

## PROPOSED REVISIONS – JULY 3, 2025

### PART I - ZONING ORDINANCE ARTICLE 28. UTILITY SCALE SOLAR ENERGY FACILITIES

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## ARTICLE 28. UTILITY SCALE SOLAR ENERGY FACILITIES

### 28-1. Purpose.

The purpose of this ordinance is to provide for the siting, development, and decommissioning of utility scale, homeowner, commercial and agricultural projects in Lancaster County, subject to conditions that promote and protect the public health, safety, and welfare of the community while adhering to the responsible development of natural resources and significant conformance with the Comprehensive Plan. Whereas, the water-based resources of the county are of primary importance for conservation, recreation, and domestic water use; these resources, and others, should be taken into account during the planning, permitting, and development phase of any project subject to this article. Steep slopes of five percent or greater should be avoided to the maximum extent practical.

(Ord. of 7-1-21; Ord. of 6-30-22)

### 28-2. Definitions.

For definitions and word usage see Article 1, Definitions.

(Ord. of 7-1-21; Ord. of 6-30-22)

### 28-3. ~~Small-Scale Residential~~ Solar.

28-3-1. ~~Roof-mounted and building-mounted small-scale solar facilities installations~~ shall be generally permitted in all ~~zoning~~ districts with a zoning permit and be subject to approval by the Lancaster County Building Official. ~~Roof-mounted and building-mounted small-scale solar installations shall be subject to the following conditions:~~

- A. ~~Roof-mounted small-scale solar installations shall not extend beyond the perimeter of the roof of the structure on which they are affixed.~~
- B. ~~Building-mounted small-scale solar installations shall meet the applicable zoning district(s) setback and yard regulations for the structure to which they are affixed.~~
- C. ~~Roof-mounted and building-mounted small-scale solar installations shall meet the applicable zoning district(s) height regulations for the structure to which they are affixed, and shall be measured at the tallest point of any fixed equipment, support structure or highest panel tilt, whichever is greater.~~
- D. ~~Specifically designed solar carports are considered ground-mounted solar installations and shall meet the regulations established in Article 28-3-2.~~

28-3-2. ~~Ground-mounted small-scale solar energy facilities installations shall meet the minimum setbacks for primary dwellings in the zoning districts in which they are located and not exceed 10,000 square feet. These structures shall require~~ shall be generally permitted in all zoning districts with a zoning permit and be subject to approval by the Lancaster County Building Official. ~~Specifically designed solar carports are considered ground-mounted solar installations. Ground-mounted small-scale solar installations shall be subject to the following conditions:~~

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A. Ground-mounted small-scale solar installations shall not exceed 2,500 square feet of total land area disturbance, in aggregate.

B. Ground-mounted small-scale solar installations shall meet the applicable zoning district(s) setback and yard regulations for main structures.

C. Ground-mounted small-scale solar installations shall not exceed fifteen (15) feet above the finished grade of the ground, and shall be measured at the tallest point of any fixed equipment, support structure or highest panel tilt, whichever is greater.

28-3-3. Building-Integrated photovoltaic (PV) small-scale solar installations (i.e. integral building components including, but not limited to, solar shingles, solar tiles, solar windows, solar facades) shall be generally permitted in all districts subject to approval by the Lancaster County Building Official. A zoning permit is not required for building-integrated PV small-scale solar installations provided that no equipment, support structure or panels extend or protrude beyond the perimeter roof of the structure on which they are affixed; otherwise, they are considered building-mounted solar installations and shall meet the regulations established in Article 28-3-1.

28-3-4. A Special Exception is required for any small-scale solar installation located on a parcel that:

A. Exceeds 25 kilowatts (kW), in aggregate; or,

B. Exceeds 2,500 square feet in total land area disturbance, in aggregate; or,

C. Is mounted on a nonconforming structure and renders the structure more nonconforming (pursuant to Article 12 – Nonconforming Uses, Lancaster County, Virginia Land Development Code).

(Ord. of 7-1-21; Ord. of 6-30-22)

## **28-4. Agricultural and Commercial Solar.**

28-4-1. Roof mounted solar facilities shall be generally permitted on buildings used for permitted agricultural and commercial purposes in good standing.

28-4-2. Ground mounted solar facilities for Agricultural or Commercial use shall meet the minimum structural setbacks for the district where they situated and may exceed 10,000 square feet with a special exception.

(Ord. of 7-1-21; Ord. of 6-30-22)

## **28-5. Utility Scale Solar.**

28-5-1. May be permitted only with a Special Exception approved by the Lancaster Board of Supervisors in Districts A-1, Agricultural, Limited; A-2, Agricultural, General; and M-1, Industrial, Limited. Unless otherwise approved by the Board of Supervisors, a Special Exception for a Utility Scale Solar facility shall expire within three years from the time of approval if a building permit for the project has not been obtained and construction has not commenced.

28-5-2. Shall require a site plan approval in accordance with Article 22, Site Plans, Lancaster County Zoning Ordinance. In addition to these requirements, the applicant shall provide and address the following:

28-5-2(A). Location of substations, electrical cabling from the solar facility to the substation, ancillary equipment, buildings, and structures.

28-5-2(B). *Fencing and other public safety measures.* Fencing may be solid or of chain link. Fencing is required to conform to the National Electric Code (NEC). Fencing shall be grounded at least once within 50