

ORDINANCE TO AMEND THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA, 2005, AS AMENDED, BY AMENDING §§ 90-1; 90-53; 90-103; 90-152; 90-202; 90-242; 90-292; 90-342; 90-393; 90-443; 90-493; AND TO ADD §§90-16; 90-54; 90-104; 90-160; 90-210; 90-250; 90-300; 90-350; 90-398; 90-450; 90-500; 90-542; AND 90-551, TO ALLOW THE ACCESSORY USE OF SOLAR FACILITIES, AND TO ALLOW SMALL SOLAR ENERGY FACILITIES AND LARGE-SCALE SOLAR ENERGY FACILITIES BY SPECIAL EXCEPTION IN ALL ZONING DISTRICTS, EXCEPT FOR THE M-3 DISTRICT, WHERE THEY SHALL BE PERMITTED BY RIGHT.

BE IT ORDAINED by the Board of Supervisors of Prince George County:

- (1) *That §§ 90-1; 90-53; 90-103; 90-393; 90-443; and 90-493 of The Code Of The County Of Prince George, Virginia, 2005, as amended, are amended and §§90-16; 90-54; 90-104; 90-160; 90-210; 90-250; 90-300; 90-350; 90-398; 90-450; 90-500; 90-542; and 90-551 are added as follows:*

BE IT ORDAINED by the Prince George County Board of Supervisors that Chapter 90, "Zoning," Article I, "In General," Section 90-1, "Definitions" be amended to read, in part, as follows:

Section 90-1. Definitions.

Large-scale solar energy facility. A photovoltaic system consisting of solar PV panels, modules, accessory structures and related equipment such as DC to AC inverters, wiring, electric transformers, control systems and storage areas that collect solar energy and convert it into electricity using ten (10) acres or more.

"Photovoltaic" or "PV" means materials and devices that absorb sunlight and convert it directly into electricity by semiconductors.

"Photovoltaic cell" or "PV cell" means a solid state device that converts sunlight directly into electricity. PV cells may be connected together to form PV modules, which in turn may be combined and connected to form PV arrays (often called PV panels).

"Photovoltaic system" or "PV system" means PV cells, which may be connected into one or more PV modules or arrays, including any appurtenant wiring, electric connections, mounting hardware, power-conditioning equipment (inverter), and storage batteries.

Small renewable energy project. (i) an electrical generation facility with a rated capacity not exceeding 100 megawatts that generates electricity only from sunlight, wind, falling water, wave motion, tides, or geothermal power, or (ii) an electrical generation facility with a rated capacity not exceeding 20 megawatts that generates electricity only from biomass, energy from waste, or municipal solid waste.

Small solar energy facility. A photovoltaic system consisting of solar PV panels, modules, accessory structures and related equipment such as DC to AC inverters, wiring, electric transformers, control systems and storage areas that collect solar energy and convert it into electricity at a rated capacity equal to or less than 100 megawatts using less than ten (10) acres.

Sec. 90-16. Solar energy facilities.

The following shall apply to all solar energy facilities generally:

a. Roof-mounted solar energy facilities shall be exempt from the building height requirements for the zoning district in which they are located. These facilities shall meet the building setback requirements for the structures to which they are affixed.

b. Ground-mounted solar energy facilities shall meet the minimum setbacks for principal structures in the zoning districts which they are located.

c. All small and large scale solar energy facilities shall meet a minimum 50' setback if they adjoin, or are adjacent to, a public right of way or residential property.

d. In addition to the requirements for site plans, the following documents and information must be provided for review of large-scale solar energy facilities:

i. A narrative identifying the applicant, owner, and operator, and describing the proposed solar energy project, including: an overview of the project and its location, approximate rated capacity of the solar energy project, the approximate number, representative types and footprint of solar equipment to be constructed, and a description of ancillary facilities, if applicable;

ii. A site plan shall, include the following additional information and details:

a. Location of substations, electrical cabling from the solar systems to the substations, ancillary equipment, buildings, and structures.

b. Fencing and other methods of ensuring public safety.

e. Additional information required by the Zoning Administrator may include, but is not limited to: a scaled elevation view and other supporting drawings, photographs of the proposed site, landscaping and screening plan, and such additional information that may be necessary for a technical review of the proposal.

f. Documentation of right to use property for the proposed project, to include proof of control over the land or possession of the right to use the land in the manner requested.

g. A decommissioning plan, which shall include the following: (1) the anticipated life of the project; (2) the estimated cost of decommissioning in the future as expressed in current dollars; (3) how said estimate was determined; and (4) the manner in which the project will be decommissioned; (5) the name and physical address of the person or entity responsible for decommissioning.

Sec. 90-53. Uses and structures permitted by special exception.

The following uses and structures are permitted by special exception in the A-1 general agricultural district:

(58) Small solar energy facility;

(59) Large-scale solar energy facility

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Sec. 90-54. - Accessory uses and structures permitted.

(c) The following are considered accessory uses with the A-1 general agricultural district, but are subject to the noted provisions:

(1) Roof or ground mounted small solar energy facility or large-scale solar energy facility as defined by Sec. 90-1, provided that the solar facility only generates energy for that structure.

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Sec. 90-103. Uses and structures permitted by special exception.

The following uses and structures are permitted by special exception in the R-A residential agricultural district:

(56) Small solar energy facility;

(57) Large-scale solar energy facility

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Sec. 90-104. - Accessory uses and structures permitted.

(c) The following are considered accessory uses with the R-A residential agricultural district, but are subject to the noted provisions:

(1) Roof or ground mounted small solar energy facility or large-scale solar energy facility as defined by Sec. 90-1, provided that the solar facility only generates energy for that structure.

Sec. 90-152. - Permitted uses.

The following are permitted uses in the R-E residential estate district:

- (1) Dwellings, single-family detached on individual lots.
- (2) Public schools, parks, playgrounds, athletic fields and related facilities.
- ~~(3) Accessory buildings; however, garages or other accessory buildings such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building shall be closer than five feet to any property line.~~
- (34) Church, church bulletin board, parish hall, parish home, convent, monastery.
- (45) Offstreet parking as required by article XIX of this chapter.
- (56) Agriculture uses on a tract of land not less than five acres in size as defined in section 90-1.
- (67) Maintaining of horses and ponies as defined in section 90-1035, but not to include the raising of poultry or livestock.
- (78) Home occupations:
 - a. Office.
 - b. Home occupation child care.

Sec. 90-160. - Accessory uses and structures permitted.

(a) In the R-E residential estate district, accessory uses and structures are permitted as defined. No accessory structure may be closer than five feet to any property line.

(b) The following are considered accessory uses within the R-E residential estate district, but are subject to the noted provisions:

(1) Roof or ground mounted small solar energy facility or large-scale solar energy facility as defined by Sec. 90-1, provided that the solar facility only generates energy for that structure.

(2) Accessory buildings; however, garages or other accessory buildings such as carports, porches, and stoops attached to the main building shall be considered part of the main building.

Sec. 90-202. - Permitted uses.

In the R-1 limited residential district, structures to be erected or land to be used shall be one or more of the following uses:

- (1) Single-family dwellings.
- (2) Schools.
- (3) Churches.
- (4) Parks and playgrounds.
- (5) Offstreet parking as required by this chapter.

~~(6) Accessory buildings. However, garages or other accessory buildings, such as carports, porches and stoops, attached to the main building shall be considered part of the main building. No accessory building shall be closer than five feet to any property line.~~

~~(67)~~ Public utilities such as poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance including water and sewer facilities in accordance with a conditional use permit and provisions contained in this chapter.

~~(78)~~ Business signs erected only to advertise the sale or rent of the premises upon which erected.

~~(89)~~ Church bulletin boards and identification signs.

~~(940)~~ Nonbusiness directional signs.

~~(104)~~ Home occupations:

- a. Office.
- b. Home occupation child care.

Sec. 90-210. - Accessory uses and structures permitted.

(a) In the R-1 limited residential district, accessory uses and structures are permitted as defined. No accessory structure may be closer than five feet to any property line.

(b) The following are considered accessory uses with the R-1 limited residential district, but are subject to the noted provisions:

(1) Roof or ground mounted small solar energy facility or large-scale solar energy facility as defined by Sec. 90-1, provided that the solar facility only generates energy for that structure.

(2) Accessory buildings. However, garages or other accessory buildings, such as carports, porches and stoops, attached to the main building shall be considered part of the main building.

Sec. 90-242. - Permitted uses.

In the R-2 limited residential district, structures to be erected or land to be used shall be for one or more of the following uses:

(1) Single-family dwellings.

(2) Two-family dwellings.

(3) Schools.

(4) Churches.

(5) Parks and playgrounds.

(6) Offstreet parking as required by this chapter.

~~(7) Accessory buildings. However, garages or other accessory buildings, such as carports, porches and stoops, attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any property line.~~

(8) Public utilities such as poles, lines, distribution transformers, pipes, meters, or other facilities necessary for the provision and maintenance, including water and sewer facilities.

(9) Business signs only to advertise the sale or rent of the premises upon which erected.

(10) Church bulletin boards and identification signs.

(11) Nonbusiness directional signs.

(12) Home occupations:

a. Office.

- b. Home occupation child care.

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Sec. 90-250. - Accessory uses and structures permitted.

(a) In the R-2 limited residential district, accessory uses and structures are permitted as defined. No accessory structure may be closer than five feet to any property line.

(b) The following are considered accessory uses with the R-2 limited residential district, but are subject to the noted provisions:

(1) Roof or ground mounted small solar energy facility or large-scale solar energy facility as defined by Sec. 90-1, provided that the solar facility only generates energy for that structure.

(2) Accessory buildings. However, garages or other accessory buildings, such as carports, porches and stoops, attached to the main building shall be considered part of the main building.

Sec. 90-292. - Permitted uses.

In the R-3 general residential district, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) Multiple-family dwellings.
- (3) Tourist homes.
- (4) Schools.
- (5) Churches.
- (6) Rest homes.
- (7) General hospitals with a conditional use permit.
- (8) Clubs and lodges with a conditional use permit.
- (9) Parks and playgrounds.
- (10) Home occupations:
 - a. Office.
 - b. Home occupation child care.

(11) Offstreet parking as required by this chapter.

~~(12) Accessory buildings. However, garages or other accessory structures, such as carports, porches, and stoops, attached to the main building, shall be considered part of the main building. No accessory building shall be closer than five feet to any property line.~~

(123) Public utilities such as poles, lines, distribution, transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewer facilities, in accordance with a conditional use permit and with other provisions contained in this chapter.

(134) Church bulletin boards and identification signs.

(145) Directional signs.

(156) Home occupation signs.

Sec. 90-300. - Accessory uses and structures permitted.

(a) In the R-3 general residential district, accessory uses and structures are permitted as defined. No accessory structure may be closer than five feet to any property line.

(b) The following are considered accessory uses with the R-3 general residential district, but are subject to the noted provisions:

(1) Roof or ground mounted small solar energy facility or large-scale solar energy facility as defined by Sec. 90-1, provided that the solar facility only generates energy for that structure.

(2) Accessory buildings. However, garages or other accessory structures, such as carports, porches, and stoops, attached to the main building, shall be considered part of the main building.

Sec. 90-342. - Permitted uses.

In the mobile home residential district MHR, structures to be erected or land to be used shall be for one or more of the following uses:

(1) Mobile homes.

~~(2) Accessory buildings; provided, however, garages or other accessory buildings, such as carports, porches and stoops, attached to a mobile home shall be considered part of the mobile home. No accessory building may be closer than five feet to any property line.~~

(23) Public utilities such as poles, lines, distribution transformers, pipes, meters, or other facilities necessary for the provision and maintenance, including water and sewage facilities.

(34) Business signs only to advertise the sale or rent of the premises upon which erected.

(45) Nonbusiness directional signs.

(56) Home occupations:

a. Office.

b. Home occupation child care.

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Sec. 90-350. - Accessory uses and structures permitted.

(a) In the MHR mobile home residential district, accessory uses and structures are permitted as defined. No accessory structure may be closer than five feet to any property line.

(b) The following are considered accessory uses with the MHR mobile home residential district, but are subject to the noted provisions:

(1) Roof or ground mounted small solar energy facility or large-scale solar energy facility as defined by Sec. 90-1, provided that the solar facility only generates energy for that structure.

(2) Accessory buildings; provided, however, garages or other accessory buildings, such as carports, porches and stoops, attached to a mobile home shall be considered part of the mobile home.

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Sec. 90-393. Uses and structures permitted by special exception.

In the B-1 general business district, structures may be erected or land may be used for one or more of the following uses:

(37) Small solar energy facility;

(38) Large-scale solar energy facility

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90-398. - Accessory uses and structures permitted.

(a) In the B-1 general business district, accessory uses and structures are permitted as defined. No accessory structure may be closer than five feet to any property line.

(b) The following are considered accessory uses within the B-1 general business district, but are subject to the noted provisions:

(1) Roof or ground mounted small solar energy facility or large-scale solar energy facility as defined by Sec. 90-1, provided that the solar facility only generates energy for that structure.

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Sec. 90-443. Uses and structures permitted by special exception specified.

The following uses and structures are permitted by special exception in the M-1 limited industrial district:

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(5) Small solar energy facility;

(6) Large-scale solar energy facility

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Sec. 90-450. Accessory uses and structures permitted.

(a) In the M-1 limited industrial district, accessory uses and structures are permitted as defined. No accessory structure may be closer than five feet to any property line.

(b) The following are considered accessory uses within the M-1 limited industrial district, but are subject to the noted provisions:

(1) Roof or ground mounted small solar energy facility or large-scale solar energy facility as defined by Sec. 90-1, provided that the solar facility only generates energy for that structure.

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Sec. 90-493. Uses and structures permitted by special exception.

The following uses are permitted by special exception in the M-2 general industrial district:

(5) Small solar energy facility;

(6) Large-scale solar energy facility

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Sec. 90-500. - Accessory uses and structures permitted.

(a) In the M-2 general industrial district, accessory uses and structures are permitted as defined. No accessory structure may be closer than five feet to any property line.

(b) The following are considered accessory uses within the M-2 general industrial district, but are subject to the noted provisions:

(1) Roof or ground mounted small solar energy facility or large-scale solar energy facility as defined by Sec. 90-1, provided that the solar facility only generates energy for that structure.

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Sec. 90-542. - Permitted uses.

In the M-3 heavy industrial district, buildings to be erected or land to be used shall be for one or more of the following uses:

(18) Small solar energy facility

(19) Large-scale solar energy facility.

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Sec. 90-551. - Accessory uses and structures permitted.

(a) In the M-3 heavy industrial district, accessory uses and structures are permitted as defined. No accessory structure may be closer than five feet to any property line.

(b) The following are considered accessory uses within the M-3 heavy industrial district, but are subject to the noted provisions:

(1) Roof or ground mounted small solar energy facility or large-scale solar energy facility as defined by Sec. 90-1, provided that the solar facility only generates energy for that structure.

(2) That this ordinance shall be effective immediately upon adoption.