ORDINANCE

AN ORDINANCE AMENDING THE CODE OF APPOMATTOX COUNTY, TITLE 19 (LAND USE AND DEVELOPMENT), CHAPTER 19.6 (ZONING), ARTICLE I (ADMINISTRATION), TO INCLUDE CERTAIN DEFINTIONS, ARTICLE VII, (DISTRICT REGULATIONS) TO ADD AND DELETE CERTAIN LAND USE CATEGORIES (SECTIONS 19.6-67 THROUGH 19.6-74), AND ARTICLE VIII (ADDITIONAL REGULATIONS) FOR RECREATIONAL VEHICLES AND UTILITY-SCALE SOLAR ENERGY FARMS , BY AMENDING THE EXISTING 19.6-12, DEFINITIONS, 19.6-86, RECREATIONAL VEHICLES, AND CREATING SECTION 19.6-97 ET SEQ, UTILITY-SCALE SOLAR ENERGY FARMS .

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, from time to time, for good zoning practice or in the judgement of the citizens, staff, the Planning Commission or the Board of Supervisors an area of text needs amending to better serve the purpose of zoning and the community at-large; and

WHEREAS, in an effort to better clarify the terms and word usage in the Zoning Ordinance, the Planning Commission sees the need to add additional definitions and clarify others in subsection 19.6-12; and

WHEREAS, the Planning Commission has studied the land use categories of each zoning district and desires to make changes in those land use categories by adding certain land use categories to various zoning districts; and

WHEREAS, the Planning Commission recognizes the need to amend and clarify the regulations regarding the use of recreational vehicles by amending subsection 19.6-86; and

WHEREAS, the Planning Commission desires to amend the Zoning Ordinance to include regulations governing the siting and development of Utility-Scale Solar Energy Farms by creating a new subsection 19.6-97, et seq.; and

WHEREAS, the following terms in §19.6-12, Definitions, are amended as shown:

Accessory Apartment- ~~A second dwelling unit within a detached single-family dwelling which is clearly incidental and subordinate to the main dwelling. An ancillary apartment is considered an accessory apartment.~~ A secondary dwelling unit established in conjunction with and clearly subordinate to, the principal dwelling unit on a lot, contained within or attached as a part of the same structure as the principal dwelling unit on the same lot.

ACCESSORY BUILDING OR STRUCTURE- A building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Where an accessory building or structure is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered a part of the principal building (i.e. garage, satellite dish, above ground pool, well house).

Garages, carports, and storage sheds are examples of common accessory structures on residential lots. Pole barns, hay sheds, and the like are examples of accessory structures on farms.

AMATUER RADIO TOWER-~~A structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals; erected and operated by an amateur radio operator licensed by the FCC.~~ An antenna, or any combination of a mast plus an attached or mounted antenna, that transmits noncommercial communications signals and is used by an amateur radio operator licensed by the Federal Communications Commission.

ANTIQUE AND GIFT SHOPS -A commercial establishment which is used primarily for the indoor display and retail sale of merchandise, primarily furniture, silverware, glassware and other curios and collectibles, ~~the value of which is derived from the age, rarity and materials of such items or the workmanship of a particular historic period~~ *of which 80 percent or more are over 50 years old or have collectible value*; flea markets, furniture stores, *secondhand stores, and thrift stores* shall not be included in the is use group.

AUTOMOBILE REPAIR SERVICES- ~~Repair of construction equipment, commercial trucks, agricultural implements, and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops, oil and lubrication services, and other similar uses where minor repairs and routine maintenance are conducted.~~ An establishment primarily engaged in providing repair and maintenance services for automotive vehicles such as passenger cars, sports utility vehicles, pickup and other light trucks, small vans, and motorcycles. This use includes oil change and lubrication shops, automotive glass shops, and general automotive repair garages or shops, which provide a wide range of mechanical and electrical repair and maintenance services.

BREWERY: ~~A facility for the production of beer. See also "Farm Brewery, Limited" and "Micro-brewery".~~ An establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer with a capacity of greater than 315,000 gallons per year. A brewery may include a restaurant or public tasting room as an accessory use.

BUFFERING or SCREENING - ~~Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties wherever required by this chapter. Whenever used for screening or buffering purposes, natural growth shall be taken to mean evergreen trees, bushes and shrubbery.~~ A strip of land with existing vegetation retained and/or supplemental vegetation added as required with trees/shrubs and maintained to provide transition and separation, to reduce noise and glare and to partially obstruct the view between adjacent land uses or properties. Buffers should be maintained as undeveloped space and should not be cleared, graded, or excavated.

CAMPGROUND- ~~Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles and/or tents.~~ A lot or group of lots under common ownership designed and used to accommodate short-term, overnight guests using recreational vehicles, tents, or some other form of temporary lodging and not for permanent residential use. Temporary lodging or short-term lodging for the purpose of the Ordinance shall mean less than thirty (30) consecutive calendar days.

CAR WASH or Auto Detailing- ~~Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes and/or bays.~~ A commercial establishment providing the exterior washing and cleaning of vehicles where vehicles are manually driven into, or pulled by a conveyor through, a system of rollers and/or brushes, or by systematic manual hand washing/cleaning for commercial purposes. Interior cleaning and/or exterior drying may be conducted manually by the vehicle operator or an on-site attendant(s).

CONTIGUOUS- Parcels of land sharing a common border not separated by a state maintained road, *railroad, or public utility right of way*.

CORRECTION FACILITIES- A public or privately operated use providing housing and care for individuals legally confined for violation of criminal law, designed to isolate those individuals from a surrounding community.

Such uses may include cafeteria, housing for facility staff, and facilities for the production of goods or materials for sale so long as it is enclosed within the secured area.

DEVELOPMENT - A tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business ~~or~~, industrial purpose, or multiple residential dwelling units. ~~or is to contain five (5) or more residential dwelling units. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production. As applicable to Article XIII, any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage or equipment or materials.~~ The term shall include, but not be limited to the following:

- A change in the type of use of a building, structure, or land;
- Disturbance of land through the removal of trees or ground cover;
- Division of land into two (2) or more parcels;
- Dredging, filling, or grading;
- Construction or enlargement of a building or structure;
- Material increase in the intensity of use of land, including the number of businesses, dwelling units, offices, or manufacturing establishments;
- Demolition of a structure;
- Commencement or expansion of agricultural or horticultural or forestall activities;
- Commencement or expansion of resource extraction activities such as mining or drilling;
- Deposition of refuse or solid or liquid waste on land;
- Storage of buildings, equipment, materials or other structures;
- Alteration or disturbance of land, shore, bank, or channel of any stream, lake or body of water, including the alteration of any wetland.

DISTILLERY: ~~A facility for the production of distilled spirits.~~ An establishment primarily engaged in distilling and blending of potable liquors, including mixing them with other ingredients, with a capacity greater than 5,000 gallons of finished product per year. A distillery may include a restaurant or tasting room as an accessory use.

HOUSEHOLD PET-Animals that are kept for personal use or enjoyment, *either inside or outside of a home in conjunction with a residential dwelling land use*. Household pet shall include, but not be limited to dogs, cats, birds, and/*or* rodent *or similar animals*.

JUNKYARD- An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard. *(Land Use Category: Scrap & Salvage Services).*

LAND DISTURBING ACTIVITY-~~Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including but not limited to clearing, grading, excavating, transporting, and filling of land.~~ *Any man-made change of the land surface, including removing vegetative cover, excavating, filling and grading, and the construction of any structure-but not including minor modifications to landscaping or agricultural activities such as planting, cultivating, and harvesting crops or trees, or growing or tending of gardens. (Land Use Category: Temporary Use).*

LOT LINE (PROPERTY LINE) – *A line forming* the boundary of a lot.

MANUFACTURED HOME - ~~A manufactured house that is nineteen (19) or more feet in width, on a permanent foundation and on an individual lot.~~ A structure subject to federal regulation, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to required utilities. Also see Mobile Home.

MOBILE HOME PARK - A parcel of land under single common ownership *or which is operated as a business engaged in providing a place for manufactured homes*, upon which ~~twelve (12) more~~ three (3) or more mobile homes are located on a continual, non-transient living or sleeping purposes, non-recreational, basis together with any

structure, equipment, road or other facility intended for use incidental to the occupancy of the mobile homes, but shall not include premises used solely for storage or display of uninhabited mobile homes or premises occupied solely by a land owner and members of his/her family.

SIGN, ATTACHED- Any sign that is affixed directly to a wall, roof, canopy, awning, marquee, mansard wall, parapet wall, or porch of a building, and whose face is parallel to the building element to which it is attached. Attached signs have only one face visible from the public right-of-way. *Also referred to as a building mounted sign.*

WHEREAS, the following terms are being added to Section 19.6-12, Definitions, as shown:

Abandonment-For the purpose of this Ordinance, abandonment shall mean the stopping or halting of a use or occupancy of a non-conformity for a period of two (2) years or more.

Abattoir-A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.

Abutting-The condition of two (2) adjoining parcels of land having a common property line or boundary including cases where two (2) or more parcels of land adjoin a corner, but not including cases where adjoining parcels of land are separated by a street or alley.

Accessory Dwelling (Detached)-A secondary dwelling unit established in conjunction with, and clearly subordinate to, the principal d welling unit on a lot, as a detached structure on the same lot for the use by immediate family only. Also called "Second Dwelling".

Adjacent-A parcel of land that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street or right of way divides the parcels.

Administrative Services-Governmental offices providing administrative, clerical, or public contract services that deal directly with the citizens. Typical uses include federal, state, county, and town offices.

Adult Day Care Center-Any facility that provides supplementary care and protection during only part of the day to four (4) or more aged, infirmed, or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him/her by blood or marriage. Included in this definition are any two (2) or more places, establishments, or institutions owned, operated, or controlled by a single entity and providing such supplementary care and protection to a combined total of four (4) or more aged, infirmed, or disabled adults.

Adult Motion Picture Theatre-An enclosed building or outdoor facility used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" , for observation by patrons therein. (Land Use Category: Adult Entertainment).

Agricultural Support (Direct)-Uses that provide support and services to animal and crop production and dairying, or other related agricultural use, which are limited to and that operate on the site of on-going agricultural uses. These uses include: agricultural processing, agri-education, animal care businesses, customer operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); direct market businesses for the sale of products produced on-site (e.g. pick your own), farm co-ops, farm based tourism events, farm machinery repair, pet farms, products combining recreation and consumption of

agricultural products, portable sawmills, stables, wetlands mitigation banks, and similar uses. (Land Use Category: Agricultural Services).

Agricultural Support (Indirect)-Uses that provide support and services to animal and crop production and dairying, or other related agricultural use, either on the site of the agricultural use or off-site. These uses include: agricultural research facility, animal care businesses, central farm distribution hub for agricultural products, farm machinery repair, farm machinery sales, rental and service, mill feed, and farm supply centers, and other similar uses. (Land Use Category: Agricultural Services).

Airstrip-A runway without normal air base or airport facilities. (Land Use Category: Aviation Facility, public/private).

Aisleway, parking-A passage for vehicular traffic within a parking area, through a parking bay.

Alley-A narrow street or thoroughfare giving access to the rear of lots or buildings.

Amusement Park-A facility, primarily outdoors and open to the public for a fee, that includes structures and buildings for providing entertainment including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales. (Land Use Category: Commercial Outdoor Entertainment).

Animal Grooming-Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged. (Land Use Category: Veterinary Hospital/Clinic).

Animal Production (other than Intensive Farming)-A facility and its supporting lot area used for propagation, rearing, exercising, feeding, or general raising of livestock or other living animals for animal husbandry purposes, and not including intensive farming confinement facilities or dairies. (Land Use Category: Agriculture).

Animal Shelter-A facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated, or maintained by a nongovernmental entity including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals. (Land Use Category: Agriculture).

Applicant-A person or entity who submits a development application/petition requesting approval of a permit or development plan approval under this Ordinance.

Application or Petition-The completed form or forms and all accompanying documents, exhibits, and fees required by this Ordinance to be submitted for review when a person or entity requests approval of a permit or development plan.

Arena, Stadium, or Amphitheater-A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings, which is partially or entirely surrounded by tiers of seats for spectators. Such uses may or may not include lighting facilities for illuminating the field or stage area, ticket booths, concessions, restrooms, parking facilities, and maintenance areas. (Land Use Category: Commercial Indoor or Outdoor Entertainment).

Art Gallery-An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. (Land Use Category: Cultural Services).

Art, Crafts, Music,Dance, Photography, or Martial Arts Studio/School-An establishment with space used for the production of or instruction in, art, crafts, music, dance, photography, or martial arts. (Land Use Category: Fine Arts Studio).

Asphalt or Concrete Plant-An industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facility for the administration or management of the business, the stockpiling of bulk materials used in the production of asphalt or concrete or finished products manufactured on the premises and the storage and maintenance of equipment used in production of the finished product.

Assessed Value-The monetary price that a parcel of land, portion of land, improvement on land, or other commodity is assigned by the Commissioner of Revenue's office for the purposes of taxation.

Assisted Living Facility-A public or private congregate residential facility that provides personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirmed, disabled, and who are cared for in a primarily residential setting. This does not include a home or residence of an individual who cares for or maintains only persons related by blood or marriage or a residential facility for eight (8) or fewer individuals who are treated as a single family in accordance with §15.2-2291 of the Code of Virginia, (1950), as amended.

Auction Facility-A structure or structures in combination used for the conduct of personal property auctions on a temporary basis by an auctioneer licensed by the Commonwealth of Virginia.

Auditorium or Stage-A building or structure designed or intended for use for presentation of dramatic, musical, or live performances, other entertainment and cultural events, and/or other public gatherings, all occurring inside an enclosed structure typically limited to a capacity of 500 or fewer seats. This used does not include motion picture theaters.

Authorized Agent-A person with express written consent to act upon another's behalf.

Automatic Teller Machine (ATM)-A mechanized device operated by a bank or financial institution that allows pedestrian customers or customers in motorized vehicles to perform banking or financial transactions at locations remote from the controlling bank or financial institution. Where an ATM is provided on site with the bank or financial institution, it shall be considered part of the principal use. Where an ATM is provided at other locations, such as a shopping center, it shall be considered an accessory use to the principal use of the location. (Land Use Category: Financial Institution).

Automotive Painting or Body Shop-A facility providing collision repair and painting services for automobiles, pickup and other light trucks, or trailers, including bodywork, framework, welding, and major painting and undercoating work. (Land Use Category: Automobile Repair Services).

Automotive Wrecker Service-An establishment providing towing and temporary storage on-site of no more than nine (9) wrecked or inoperable vehicles for a period of no longer than sixty (60) days. If an establishment exceeds the number of vehicles or duration of storage, then it shall be considered a junk/salvage yard. (Land Use Category: Automotive Repair Services).

Aviation Facilities, Private-Any area of land used or intended for the landing and taking off of aircraft for personal use of the tenant or owner of the site, not available for public use or commercial operations. Aircraft includes helicopters, all fixed-wing planes and gliders, but not hang gliders.

Aviation Facilities, Public-Landing fields, aircraft parking and service facilities and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. This facility is available for public use or commercial operation.

Awning-A roof-like cover extending over, or in front of, a place as a shelter.

Bank-An establishment that provides retail banking services, mortgage lending, or similar services to individuals or businesses. Also see Financial Institution.

Brewpub-An establishment that is primarily a restaurant where ale or beer is brewed on premises as an accessory use. Also see Microbrewery.

Building Permit-An approval statement signed by the Building Official authorizing the construction, alteration, reconstruction, or demolition of all or part of any building or structure because the proposed development complies with this Ordinance and the Building Code.

Caliper-A measurement of the diameter of a tree trunk measured 4.5 feet above ground level.

Canopy-A structure that is not enclosed and is made of rigid or flexible material, that provides overhead protection from rain or sun for drive through service activity, including nonresidential establishments with drive-through service and gas pump islands at gas stations. The canopy may be attached or adjacent to a nonresidential building.

Certificate of Occupancy-A certificate granted by the Building Official which permits the use of a building or structure in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the Building Permit. A building may not be occupied without the issuance of a Certificate of Occupancy.

Check Cashing Establishment-Any person or establishment engaged in the business of cashing checks, drafts, or money orders for compensation, and registered with the State Corporation Commission pursuant to §6.1-443, Code of Virginia, (1950), as amended. (Land Use Category: Financial Institution).

Child Day Care Center-See Day Care Center.

Civic Center-A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor display, food and beverage preparation and service for on-site consumption. Similar structures with a capacity less than 500 persons constitute a conference center or training center.

Clubhouse-A building or room used for social or recreational activities by members of an organization or club (e.g. golf course clubhouse) or occupants of a residential or other development (e.g. home owners association).

Code-The Code of Appomattox County, Virginia

College or University-A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student centers, athletic fields, dormitories, and other facilities which further the educational mission of the institution. (Land Use Category: Educational Facilities, College/University).

Commercial Landscape Operation-The provision of tree, lawn, and landscaping services including planting, pruning, mulching, and tree/lawn/grounds maintenance using landscaping materials grown on the property and landscape materials produced off-site such as top soil and mulch. Includes greenhouses, office building, and equipment necessary for the operation of such services. (Land Use Category: Landscaping and Lawn Care Services).

Commercial Feedlots- A feedlot whose primary enterprise is to feed cattle and market them for slaughter.

Communications Services- Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as Utility Services or Wireless Communications

Facilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

Community Center-A building used for recreational, social, educational, and/or cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency. Includes uses for senior citizens and/or youth.

Community Garden-A private or public facility for the cultivation of fruits, flowers, vegetables or ornamental plants by more than one person, household or family , with produce used exclusively by said person, household or family within the common community, for the greater good of the common community. (Land Use Category: Accessory Use/Structure).

Composting-The agricultural process by which organic waste (i.e. yard trimmings, food wastes, manures) are combined in proper ratios; adding bulking agents (i.e. wood chips) as necessary, to provide air space; controlling temperature, moisture, and oxygen to achieve accelerated decomposition; thus producing a stable humus material.

Conditional Rezoning-A change in the zoning classification of a parcel of land or portion thereof, in which voluntary conditions, otherwise known as proffers, are placed on the approval of change in zoning classification.

Conditional Use Permit-A permit issued by the Board of Supervisors for a land use within a particular zoning classification. The permit may or may not be approved with conditions which are relevant and relatable to the land use. The land use would not be generally permitted within the zoning classification, but is allowed with restrictions.

Conference or Training Center-A facility designed to accommodate fewer than 500 persons and used for conferences, seminars, product displays, recreational activities, and entertainment functions, along with accessory functions such as food and beverage preparation and service for on-site consumption. (Land Use Category: Business or Trade School).

Conservation Easement-The recorded grant of property rights establishing limitations that run with the land for a minimum of forty (40) years duration that prohibit subdivision of non-farm development on the tract other than one single family dwelling. Such easements shall be held by an entity authorized to hold easements in the Commonwealth of Virginia.

Construction-The erection of any building or structure or any preparations, including land disturbing activities.

Continuing Care Retirement Community-An integrated development that offers senior citizens a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with personal care in assisted living facilities, to long-term skilled nursing care in a nursing home facility.

Contractor's Office-A building or portion of a building used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, or equipment inside the building. (Land Use Category: Contractor Yard).

Contractor Yard-Areas or facilities used for the outside storage of materials and equipment for businesses engaged in construction activities. This use type typically does not provide for office space or any enclosed facility.

Convenience Center, County-A facility that accepts residential solid wastes generated by and transported from individual uses for temporary transport to a processing or disposal facility. Facility is operated by Appomattox County.

Crisis Center-A facility providing temporary protective sanctuary for victims of crime or abuse including emergency housing during crisis intervention for victims of rape, child abuse, or physical beatings for a length of time not to exceed thirty (30) days.

Crop Production-Agricultural and horticultural uses, including, but not limited to the commercial production of grains, field crops, vegetables, fruits, flower fields, and seed production, ornamental crops, tree and sod farms.(Land Use Category: Agriculture).

Cupola-A small structure, ornamental in nature, built on top of a roof.

Dairy-A commercial establishment for the manufacture, processing, or sale of dairy products.

Data Center-An establishment primarily engaged in providing infrastructure (e.g. computer systems and associated components such as telecommunications and storage systems) for data processing and storage, web hosting, application hosting, streaming services, and related services. Use includes server farms, telecom hotel, carrier hotel, telehouse co-location center, or any other term applicable to facilities which are used for these specified purposes.

Density-The ratio of the total number of residential dwelling units on a lot to total lot area.

Driveway-A road, usually private, made of a minimum of gravel, a minimum of ten (10) feet in width, which provides access from a street, public or private, to a dwelling unit or a commercial business.

Drugstore or Pharmacy-An establishment, either freestanding or part of a shopping center, usually with drive-through service, that is engaged in the retail sale of prescription. (Land Use Category: Retail Sales).

Elevated Building- A non-basement building built to have the lowest floor elevated above ground level by means of fill, solid foundation, perimeter walls, pilings, or columns (post and piers).

Estate Sale/Auction-A public sale or auction to dispose of the majority of the materials owned by a person who is deceased or will be moving. (Land Use Category: Temporary Use).

Expansion-An increase in the floor area of an existing structure or building, or the increase in the area of a use.

Fabrication-The act or process associated with metal manufacturing or manipulation. (Land Use Category: Industrial Manufacturing).

Façade-The front of a building.

Facility Owner-The person or entity that owns all or a portion of a solar energy facility (farm), whether or not it owns the site on which the facility is located.

Farm- An area of land and its buildings used for growing crops and rearing animals; making one's living by growing crops or keeping livestock, from which $1,000 or more of agricultural products are produced and sold, or normally would be sold, during a calendar year. (Land Use Category: Agriculture).

Farm Winery-An establishment with facilities for fermenting and bottling where the owner or lessee of the facility manufactures wine that contains not more than 18 percent alcohol by volume and is either (1) located on a farm with a producing vineyard, orchard, or similar growing area or (2) located in the state with a producing vineyard, orchard, or similar growing area or that has agreements to purchase grapes or fruits from agricultural growers within the state. Accessory uses associated with this use include wine tasting, related food sales and related retail areas. (Land Use Category: Winery).

Farmer's Market-A public market held in a structure or open area where farmers primarily sell produce and other farm products they have grown, gathered, or raised directly to consumers. (Land Use Category-Retail Sales).

Fenestration-The arrangement, proportions, and design of windows and doors along the façade of a building.

Fire or EMS Station-A facility for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas of storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty. (Land Use Category: Safety Services Public or Private).

Fish Hatchery- A place for artificial breeding, hatching, and rearing through the early life stages of animals—finfish and shellfish in particular, primarily to support the aquaculture industry where they are transferred to on-growing systems, such as fish farms, to reach harvest size.

Flea Market-A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products, which may be new or used.

Floor Area (Gross Floor Area)-The sum of the gross horizontal areas of each coverned floor of a building, measured from the outside faces of exterior walls or from the centerline of party walls separating two buildings, but not including areas devoted to vehicle parking, uninhabitable basements, attics, or service/mechanical equipment rooms. Also not included in this calculation are areas open to the sky or unenclosed on two or more sides (e.g. balconies, open porches, breezeways, patios, etc.).

Floor Area Ratio-The ratio of gross floor area of al buildings on the lot to the total lot area.

Foot Candle-A quantitative unit of measure referring to the measurement of illumination incident to a single point. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

Forestry and Logging-A use of land whereby forests are tended, harvested, and reforested either by natural or artificial reforestation, or both and where timber is cut and sorted on-site for commercial purposes. (Land Use Category: Temporary Use).

Funeral Home-An establishment that provides human funeral services, including embalming and memorial services. Crematories are an accessory use to a funeral home.

Garage or Yard Sale-The temporary and occasional use of the garage and/or yard of a residential dwelling for the casual sale of miscellaneous items of personal property to the general public. (Land Use Category: Temporary Use).

Grocery Store-An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public. (Land Use Category: Retail Sales).

Hedge-A fence or a boundary formed by a dense row of shrubs or low trees.

Helicopter Landing Facility-An identifiable area of land or water, or elevated on a structure, that is licensed or approved for the landing and takeoff of helicopters or other rotorcraft, and which may include ancillary facilities such as parking, waiting rooms, fueling station or maintenance equipment.(Land Use Category: Aviation Facility, Pubic/Private).

Historic Landmark-Any landmark listed on the Virginia Landmarks Register by the Historic Resources Board according to the procedures set out in the Code of Virginia.

Historic Structure-Any structure that is listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register, or listed on an inventory of historic places developed by the county. Such buildings or structures have contributed to the historic significance of the community, state or nation.

Home Garden-Use of land on a residential lot for the outdoor cultivation of vegetables, fruits, flowers, or other small plants as accessory to the principal residential use, for consumption by the occupants of the use. (Land Use Category: Temporary Use).

Homeless Shelter-A facility with support and supervisory personnel that provides temporary living accommodations for homeless persons.

Homeowners Association-A non-profit organization operating under recorded land agreements through which each landowner is automatically a member and each lot is automatically subject to the covenants or rules, and may be charged a proportionate share of the expenses for the organizations activities.

Horse Board and Equestrian Training-An establishment where horses are boarded and cared for, where instruction in riding, jumping, and showing is offered, and where horses may be hired for riding. Use may include a livery stable and riding academies. (Land Use Category: Stable, Commercial)

Industrial Manufacturing-Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Use may include processing, manufacturing, compounding, assembling, packaging, treatment or fabrication of materials and products, bottling, printing plants, pharmaceuticals, cosmetics, solvents and/or other chemicals, and the production of items made of stone, metal or concrete.

Infill Development-The development of vacant or partially developed parcels that are surrounded by or in close proximity to areas that are substantially or fully developed.

Interpretation- An explanation of the meaning of the text, uses, or other provisions of this Ordinance, or the boundaries of the Official Zoning Map or of the conditions of approval imposed on a permit or development approval.

Land-The earth, water, and air, above, below, or on the surface and includes any improvements or structures attached hereto.

Landowner-Any owner of a legal or equitable interest in real property, including heirs, devisees, successors, assigns, and agent or personal representative of the owner.

Livestock Sales & Auction-An enclosure or structure designed or used for holding livestock for the purposes of sale or transfer by auction, consignment, or other means. Also known as a Livestock Market.

Logo-any display of emblems, lines or colors, or any combination thereof used as a symbol of an organization or business.

Lot Area-The total horizontal land area within the lot lines of a lot, excluding any area within existing or proposed public street rights-of-way.

Lot Line Adjustment-An adjustment or reconfiguration of lot lines to an existing lot. Also known as a Boundary Line Adjustment.

Lot Line, Front-The lot line separating the lot from an abutting street right-of-way or private road easement.

Lot Line, Rear-The lot line along the edge of a property opposite its front lot line.

Lot Line, Side- A lot line not abutting a street and connecting the lot's front and rear lot lines.

Lot of Record-A lot, which may or may not be part of a subdivision, that a plat of said lot has been recorded in the office of the Clerk of Circuit Court, or a lot described by metes and bounds, the description of which has been so recorded.

Lumen-A standard unit of measurement referring to the amount of light energy emitted by a light source without regard to the effectiveness of its distribution.

Major Recreational Equipment-A boat, boat trailer, pick-up truck camper, motor coach, motorized dwelling, tent trailer, or similar recreational vehicle or equipment, as well as, cases or boxes used for transporting recreational equipment, whether or not occupied by such equipment.(Land Use Category: Accessory Use/Recreational Vehicle).

Manufactured Home, Accessory-A manufactured home that is subordinate to a single-family dwelling or a manufactured home on a single lot and is used for storage. The structure must be altered to a point of being uninhabitable as determined by the Building Official.

Massage Clinic-Any establishment other than a regularly licensed hospital where nonmedical and nonsurgical manipulative exercises are practiced on the human body for reasons other than cosmetic or beautifying purposes by anyone that is not a physician or surgeon or has a similarly registered professional status.

Meat Packing Plant-The processing of meat products and by-products, primarily for commercial purposes, directly from live animals or offal from dead animals.

Medical or Dental Clinic-A small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. Examples include, but not limited to,

Model Sales Home- A dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of homes or units in the development. (Land Use Category: Retail Sales).

Motion Picture Theater-A building or part of a building devoted to showing motion pictures. Use may include an open lot or part of an open lot with auxiliary facilities primarily for showing motion pictures on a paid admission basis to patrons. (Land Use Category: Commercial Indoor Entertainment).

Motorsports Park-A facility, primarily outdoors and open to the public, for a fee, designed for motor vehicle sporting activities. This includes automobiles, trucks, go-carts, motorcycles, tractors, dirt bikes, all-terrain vehicles (ATV) and similar vehicle types. (Land Use Category: Commercial Outdoor Entertainment).

Museum-A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended and designed to be used by members of the public for viewing, with or without and admission charge, and may include as an accessory use in the limited retail sale of goods, services, or products to the public. (Land Use Category: Cultural Services).

Natural Disaster-Any event in which damage to a use or structure is caused by flooding, wind, hail, lightning strike, tornado damage, explosion, falling trees, or falling tree limbs.

Nightclub-A place of entertainment offering alcoholic beverages for consumption on the premises that may also provide on-site entertainment in the form of live performances, dancing, billiards, comedic performances, or other entertainment activities. This use does not include Adult Entertainment uses. (Land Use Category: Dance Hall).

Nonconformity-A nonconforming use, structure, lot of record, sign, or site feature.

Notice of Violation-A notice indicating a violation of the Zoning Ordinance.

Office Park-A development that contains more than one separate office building, along with supporting uses, and/or open space, all of which are designed, planned, constructed and managed on an integrated and coordinated basis.

Open Area-The portion of a lot not used for buildings, structures, parking, loading, or streets, which may be set aside for landscaping and/or recreation.

Operator-The person or entity responsible for the overall operation and management of a solar energy facility (farm), if different from the facility owner.

Ordinary Maintenance and Repairs-Work performed on a building or structure to correct any deterioration or decay of, or damage to, the building or structure, or any part thereof, and restore the building or structure as nearly as practical to its condition prior to deterioration, decay or damage.

Outdoor Display and Sale of Merchandise-The placement of products or materials for sale outside the entrance of a retail or wholesale establishment. Use is permitted as an accessory or ancillary use to the primary retail or wholesale sales use.

Outdoor Gatherings-Any temporary organized gathering expected to attract 500 or more people at one time in open spaces outside of an enclosed structure. Included in this use type would be music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities not otherwise listed in this ordinance. Such activities held in public parks or on public school property shall not be included within this use type.

Outdoor Seasonal Sales-A temporary outdoor business enterprise that is conducted primarily outside and offers items for retail sale during a relatively short peak season. Examples include Christmas trees, pumpkins, produce, flowers, and fireworks. (Land Use Category: Temporary Use).

Parcel of Land-Any quantity of land capable of being described with such deniteness that its location and boundaries may be established which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Parent Tract-Any lot or parcel of land which was lawfully recorded by plat of subdivision and/or deed(s) in the office of the Clerk of the Court of Appomattox County prior to August 22, 1988.

Park or Greenway-Land used for recreation, exercise, sports, education, rehabilitation, or similar activities or land intended for the enjoyment of natural features or natural beauty. A greenway is typically a linear park that links various parts of the community with bicycle and pedestrian facilities or paths.

Person-Any individual, corporation, government agency, business trust, partnership, two or more persons having joint interest, or any other legal entity.

Photometric Plan-A point by point depicting the intensity and location of lighting on the property.

Photovoltaic or PV-Materials and devices that absorb sunlight and convert it directly to electricity.

Place of Worship-A building or structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and education. Examples include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. (Land Use Category: Religious Assembly).

Planned Unit Development-A form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

Printing or Other Similar Reproduction Facility-A commercial establishment primarily engaged in lithographic (offset), gravure, flexographic, screen, quick, digital, or other method of printing or reproduction of stock materials on a job order basis.

Public Assembly/Use-Facilities owned and operated by a public or quasi-public agency accommodating public assembly for sports, amusement, or entertainment purposes. Typical uses include auditoriums, sports stadiums, convention facilities, fairgrounds, and incidental sales and exhibition facilities.

Public Maintenance and Service Facilities- A facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment services centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

Public Parks and Recreational Areas-Publicly owned and operated parks, picnic areas, playgrounds, indoor or outdoor athletic facilities, game preserves, and open spaces.

Quarrying or Soil Extraction-An area used for the purpose of removing or extracting stone, rock, soil, or similar materials from an open excavation for financial gain and to be used for building or construction purposes. (Land Use Category: Resource Extraction).

Railroad Facilities-Railroad yards, equipment servicing facilities, and terminal facilities.

Rated Capacity-The maximum capacity of a solar energy facility (farm) based on the sum total of each photovoltaic system's nameplate capacity.

Repair-The restoration to a good or sound condition of materials, systems and or components of a structure that are worn, deteriorated, or broken using materials or components identical to or similar to existing materials or components.

Roadside Stand-A building or structure used for the retail sale of fruits, vegetables, flowers, herbs or plants grown on same parcel of land where the stand is located. Such use may also include accessory sales of other unprocessed foodstuffs, home processed food products such as jellies, jams, pickles, sauces, or baked goods and homemade crafts. No commercially packaged goods, handicrafts or foodstuffs shall be sold.

Satellite Dish-A round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals. (Land Use Category: Accessory Structure).

Second Dwelling-Any building or portion thereof which is designed for and used for residential purposes as a single-family dwelling, additional to the primary single-family dwelling and is subject to meeting certain criteria outlined elsewhere in this ordinance.

Shipping Container-A standardized, reusable shipping vessel used in the transportation of freight and capable of being mounted on a rail car, or mounted to the chassis for movement by truck trailer or loaded on a ship. When placed on a parcel, unrelated to its natural use, and used for storage, whether privately or commercially, it shall be deemed an accessory structure.

Sight Triangle-An area of unobstructed sight distance along the approaches of a street or driveway to an intersection.

Sign, Obsolete-Any sign which advertises a business, use, service, or activity that once occurred but is no longer occurring on the property in which the sign is located.

Sign, Unified-A freestanding sign used to identify multiple business uses within a shopping center, office park, business park, or industrial park.

Small Wind Energy System-A wind energy conversion system consisting of a rotating wind turbine and related control or conversion equipment that converts the kinetic energy in wind into mechanical energy and is intended primarily to reduce on-site consumption of energy for homes or businesses.

Solar Energy Collection System, Large Scale or Utility Scale Solar Energy Farm-A renewable energy system consisting of solar panels and related equipment (e.g. heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat and converts it to electricity for transfer to an electricity grid. The term applies to solar photovoltaic systems equal to or greater than one (1) acre in size or having a rated capacity equal to or greater than 200 kilowatts (kw).

Solar Energy Collection System, Small Scale or Residential Scale--A renewable energy system consisting of solar panels and related equipment (e.g. heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat and converts it to electricity for direct on-site use. The term applies to solar photovoltaic systems less than one (1) acre in size or having a rated capacity less than 200 kilowatts (kw). This land use shall be considered an accessory use.

Stop Work Order-An order issued by the Zoning Administrator or Building Official that directs the person responsible for a development activity or other act in violation of this Ordinance to cease and desist such activity or act.

Street Grade- The top of the streets roadway at its centerline.

Structure Height-The vertical distance from the average elevation of the existing finished grade of a structure at the font of the structure to the top of the roof for a flat roof, to the deck line for a mansard roof, or the mean height between the eaves and ridge for a gable, hip cone, gambrel or shed roof.

Swimming Pool, Spa, or Hot Tub-An above or below ground structure that is filled with water and used for swimming or soaking, relaxation, massage, or hydrotherapy.

Tattoo or Body Piercing Establishment-An establishment whose principle business activity is to practice one or more of the following: 1). Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person or (2) using ink or other substances that result in the permanent coloration or alteration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. (Land Use Category: Personal Services).

Taxidermy Shop-A business for the preparation, stuffing, and mounting of animal skins. (Land Use Category: Retail Sales).

Television or Radio Antenna-An omnidirectional antenna tuned to the broadcast frequency assigned to television or commercial radio. Does not include Amateur radio antenna or satellite dish. (Land Use Category: Wireless Communication Facility).

Temporary Business-A commercial use established on a short-term basis at a particular location, usually for less than 30 days.

Temporary Use-Any commercial use which is conducted for a period not exceeding thirty (30) consecutive days and which is not re-established within a period of ninety (90) days.

Turkey Shoot-A shooting match or similar activity conducted by a non-profit organization, non-commercial, or community service organization involving the discharge of firearms at a target or targets with the object of such activity being to determine a winner of a prize, such as a turkey, ham or other prize. (Land Use Category: Temporary Use).

VDOT-The Virginia Department of Transportation.

Vocational or Trade School-A public or private school offering vocational or trade instruction to students in subjects such as electrical, plumbing, brick laying, computer science, HVAC, etc. (Land Use Category: Educational Facility, Primary/Secondary).

Watercourse-A lake, river, creek, stream, wash, channel, or other topographic feature on or over which water flows at least periodically.

Wetlands-Areas inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support a prevalence of vegetation typically adopted for life in saturated soil conditions. Examples include swamps, marshes, bogs, and similar areas.

Woodworking-An establishment primarily engaged in millwork and other manufacturing of wood products, such as windows, doors, moldings, or flooring. (Land Use Category: Custom Manufacturing).

Yard, Required-The area within a lot extending inward from the front, side, or rear lot lines for the minimum yard depth applicable in the zoning district in which the lot is located and that is required to remain unoccupied and unobstructed from the ground upward.

Zoning District-An area delineated on the Official Zoning Map, which a prescribed set of development standards are applied to various types of development.

Zoning District, Overlay-A zoning district superimposed over one or more underlying zoning districts that imposes additional standards and regulations.; and

WHEREAS, Article VII, District Regulations lists the land use categories in each zoning district as either a permitted use or a conditional use; and

WHEREAS, the following land use category is added to Section 19.6-67 A-1, Agricultural District, subsection B, Permitted Uses, "Small Scale or Residential Solar Energy Collection System"; and

WHEREAS, the following land use category is added to Section 19.6-67 A-1, Agricultural District, subsection C, Conditional Uses, "Utility Scale Solar Energy Farm"; and

WHEREAS, the following land use category is added to Section 19.6-68, R-1, Low Density Residential District, subsection B, Permitted Uses, "Small Scale or Residential Solar Energy Farm"; and

WHEREAS, the following land use category is added to Section 19.6-69, R-2, Medium Density Residential District, subsection B, Permitted Uses, "Small Scale or Residential Solar Energy Farm"; and

WHEREAS, the following land use category is added to Section 19.6-73, M-1, Industrial District, subsection C, Conditional Uses, "Utility Scale Solar Energy Farm"; and

WHEREAS, the following land use categories are added to Section 19.6-74, IP, Planned Industrial District, subsection C, Conditional Uses, "Wind Energy Systems" and "Utility Scale Solar Energy Farm"; and

WHEREAS, Section 19.6-86, Recreational Vehicles is hereby by amended to delete portions (strikethrough) and add certain text, as shown herein:

Delete the following:

~~Recreational vehicles placed on sites either: (i) Be on the site for fewer than one hundred eighty (180) consecutive days, be fully licensed and ready for highway use, or (ii) Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Uniform Statewide Building Code. A recreational vehicle is ready for highway use if it is on its wheels or jacking~~

~~system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.~~

Add new text as follows;

1. Recreational Vehicles placed on any developed lot or parcel in any zoning district shall:
    a. Be the personal property of the owner, tenant, or guest thereof residing on the property;
    b. Be operable and in good repair;
    c. Be licensed and registered as required by State law;
    d. Be parked either within the driveway or behind the leading edge of the principle dwelling;
    e. Not encroach upon any property line;
    f. Not be used for living, sleeping, housekeeping or business purposes, except as provided herein. Use of the recreational vehicle for more than ninety (90) consecutive days shall constitute living and will be considered a second dwelling, subject to the provisions in §19.6-18-Multiple Dwellings on a Single Lot.
    g. Be parked or stored in a road ready position. Road ready shall mean on its wheels or internal jacking system, fully licensed, and attached to the site only by quick disconnect type utilities and having no permanently attached additions.

2. Recreational Vehicles placed on undeveloped lots or parcels in any zoning district shall:
    a. Be operable and in good repair;
    b. Be licensed and registered as required by State law;
    c. Not encroach upon any property line;
    d. Be stored or parked in a road ready position. Road ready shall mean on its wheels or internal jacking system, fully licensed, and attached to the site only by quick disconnect type utilities and having no permanently attached additions.
    e. Not be used for living, sleeping, housekeeping or business purposes, except as provided herein. Use of the recreational vehicle for more than ninety (90) consecutive days shall constitute living and will be considered a dwelling, subject to the permit requirements for placement, elevation, and anchoring for manufactured homes as contained elsewhere in this ordinance and in the Uniform Statewide Building Code.

3. One (1) recreational vehicle may be used for a temporary residence in an A-1 zone, subject to the following;
    a. The recreational vehicle is located on the same lot on which a primary residence is currently being constructed;
    b. The temporary residential use shall be allowed for a period not to exceed six (6) months;
    c. The recreational vehicle shall have available onboard electrical service, plumbing, and waste management facilities;
    d. Proper building, water and septic permits have been issued for the building of the primary residence.; and

WHEREAS, the Planning Commission has seen the need to study the siting and development of Utility Scale Solar Energy projects by analyzing various industry studies, industry data, current trends, case studies from other Virginia localities, and studied the physical and financial impact to the county; and

WHEREAS, the Planning Commission has reviewed the Commonwealth of Virginia Energy Plan, which encourages the development and use of renewable energy; and

WHEREAS, the Code of Virginia limits the locality's ability to regulate renewable energy facilities, but does allow for provisions limiting noise, requiring buffer areas, setbacks, and addressing the decommissioning of the facility; and

WHEREAS, Section 19.6-97, Utility Scale Solar Energy Farm, as shown herein, shall be added to the text of the Zoning Ordinance:

§19.6-97 Utility Scale Solar Energy Farm

§19.6-97.1 Applicability, permitting

The requirements set forth in this section govern the siting, development, construction, installation, operation, and decommissioning of utility scale solar energy facilities in the county. A Conditional Use Permit (CUP) is required for each utility scale solar energy farm proposed to be constructed, installed, or operated in the county. Small scale solar energy arrays and associate apparatus used for individual residential dwellings, not connected to the electrical grid, shall be considered an accessory use to the principal dwelling and permitted as such.

§19.6-97.2 Applications and Required Information for a Utility Scale Solar Energy Farm

In addition to the material required for a Conditional Use Permit petition, applications for utility scale solar energy facilities (farms) shall include the following information:

A. Project Narrative: A narrative identifying the applicant, facility owner, property owner, and the operator of the facility. The narrative should include an overview of the project and its location, the size of the site and the project area; the current use of the site, the estimated time for construction, including a proposed date for commencement of construction; the maximum rated capacity of the facility; the approximate number, types and expected footprint of the solar equipment to be constructed to include photovoltaic panels, ancillary facilities, fencing, buffering, where the electricity generated at the facility will be transmitted, and the location of the proposed electrical grid interconnection.

B. Site Development Plan: A site development plan of a scale and specification, in accordance with the requirements found in the Conditional Use Permit application shall be submitted with the application. Additional information may be required, as determined by the Zoning Administrator, such as scaled elevation view or other supporting drawings, photographs of the site, photographic simulations or modeling of the proposed solar energy facility, specifically from sensitive locations, as deemed necessary by the Zoning Administrator, aerial imagery or other mapping of the site or any other technical report necessary for the proper review of the Conditional Use Permit petition. If the petition is granted, then a full site development plan shall be required in accordance with the regulations found elsewhere in this ordinance.

C. Documentation of right to use property for the proposed facility: Documentation shall include proof of control over the proposed site or possession of the right to use the proposed site in the manner requested. Any sensitive financial or confidential information may be redacted.

D. Decommissioning plan; security

1. The applicant shall provide a detailed decommissioning plan that provides procedures and requirements for removal of all parts of the solar energy generation facility and its various structures at the end of the useful life of the facility or if it is deemed abandoned or unsafe. The plan shall include the anticipated life of the facility, the estimated overall cost of decommissioning the

facility in current dollars, the methodology for determining such estimate, and the manner in which the project will be decommissioned. The decommissioning plan and the estimated decommissioning cost shall be update every five (5) years, from the date of the certificate of occupancy or upon request of the Zoning Administrator; however, the updated costs shall be no more than twice every ten (10) years.

2. Prior to receiving a certificate of occupancy to begin operation, the applicant must provide security in the amount of the estimated cost of the decommissioning. Options for security shall include a cash escrow, a performance surety bond, or an irrevocable letter of credit. The security must remain valid until the decommissioning obligations have been met. The security may be adjusted up or down by the county if the estimated cost of decommissioning the facility changes. The security must be renewed or replaced, if necessary, to account for any changes in the total estimated cost of decommissioning if deemed by the updated estimates. Security is a mandatory condition of all conditional use permits for utility scale solar energy farms.

3. The decommissioning plan, cost estimates, and all updates to plans and estimates shall be sealed by a professional engineer licensed to do business in the Commonwealth of Virginia.

E. Economic Analysis: An economic impact analysis, prepared by a qualified third-party that reports any expected change in the value of the subject property, expected employment during the construction of the facility, any expected impact on the county's tax revenues, the estimated costs to the county associated with the facility in the form of additional services, and information on any other economic benefits or burdens from the project.

F. Review fees: The county may retain qualified third-parties to review portions of the conditional use permit petition or the site development plan that are outside of the county's areas of expertise and do not have adequate state and federal review. Any costs incurred by the county for such review by qualified third-parties shall be bill to the applicant and must be paid in full prior to the issuance of a certificate of occupancy.

G. Community meeting: A public meeting shall be held prior to the county's public hearing with the Planning Commission to give the community the opportunity to hear from the petitioner and ask questions regarding the proposed facility. The meeting shall be held at a location within a reasonable distance to the project and must be advertised in a newspaper with local circulation for two consecutive weeks prior to the meeting. The petitioner shall provide the Zoning Administrator with the date, time and place of the meeting, a copy of the advertisement, and a summary of any input/comments received from members of the public. Such information shall be provided to the Zoning Administrator no less than seven (7) business days prior to the Planning Commission public hearing.

§19.6-97.4 Visual Impacts, Setbacks, and Buffering

The petitioner shall demonstrate through project siting, and if necessary, through mitigation, that the solar project minimizes impacts to viewsheds from all residential areas, and any areas of scenic, historical, cultural or recreational significance. The following should be adhered to in placement, buffering and/or setback:

4. A vegetative buffer sufficient to mitigate the visual impact of the facility is required along all areas adjacent to pubic roadways. The buffer shall consist of a twenty (20) foot wide landscaped strip to include trees, shrubs and other vegetation considered native to the area. The landscaped strip may be located within the setback area and should run around or near the perimeter fence. Tree plantings in the buffer strip shall be a minimum of five (5) feet in height at the time of planting, no more than fifteen (15) feet between trees. Trees may be staggered. Existing trees and vegetation may be maintained within the buffer areas and may supplement and satisfy landscaping requirements. The landscaped buffer must be maintained in good condition for the life of the project.

5. The solar panel arrays shall be set back from the parcel boundary a minimum of seventy-five (75) feet. All other structures or infrastructure shall meet the minimum setback for the underlying zoning district. On a case by case basis, the minimum setback for the solar panel array may be increased to one-hundred (100) feet at a given area, upon a finding of the Planning Commission, that there will be a benefit to doing so in order to lessen the impact to historical, cultural or recreational areas.

6. The solar panel array area shall be enclosed by a security fence. The fence shall not be less than six (6) feet in height and should be equipped with appropriate anticlimbing devices such as strands of barbed wire at the top. Fencing should be installed on the interior of the buffer area so that it is screened from adjacent property. The fence shall be maintained in good repair for the life of the project.

§19.6-97.5 Processing of Application

The conditional use permit petition will follow the normal and customary process for such petitions, meaning, a duly advertised public hearing before the Planning Commission, followed by a recommendation, and then a duly advertised public hearing before the Board of Supervisors, followed by final consideration. Petitions are subject to any action afforded any other conditional use permit as enumerated elsewhere in the zoning ordinance.

§19.6-97.6 2232 Review For Utility Scale Solar Energy Farm

In accordance with the Code of Virginia, all utility scale solar energy farm petitions are subject to review against the county's Comprehensive Plan. Prior to the petition being considered by the Planning Commission, the Planning Commission shall make a determination as to conformity with the Comprehensive Plan.

§19.6-97.7 Unsafe or Abandoned Projects; Decommissioning

1. If the utility scale solar energy facility is determined to be unsafe by the Building Official, then the facility shall be required to be repaired by the facility owner, site owner, or operator. Repairs shall be made in a timely manner as established by the Building Official. Should the repairs not be completed in the timeframe provided, then the owners or operators will be instructed to commence decommissioning in accordance with the approved decommissioning plan.

2. If the facility is not operated for a continuous period of twelve (12) months, then the county may notify the owner/operator by registered mail and provide forty-five (45) days for the owner/operator to respond. If no response is provided, then the owner/operator

will be instructed to commence decommissioning in accordance with the approved decommissioning plan.

3. If the facility is abandoned, the owner/operator is required to notify the Zoning Administrator in writing.

4. Within one (1) year of the date of said notification, or if determined to be abandoned by the Zoning Administrator in accordance with the above subsections, then the county may pursue legal action to have the facility removed at the expense of the facility owner, site owner, or operator, each of whom shall be jointly and severally liable for the expense of removing or repairing the facility. The county may also call upon the decommissioning security to remove the facility; and

WHEREAS, the Appomattox County Joint Planning Commission held a public hearing on December 11, 2019 and all those wishing to speak on this topic were heard; and

WHEREAS, the Appomattox County Joint Planning Commission voted unanimously to recommend approval of the amendments, as written; and

WHEREAS, on February 18, 2020, a public hearing was held on this matter before the Appomattox County Board of Supervisors, and all of those wishing to speak on this topic were heard;

WHEREAS, the Appomattox Joint Planning Commission carefully considered the presentation of staff, the Comprehensive Plan, the comments from the public hearing and provided an affirmative recommendation for the proposed amendments ; and

WHEREAS, the Appomattox County Board of Supervisors finds that the public necessity, convenience, general welfare, or good zoning practice requires adoption of an ordinance to amend Zoning Ordinance of Appomattox County;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF APPOMATTOX COUNTY, VIRGINIA the Code of Appomattox, Chapter 19.6-Zoning is hereby amended and readopted, as described herein.

Adopted this day, March 16, 2020.

By Authority, Appomattox County Board of Supervisors,

_____

Samuel E. Carter, Chairman

ATTEST:

_____

Susan M. Adams, Clerk