

**ORDINANCE AMENDING A PORTION OF
SECTION 17-607 OF THE
CODE OF ORDINANCES OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 17-607 Supplemental Standards for Certain Land Uses be and hereby is amended to include Solar energy facility, large and Solar energy facility, small (in alphabetical order)

Section 17-607. Supplemental Standards for Certain Land Uses.

ADD:

Solar energy facility, large

- (a) Ground-mounted:
- (1) Solar energy facilities shall not exceed 25 feet in height when oriented at maximum tilt.
 - (2) Any glare generated by the system must be mitigated or directed away from an adjoining property or from any road when it creates a nuisance or safety hazard.
 - (3) An ocular-impact study must be performed for airports within five miles of the project site and for public roads within sight of the system. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.

- (4) In the zoning districts that have required setbacks, the array shall, at a minimum, meet setback requirements for primary structures except among and between participating landowners' parcels.
 - (5) In zoning districts that have no required setbacks, the array shall be located in such a manner that it does not encroach on any adjoining property except among and between participating landowners' parcels.
 - (6) Solar energy facilities shall not encroach into any easements.
- (b) Roof-mounted:
- (1) Separate flush or frame-mounted solar energy facilities installed on the roof or structure shall not:
 - a. Project vertically more than one (1) foot above the peak of the sloped roof to which it is attached; or
 - b. Project vertically more than five (5) feet above a flat roof installation.
 - (2) The combined height of a roof-mounted facility and the primary structure to which it is attached shall not exceed the maximum height for the zoning district in which it is located.
 - (3) It shall be demonstrated that the placement of the facility shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.
 - (4) Any glare generated by the system must be mitigated or directed away from adjoining property or road when it creates a safety hazard.
 - (5) An ocular-impact study shall be performed for airports within five miles of the project site and for public roads within sight of the system. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.
- (c) Appearance
- (1) The solar energy facility shall be maintained in the color or finish that was originally applied by the manufacturer.

- (2) All signs, other than the manufacturer's identification, installer's identification, appropriate warning signs, or owner's identification shall be prohibited.
- (d) Removal.
- (1) At such time that a solar energy facility is scheduled to be abandoned or discontinued, the owner of the facility shall notify the County by certified U.S. mail of the expected date of abandonment or discontinuation of operations.
 - (2) Within three hundred sixty-five (365) days of the date of abandonment or discontinuation, the owner of the system shall physically remove all components of the solar energy facility. If not removed within the allotted time, the County may have it removed at the expense of the property owner.

Solar energy facility, small

Ground-mounted:

- (1) Solar energy facilities shall not exceed 25 feet in height when oriented at maximum tilt.
 - (2) Any glare generated by the system must be mitigated or directed away from an adjoining property or from any road when it creates a nuisance or safety hazard.
 - (3) In the zoning districts that have required setbacks, the array shall, at a minimum, meet setback requirements for primary structures except among and between participating landowners' parcels.
 - (4) In zoning districts that have no required setbacks, the array shall be located in such a manner that it does not encroach on any adjoining property except among and between participating landowners' parcels
 - (5) Solar energy facilities shall not encroach into any easements.
- (b) Roof-mounted:
- (1) Separate flush or frame-mounted solar energy facilities installed on the roof or structure shall not:

- a. Project vertically more than one (1) foot above the peak of the sloped roof to which it is attached; or
 - b. Project vertically more than five (5) feet above a flat roof installation.
 - (2) The combined height of a roof-mounted system and the principal structure to which it is attached shall not exceed the maximum height for the zoning district in which it is located.
 - (3) It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.
 - (4) Any glare generated by the system shall be mitigated or directed away from adjoining property or road when it creates a safety hazard.
- (c) Appearance
- (1) The solar energy system shall be maintained in the color or finish that was originally applied by the manufacturer.
 - (2) All signs, other than the manufacturer's identification, installer's identification, appropriate warning signs, or owner's identification shall be prohibited.
- (d) Notification
- (1) Consumer shall notify the utility company prior to purchasing and installing the small solar energy facility.
 - (2) Installations shall require an electrical permit and inspection by County personnel.
 - (3) County personnel shall notify the utility company that the small solar energy facility has been inspected and approved.
 - (4) All installations shall comply with IEEE 1547, shall be UL Listed and shall be approved for interconnection by the local utility company. All equipment shall be UL listed for its installed purpose.

- (5) All installations shall comply with all state regulations for small generator interconnections.

This ordinance shall be effective from the ___ day of _____, 201__.

Adopted the ___ day of _____, 201__.

Aye	Nay	Abstain	Absent
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Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler

Supervisor Kyger

Supervisor Breeden

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION APPROVAL January 12, 2016

After a request was made by Dominion Power for an amendment to the Zoning Ordinance to allow Solar Energy in the County, a committee was formed that included both Dominion and SVEC as well as JMU, EMU, private citizens and several other companies along with staff to review and draft an ordinance. After meeting and coming up with ideas, a draft ordinance was prepared and has been reviewed by all persons involved with the committee. This is the final draft to come out of that work.

As solar energy becomes more popular, it is the intent of the County to stay in the forefront on this. With the help of the committee to prepare an ordinance that addresses solar energy on both a large scale and small scale, staff is of the opinion that we are prepared for solar energy in Rockingham County.

Staff recommends approval.