, if none is required, then as part of the building permit application.

- (6) Generation of power is limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials.
- (7) Solvents used to clean the solar panels must be biodegradable.
- (8) Wiring, excluding that which is on a solar array, must be located underground except where necessary to directly connect to public service corporation or other recipient of power distribution.
- (9) Solar panels must be placed and operated to prevent concentrated solar radiation, heat, or glare being directed onto other properties or roads.
- (10) Solar equipment cannot be used to provide advertising or function as signs.
- (11) Noise generated by the facility cannot exceed the lesser of that permitted for the district or 60 dBA, as measured at property line with any adjacent property not part of facility.
- (12) Decommissioning plan is required to be submitted for approval to the director of community development with the required plan of development. Property owner, facility owner, and facility operator are obligated to comply with decommissioning plan.
- (13) A solar facility, or any portion thereof, shall be considered abandoned when not utilized for the generation of electricity for a continuous period of six months. The director of community development may extend this time-period where evidence is provided that the failure to utilize facility for power generation is beyond reasonable control of facility owner or facility operator, facility is operationally capable of generation and has not been abandoned.
- (14) Where solar energy facility is abandoned or where the county building official determines that facility, to include any component thereof, is unsafe, it shall be repaired to comply with local, state, and federal regulatory standards or be removed by the property owner or other responsible party within time specified by official. If compliance is not achieved within specified time-period, the county may remove it and recover its costs from the property owner, facility owner, or facility operator.

**18. Article 31 (Definitions), Sec. 15-500 of the Zoning Ordinance, is hereby amended as follows:**

Sec. 15-500. Definitions.

...

*Emergency center.* A facility that offers the same level of service offered at a hospital emergency room. Must be manned 24 hours a day, 365 days a year, including weekends, holidays, and during inclement weather. An emergency center can accept ambulance transports and have medical flight capabilities with helicopter landing and take-off areas.

*Energy storage facility.* Energy storage equipment or technology that is capable of absorbing energy, storing such energy for a period of time, and redelivering energy after it has been stored. (Battery Storage)

...

*Pharmacy.* An establishment where the principal business is the filling of medical prescriptions and the sale of drugs, medical devices, medical supplies, and nonprescription medicines, but where nonmedical products may also be sold as an accessory use.

*Photovoltaic.* Materials and devices that absorb sunlight and convert it directly into electricity.

...

~~*Solar energy farm/system.* An assembly of a solar energy collector, an energy storage facility, if applicable, and components for the distribution of transformed energy.~~

*Solar energy facility, accessory.* System that utilizes sunlight to produce heat, electricity or both that is designed and intended to serve only the thermal or electricity needs of the property on which located. Excess power generated by the facility and not presently needed for on-site consumption may be used by the utility (i.e., net metering).

*Solar energy facility, principal.* A facility that utilizes photovoltaic (PV) materials and technology for the wholesale generation and distribution of electricity from sunlight. On-site components may include solar panels and other accessory components to include, but not be limited to, transformers, transmission lines, and other improvements necessary to support the power generation, collection and transmission. Energy is for uses in location(s) other than where it is generated. "Energy storage facility" is not included in this definition.

*Solar energy facility, supplementary.* A facility that utilizes photovoltaic (PV) materials and systems, along with related on-site facilities, to generate electricity from sunlight, utilize sunlight as energy source for heating or cooling of water or buildings, or produce power by converting, collecting or transferring solar generated power. The cumulative area utilized for installation and operation of a supplementary solar energy facility is limited to ten percent of the property on which located, provided that where rooftops of buildings containing a permitted use are utilized, the facility area may be increased by the square footage of those buildings. The facility may be utilized for on-site consumption and for the wholesale generation and distribution of electricity from sunlight to a public service corporation. Where supplementary solar energy facilities are adjoining or interconnected, and total area of combined facilities exceed ten acres, they shall be considered a principal solar energy facility and subject to applicable regulation.

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