



ORDINANCE #20-07-2022

PETITION of the FRANKLIN COUNTY BOARD OF SUPERVISORS to amend Chapter 25 “Zoning”; Article I, General Provisions, Division III, Definitions, Section 25-40 Principal Definitions of the Zoning Ordinance; and Article II, Basic Regulations, Division IV, Supplementary Regulations, Section 25-174, Solar Generation Facility, Utility-Scale, and Section 25-148, Solar Generation Facility, Small. The purposes of these amendments are to allow for solar generation facilities and establish regulation standards in Franklin County’s current ordinance (Case # A-01-22-0002).

WHEREAS, The Franklin County Planning Commission, initiated text amendments to Chapter 25 of the Franklin County Code, said amendment pertaining to the zoning definition and Supplementary Regulations for, Solar Generation Facility, Utility Scale and Solar Generation Facility, Small, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia of 1950, as amended, the Planning Commission and Board of Supervisors did hold public hearings on January 11, 2022, and July 19, 2022, respectively, at which time parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration, the Franklin County Planning Commission recommended APPROVAL of the amendments to Chapter 25 “Zoning” of the Franklin County Code, as follows: Article I, General Provisions; Division III, Definitions; Section 25-40 Principal Definitions of the Zoning Ordinance; and Article II, Basic Regulations; Division IV, Supplementary Regulations, Section 25-147, Solar Generation Facility, Utility-Scale, and Section 25-148, Solar Generation Facility, Small of the Franklin County Zoning Ordinance. The purposes of these amendments are to allow for solar generation facilities and established regulation standards.

WHEREAS, after full consideration, the Franklin County Board of Supervisors determined that such amendments will be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety, and general welfare to the community and APPROVED the amendments contained in this Ordinance below.

ARTICLE I. GENERAL PROVISIONS

DIVISION 3. – DEFINITIONS

Sec. 25-40. – Principal definitions of the Zoning Ordinance

Decommissioning of Solar Facilities: The removal and proper disposal of solar energy equipment, facilities, or devices related to a Solar Facility, Utility-Scale. The term also includes the reasonable restoration of the real property to its original state, including (1) soil stabilization and regeneration, (2) revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices, and (3) the removal of all infrastructure, equipment, facilities, or devices associated with the facility. “Solar energy infrastructure, equipment, facilities, or devices” means any property designed and used primarily for the purpose of collecting, generating, or transferring electric energy from sunlight.

Small Solar Generation Facility: A ground or roof-mounted solar power or thermal energy generation facility that serves the electricity or thermal needs of the property upon which such facilities are located, and/or adjacent parcels under common use, ownership, and control.

Utility Scale Solar Generation Facility: A renewable energy project that generates electricity from sunlight, consisting of one or more photovoltaic systems and other appurtenant structures and facilities within the boundaries of the site, and is designed to interconnect with the electrical grid and/or to serve facilities that are not adjacent or under common use, ownership, or control. In the context of this ordinance, the acreage and boundary representing a Utility Scale Solar Generation Facility includes the entirety of the area leased for use as a solar generating site.

ARTICLE II. BASIC REGULATIONS

DIVISION 4. – SUPPLEMENTARY REGULATIONS

Sec. 25-147. – Utility-Scale Solar Generation Facility

- (a) Commencing on July 19, 2022, and continuing until amended by the Board of Supervisors Utility-Scale Solar Generation Facility may be allowed in Franklin County by issuance of a Special Use Permit by the Board of Supervisors in the A-1, M-1, M-2, PCD, and REP.**
- (b) Application – An application for a Utility-Scale Solar Generation Facility shall contain:**
 - (1) Project narrative. A narrative identifying the applicant, facility owner, site owner, proposed operator, and describing the proposed facility including an overview of the facility and its location; the size of the site and the facility area; the current use of the site; the estimated time for construction and proposed date for commencement of operations; the planned maximum generated capacity of the facility identified as AC and/or DC; the approximate number, representative types and expected footprint of solar equipment to be constructed, including, without limitation, photovoltaic panels; ancillary facilities, if applicable; and how**

and where the electricity generated at the facility will be transmitted, including the location of the proposed electric grid interconnection; and a statement that addresses how the facility will be in compliance with the Comprehensive Plan. The statement shall address the following:

- a. Why the applicant believes the proposal will not be of substantial detriment to adjacent properties
- b. Why the applicant believes that the character of the zoning district will not be changed by the proposed action; and
- c. How the proposal will be in harmony with the purpose and intent of Chapter 25 of the Franklin County Code, with the uses permitted by-right in the corresponding zoning district, with additional regulations provided in sections 25-111 through 25-137, supplementary regulations, and amendments of this chapter, and with the public health, safety and general welfare.

(2) Concept plan - The concept plan shall include the following information:

- a. Property lines, minimum required buffer areas, and any proposed buffer areas and setback lines that exceed the minimum requirements.
- b. An area map showing the proposed site within a five-mile radius, together with prominent landmarks, physical features, and transmission lines.
- c. Existing and proposed buildings structures and other improvements, including preliminary location(s) of the proposed solar equipment.
- d. Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, and other areas requiring access to parking, including written confirmation from the Virginia Department of Transportation (VDOT) that all entrances satisfy applicable VDOT requirements
- e. Proposed locations and maximum heights of substations, electrical cabling from the solar systems to the substations, panels, ancillary equipment and facilities, buildings, and structures (including those within any applicable buffers or setbacks).
- f. Areas where vegetative buffering will be installed and maintained and areas where pollinator-friendly and wildlife-friendly native plants, shrubs, trees,

grasses, forbs, and wildflowers will be installed and maintained following Virginia Pollinator-Smart Program best practices.

- g. Existing wetlands, woodlands and areas containing substantial woods or vegetation.
- h. Identification of actively cultivated lands, and predominant soil types of those lands including the identification of soils suited to farming.
- i. Identification of any parcels located in or immediately adjacent to a Designated Growth Area as shown in the most recently adopted Comprehensive Plan.
- j. Identification, zoning, and use of all adjacent parcels.
- k. Additional information may be required, as determined by the zoning administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy facility from potentially sensitive locations as deemed necessary by the zoning administrator to assess the visual impact of the facility, aerial image or map of the site, and additional information that may be necessary for a technical review of the proposal. The planning commission or board of supervisors may also require other relevant information deemed to be necessary to evaluate the application.

(3) Generalized Landscaping and screening plan.

The applicant must submit a landscaping and screening plan with the location, size, and type of planting yards including the use of existing and newly installed vegetation to screen the facility. A detailed landscaping and screening plan with plant species, size, number, spacing, and height will be required at the time of Site Plan review.

(4) Identification of environmental and cultural resources - The applicant must submit the following:

- a. The location of all historical, architectural, archeological, or other cultural resources on or near the proposed facility as documented by the Virginia Cultural Resource Information System and the Department of Historic Resources for the Department of Environmental Quality
- b. The location of all wildlife and wildlife habitats documented by the Department of Wildlife Resources.

c. The location of airports within a mile of the proposed development.
Detailed reports of environmental and cultural resources will be required as part of the Site Plan review.

(5) Performance Standards - The application shall comply with the following criteria:

- a. Visual impacts. The solar facility shall minimize impacts on view sheds, including from residential areas and areas of scenic, historical, cultural, archeological, and recreational significance. The facility shall utilize only panels that employ anti-glare technology, antireflective coatings, and other available mitigation techniques, all that meet or exceed industry standards, to reduce glint and glare.
- b. National standards. Facilities shall comply with generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) facilities, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. A site development plan shall refer to the specific safety and environmental standards being met.
- c. Setbacks. The facility area shall be set back a distance of at least a minimum 150 feet from all property lines and public rights of way. Increased setbacks over 150 feet and additional buffering may be included in the conditions for a permit as required to reduce the visual impact of the facility. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas if such are generally perpendicular to the property line or underground.
- d. Fencing. The facility area shall be enclosed by security fencing not less than eight feet in height and equipped with appropriate antclimbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required so that it is screened from the ground level view of adjacent property owners. The fencing shall always be maintained while the facility is in operation, and posted with appropriate safety messaging. Fencing height and design shall be coordinated with the Department of Wildlife Resources regarding wildlife fencing that would allow ingress and egress.

- e. Vegetative buffer. A vegetative buffer sufficient to mitigate the visual impact of the facility as approved by the Zoning Administrator is required. The buffer shall consist of a landscaping strip at least 30 feet wide, shall be located within the setbacks required under subsection (3) above, and shall run around the entirety of the area proposed for development. The buffer shall consist of existing vegetation and as needed, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should include vegetation a minimum of 6 feet high at planting and reasonably expected to grow to full maturity within three years. The Planning Commission or Board of Supervisors may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or topography affects the visual impact of the facility. Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers must be used in the vegetative buffer following Virginia Pollinator-Smart Program best practices. Screening and/or buffer creation requirements may be waived or altered for alternative designs such as landscaped berms, existing wetlands or woodlands, if the berms, wetlands or woodlands are permanently protected and maintained for use as a buffer. Existing trees and vegetation must be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable and approved by the Zoning Administrator. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer at least SIX (6) feet tall at planting. The vegetative buffer shall be maintained for the life of the facility.
- f. Pollinator habitats. The facility area shall be seeded promptly with pollinator-friendly vegetation following completion of construction in such a manner as to reduce invasive weed growth and trap sediment within the facility area. At the beginning of the next planting season the facility area, setbacks and buffers will be overseeded with appropriate pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers following Virginia Pollinator-Smart Program best practices. Once these pollinator habits are established, maintenance of the site shall follow Virginia Pollinator-Smart Program best practices unless Agrivoltaics (APV) are employed.
- g. Height. Ground-mounted solar energy generation facilities shall not exceed a height of 15 feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid that meet State Corporation Commission requirements.

- h. **Lighting. Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects. Lighting on the site shall be dark sky compliant.**
- i. **Density; location. Solar Facilities shall not be located within one mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard for, and will not interfere with, airport operations. The applicant must also provide a glint and glare study that demonstrates that the panels will be sited, designed, and installed to eliminate glint and glare effects on airport operations. The study must be conducted by qualified individuals using appropriate and commonly accepted software and procedures**
- j. **Panel Materials. Applications shall describe all materials included in the proposed solar panels for the facility. All solar energy facility structures, racks and associated facilities shall have a non-reflective finish or appearance.**

(b) Processing and approval standards

- (1) **Community meeting. A public meeting shall be held prior to the public hearing with the planning commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed facility. The meeting shall be held under the following guidelines:**
 - a. **The applicant shall inform the zoning administrator and adjacent property owners in writing of the date, time and location of the meeting, at least 14 days in advance of the meeting.**
 - b. **The date, time and location of the meeting shall be advertised in a newspaper of record in the county by the applicant, at least seven but no more than 14 days, in advance of the meeting date.**
 - c. **The meeting shall be held within the county, at a location open to the public with adequate parking and seating facilities that will accommodate persons with disabilities.**
 - d. **The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.**
 - e. **The applicant shall provide to the zoning administrator a summary of any input received from members of the public at the meeting.**

- f. The applicant shall make available to the public information about materials and components used for the construction, maintenance, and decommissioning of solar panels.
- (2) Review of application and site plan - Applications for Utility-Scale Solar Generation
Facilities will be reviewed by the County's Development Review Team as well as
third party consultants with expertise and experience in solar energy development
and storm water management. Third party consultants will be chosen at the sole
discretion of the county. The cost of the third-party consultant review will be
estimated upon receipt of the application and charged to the applicant.
- (3) Designated Growth Areas - Utility-Scale Solar Generation Facilities shall be
excluded from Designated Growth Areas (DGA).
- (4) Plans and Studies – Staff approval of the following plans and studies is required
prior to any grading, permitting or construction:

 - a. Site Development Plan - The approval of an administrative, minor, or major
site development plan (site plan) and Erosion and Sedimentation Control plans
as defined by the Zoning Code shall be required prior to any construction. All
Solar Generation Facilities shall require a site development plan and all other
documentation and approvals required by law, including those provided for
any special use permit. The Site Development plan shall include a
Decommissioning Plan as well as other requirements stated throughout this
ordinance.
 - b. A detailed landscaping and screening plan with plant species, size, number,
spacing, and height shall be required prior to the approval of zoning or
building permits. The plan must also include and identify pollinator-friendly
and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and
wildflowers in the facility area and in the setbacks and vegetative buffering-
following Virginia Pollinator-Smart Program best practices.
 - c. A Lighting Plan per the County Zoning Code.
 - d. Maintenance of site features - All site features such as landscaping, fencing,
and stormwater management facilities shall be properly maintained
throughout the life of the permit. Maintenance of such features shall be
guaranteed by a surety agreement as determined by an independent landscape
architect or professional engineer chosen and approved by the County
Administrator, but paid for by applicants, owner, or lessee. Surety must be in
a form acceptable to the Franklin County Attorney

- e. A post-construction safety plan to be made available to public safety agencies to include optional training on the equipment to be located on the site.
- f. Environmental and Cultural Resources Reports
- 1. A copy of the cultural resources review conducted in conjunction with the state Department of Historic Resources for the Department of Environmental Quality permit by rule process This report shall be in addition to the report required in subsection (1) above and shall further identify historical, architectural, archeological, or other cultural resources on or abutting the proposed site.
- 2. A report on potential impacts on pollinators and pollinator habitats at the site, including but not necessarily limited to the submission of a completed solar site pollinator habitat assessment as required by the zoning administrator.
- 3. The applicant shall be responsible for submitting an environmental impact report (EIR) prepared by a Certified Environmental Professional [see Academy of Board-Certified Environmental Professionals] or other source with comparable qualifications. The EIR shall address the potential impacts on the human environment, beneficial and negative, of the following over the projected lifespan of the proposed facility:
 - i. Soil, including erosion, siltation, toxicity, productivity and suitability for agriculture
 - ii. Water, including quantity, quality, and flow of streams, and groundwater with particular attention to the potential impacts on Smith Mountain Lake. Consult and coordinate with the Smith Mountain Lake Association which maintains a long-term and continuous monitoring program.
 - iii. Wildlife, including aquatic and terrestrial, as well as subsurface, and addressing habitats, alteration of migration patterns, with particular attention to birds.
 - iv. Economic, including opportunities forgone, property values, etc.
 - v. Wetlands
 - vi. Noise
 - vii. Vegetation regime identifying alterations temporary and long-term
 - viii. Visual
 - ix. Impacts on pollinators and pollinator habitats at the site, including but not necessarily limited to the submission of a completed solar site pollinator habitat assessment as required by the zoning administrator.

x. Suggested remediation measures to be employed at decommissioning.

For each likely significant negative impact, the report should identify actions which could mitigate the impact.

(d) Decommissioning.

(1) The Site Development plan for a Utility-Scale Solar Generation Facility shall include a detailed decommissioning plan that provides the following:

- a. Procedures and requirements for removal of all solar energy infrastructure, equipment, facilities, or devices of the solar energy generation facility and its various structures and foundations at the end of the useful life of the facility or if it is deemed abandoned.
- b. Provisions for the restoration and regeneration of soil and vegetation with a description of pre-construction and desired post- construction conditions including productivity goals for agricultural viability. (Description is provided at the time of the Concept Plan.
- c. The anticipated life of the facility
- d. The estimated overall cost of decommissioning the facility in current dollars and the methodology for determining such estimate, and;
- e. The way the facility will be decommissioned including a plan for the disposal of each component material type above and below ground.
- f. The decommissioning plan and the estimated decommissioning cost will be updated upon the request of the zoning administrator or as provided in the agreement.

(2) Surety. Unless the Utility Scale Solar Energy Facility is owned by a public utility within the Commonwealth of Virginia, the owner, lessee, or developer shall provide financial assurance of decommissioning in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by Franklin County. Such estimate shall include 100% of the total projected cost of decommissioning, including the removal of all net salvage value of solar energy infrastructure, equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor. The surety shall be posted prior to the facility

receiving its certificate of completion, or equivalent, from Franklin County to operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner, or operator, and provided to the County. "Gross costs" shall not include a deduction for salvage value.

(3) Applicant, Facility Owner and Property Owner Obligation. Within six (6) months after the cessation of use of the Utility-Scale Solar Generation Facility for electrical power generation or transmission, the applicant or its successor, at its sole cost and expense, shall decommission the Utility-Scale Solar Generation Facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to commence decommissioning in a timely manner so that decommissioning may be completed within six (6) months of the facility becoming an inactive Utility Scale Solar Energy Generation Facility, the property owner shall conduct the decommissioning in accordance with the plan and may use bonded resources to do so, as approved and released by the County. Following completion of decommissioning of the entire Utility Scale Solar Energy Generation Facility, the bond shall be released and, if the County has called upon the bond and taken control of bond resources, any remaining resources held by the County shall be refunded to the surety.

(4) Applicant, Owner Default; Decommissioning by the County.

- a. If the applicant, its successor, and the property owners fail to decommission the solar energy facility within six (6) months, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning surety, and the rights to the solar energy equipment and materials on the property. The applicant, and property owners, or successors, shall be responsible for reimbursing the County for all costs and expenses of decommissioning in excess of the decommissioning surety, and all such excess amounts shall attach to the real estate as a tax lien until paid in full.**
- b. Any excess decommissioning surety funds shall be released to the surety after completion of decommissioning.**
- c. Prior to the issuance of any permits, the applicant and the property owners shall deliver a legal instrument to the County granting the County the right to access the property and the solar energy facility equipment and materials so the County can complete the decommissioning, should it choose to do so, upon the applicant's and property owner's default. Such instrument shall bind the applicant and property owners and their successors, heirs, and assigns. Nothing herein shall limit other rights or remedies that may be available to the County to**

enforce the obligations of the applicant, operator, or property owner, including remedies under the County's zoning powers.

(5) Equipment, Structure and Building Removal. Unless otherwise approved by the County, all physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, regardless of depth underground, shall be removed in the removal process to a site located outside the county and within 90 days of decommissioning.

(6) Infrastructure Removal. A Reclamation Plan will be required as a part of the site plan approval for all large solar facilities. This plan will be used to assist with the cost estimate for the decommissioning bond. The Reclamation Plan shall include, at a minimum:

- a. All above ground and underground infrastructure shall be removed and recycled or reused, unless a written request is received from the then current property owner proposing the retention of any infrastructure, and the request is approved by the County.
- b. Final land surface conditions, including but not limited to grass, trees, cropland, pasture, including the status of on-site gravel roads if such roads remain on the property.
- c. Provisions for the restoration and regeneration of soil and vegetation with a description of pre-construction and desired post- construction conditions including productivity goals for agricultural viability.
- d. Final contours and grades; and
- e. A plan for the disposal of each component material type outside the county

(7) Partial Decommissioning. Any reference to decommissioning the Utility-Scale Solar Generation Facility shall include the obligation to decommission all or a portion of the Solar Energy Facility, whichever is applicable with respect to a particular situation. If decommissioning is triggered for a portion, but not the entire solar energy facility, then the partial decommissioning shall be completed in accordance with the decommissioning plan and this section for the applicable portion of the Utility Scale Solar Energy Facility.

Sec. 25-148 Small Solar Generation Facility.

(a) Small Solar Generation Facilities are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below.

(1) Height - Solar energy systems must meet the following height requirements:

- a. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
- b. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
- c. Solar carports in non-residential districts shall not exceed 20 feet in height.

(2) Set-back - Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located, except as allowed below.

- a. Roof- or Building-mounted Solar Energy Systems – The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
- b. Ground-mounted Solar Energy Systems - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

(3) Lot Coverage - Ground-mount systems total collector area shall not exceed half the building footprint of the principal structure except for as provided below.

- a. Ground-mount systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.

b. Ground-mounted systems shall not count toward accessory structure limitations.

c. Solar carports in non-residential districts are exempt from lot coverage limitations.

(4) Visibility - Solar energy systems shall be designed to minimize visual impacts from the public right-of way to the extent that doing so does not affect the cost or efficacy of the system. Visibility standards do not apply to historic building or district review as described in (e) below.

a. Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use, or performance standards for the district in which the building is located.

b. Aesthetic restrictions – Roof-mount or ground-mount solar energy systems shall not be visible from the closest edge of any public right-of-way other than an alley unless the system meets the following standards.

1. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.

2. Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

c. Reflectors - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

d. This section does not apply to roof-mounted systems of residential dwellings.

(5) Historic Buildings - Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) shall be consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

(b) Plan Approval Required - All solar energy systems requiring a building or zoning permit shall provide a site plan for review according to the following requirements:

- (1) Plan Applications - Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
- (2) Plan Approvals - Applications that meet the design requirements of this ordinance shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.

(c) Approved Solar Components - Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.

(d) Compliance with Building Code - All solar energy systems shall meet approval of local building code officials, consistent with the State of Virginia Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Facilities that are roof mounted shall be located on structures that comply with all provisions of the Uniform Statewide Building Code.

(e) Utility Notification - All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

(f) Safety Standards - Roof and ground-mounted facilities shall comply with generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) facilities, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electrotechnical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. A site development plan or building permit application shall refer to the specific safety and environmental standards complied with.

(g) The provisions of this section may be varied or modified as part of a master plan or proffered condition.

Permitted Uses:

| | <u>A-1</u> | <u>RE</u> | <u>R-1</u> | <u>R-2</u> | <u>RC-1</u> | <u>RMF</u> | <u>RPD</u> | <u>B-1</u> | <u>B-2</u> | <u>M-1</u> | <u>M-2</u> | <u>PCD</u> | <u>REP</u> |
|---|------------|-----------|------------|------------|-------------|------------|------------|------------|------------|------------|------------|------------|------------|
| <u>Solar Generation Facility, Small</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> |
| <u>Solar Generation Facility, Utility-Scale</u> | <u>SUP</u> | | | | | | | | | <u>SUP</u> | <u>SUP</u> | <u>SUP</u> | <u>SUP</u> |

SR: Allowed by right, Supplemental Regulations apply

SUP: Special Use Permit required

NOW, THEREFORE BE IT RESOLVED, that a copy of this Ordinance be transmitted to the Clerk of the Planning Commission, the Franklin County Commissioner of Revenue, and the Franklin County Zoning Administrator and that the Clerk be directed to reflect this action to APPROVE the amendments to the Franklin County Zoning Ordinance.

The ordinance shall take effect upon adoption.

On the motion by Supervisor Mike Carter to APPROVE the requested amendment to the County's zoning ordinance, and seconded by Supervisor Ronnie Thompson, said motion was approved by the following recorded vote:

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Carter, Tatum, Thompson

NAYS: R. Mitchell, Cundiff

ABSENT: Smith, L. Mitchell

Roll Call was taken



Madherleyn Torres, Clerk
Franklin County Board of Supervisors

Date

7/21/2022

