

ORDINANCE NO. _____ - 2026

AN ORDINANCE AMENDING ARTICLE AMENDING ARTICLE 31 OF THE URBAN COUNTY ZONING ORDINANCE RELATING TO SOLAR ENERGY SYSTEMS TO AMEND SECTIONS 31-2(c), 31-4, 31-6(d), 31-6(j) ; CREATING SECTIONS 31-2(e),(f) AND (g), 31-6(h)(2),(3) AND (4), 31-6(i)(1), (2), (3) AND (4), 31-6(j)(3), 31-7(a)(12),(13) AND (14)- DELETING PREVIOUS SECTION (12) AND RENUMBERING, 31-8; TO PROVIDE NEW DEFINITIONS, CHANGE ALLOWABLE OR PERMITTED USES IN VARIOUS ZONES, PROVIDE CLARITY IN AGRICULTURAL ZONES AND ADDRESS BROWNFIELDS

WHEREAS, THE Lexington Fayette-Urban Cunty Council initiated a zoning ordinance text amendment to Article 31 Solar Energy Systems on _____; and

WHEREAS, the Lexington-Fayette Urban County Planning Commission considered at a public hearing on _____, 2026 a text amendment to Article 31 of the Lexington-Fayette Urban County Zoning Ordinance, relating to Solar Energy Systems, to _____; said Commission recommending approval of the text amendment by a vote of _____; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

ARTICLE 31: SOLAR ENERGY SYSTEMS

Section 1 – That Section 31-2(c) is hereby amended and 31-2(e), (f) and (g) are created as follows:

Sec. 31-2. Definitions

[...]

c) *Footprint* of the SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the equipment to function, such as transformers, inverters, and co-located battery storage. The footprint does not include perimeter fencing or visual buffers, nor transmission lines or portions thereof that are required to connect the SES to a utility or customer outside the SES perimeter.

[...]

e) Farmland of Statewide Importance means a map unit identified by the Natural Resources Conservation Service as including soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods.

f) Prime Farmland means a map unit identified by the Natural Conservation Service of the United States Department of Agriculture as having the best

combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and is available to these uses.

g) Brownfield Property is real property, the expansion, redevelopment or reuse of which may be complicated by the presence of a potentially hazardous material, substance or contaminant including but not limited to potentially contaminated lands, landfills and mine sites

[...]

Section 2 – That Section 31-4 is hereby amended as follows:

Sec. 31-4. Permitted Uses, Accessory Uses, and Conditional Uses

[...]

X: Prohibited

Section 31-8, the following table outlines the allowance of Solar Energy System uses by zone. With the exception of sites utilizing the Brownfield exemption outlined in Section 31-8, the following table outlines the allowance of Solar Energy System uses by zone.

ZONES	R-1A, R-1B, R1-C, R-1D, R-1E, R-1T, R-2, R-3, EAR-1, EAR-2, EAR-3, EAR-3, M-1P	B-1, B-2, B-2A, B-2B, B-3, B-5P, B-6P, P-1, CC	B-4, I-1, I-2, ED	A-B, A-N	A-R, A-U
<i>Integrated SES</i>	A	A	A	A	A
<i>Rooftop</i>	A	A	A	A	A
GROUND MOUNTED SES					
<i>Small Scale</i>	CUP	A	P	A	A
<i>Intermediate Scale</i>	X	A	P	CUP	CUP
<i>Large Scale</i>	X	X	CUP	X	CUP

[...]

Section 3 – That Article 31-6(d) is hereby amended as follows:

Sec. 31-6. General Requirements Applicable to Ground Mounted SESs

[...]

d) Screening. Ground Mounted SESs approved as a conditional use or those utilizing the Brownfield exemption in Section 31-8 below shall be screened as per Article 18-3(a)(1)(6). For SES approved as a conditional use, the Board of Adjustment may modify the required screening as needed in order to ensure a reasonable visual buffer is provided.

Section 4 – That Section 31-6(h)(1) is hereby amended and Sections 31-6(h)(2), (3) and (4) are created as follows:

Sec. 31-6. General Requirements Applicable to Ground Mounted SESs

[...]

- 1) There shall be a vegetative cover requirement and applicant shall provide to the Directors of the Division of Planning, Building Inspection and Environmental Services, and the authorized Lexington-Fayette Urban County Government, a Land Management Plan which shall be reviewed and updated, if appropriate, every five (5) years at the same time as the review of the Decommissioning Plan.

A Land Management Plan shall include baseline soil conditions, periodic evaluation of soil conditions, pasture and other ground cover composition, fertilization, pest control livestock utilization, soil compaction, minimization for staging areas, the decompaction and restoration of all temporary roads and installation staging areas, fencing, and access control.

The Land Management Plan shall also include a description of the measures that will be taken to minimize erosion and sedimentation, and to promptly stabilize and revegetate any disturbed areas with native vegetation.

- 2) The provision of the LFUCG Stormwater Manual shall apply. Construction of SES within the Royal Spring Aquifer basin should be consistent with the objectives contained in the Cane Run and Royal Spring Watershed Based Plan - 2013 and incorporate, when appropriate, project review comments, recommendations received from the Royal Spring Wellhead Protection Committee.
- 3) The property owners, or their lessees, must maintain agricultural production on the subject site, as defined in the Rural Land Management Code of Ordinances, Section 25-1. A full description of the agricultural production carried out on the property including type and quality of crop, number of livestock and acreage of land leased or used from others for agricultural production shall be submitted for review by the Rural Land staff or their designee. An agreement must be in place to allow Rural Land Staff or their designee to inspect the land and structures at least once annually in order to ascertain whether there is compliance with the condition, similar to the inspection process outline in Code of Ordinances Section 26-17 for conservation easements.
- 4) A land conservation plan and/or water quality plan shall be approved by the local soil conservation district and shall be implemented according to the approved schedule.

Section 5 – That Article 31-6(i) is hereby created as follows:

Sec. 31-6. General Requirements Applicable to Ground Mounted SESs

[...]

(i)Community Benefits Plan. The applicant may enter into a Community Benefits Plan with the LFUCG or one or more community-based organizations within Lexington Fayette-County.

- 1) The community benefits plan shall prioritize alleviating energy costs to low-income households.
- 2) The suggested community benefits plan amount should align with fair-market investment standards and be provided for no-less than twenty (20) years, unless the total investment is provided upfront. The suggested minimum contribution is \$750/MWdc of solar array capacity.
- 3) *Form and Content of a Community Benefits Plan.* Should the applicant elect to execute one or more Community Benefits Plans within Lexington-Fayette County for the purpose of demonstrating the community benefits promoted by the proposal and elicit the support of community-based organizations for the proposal, such plan(s) may address, but shall not be limited to the following recognized community benefits:
 - (a) Workforce Development: The plan(s) may describe how the proposal promotes workforce development in the community, including the creation of jobs, collaboration with local workforce partners, and shall give priority in any workforce development initiatives to residents of Lexington-Fayette County.
 - (b) Developer Community Fund: Appropriate Community Fund purposes may include, but are not limited to, providing relief from high energy costs to low-income households; supporting environmental restoration and climate resiliency efforts; funding local agricultural programs; providing community education opportunities; and promoting health, welfare, well-being, and economic livelihood of local communities.
- 4) The community benefits plan must be in compliance with all local, state, and federal codes, statutes, and regulations.

Section 6 – That Section 31(j) is hereby amended as follows:

(j) Decommissioning. Whenever an application for an intermediate or large-scale ground mounted SES is submitted for review, such application shall include a decommissioning plan that shall describe how the use will be decommissioned and dismantled following the discontinuance of the use. A SES shall be considered discontinued after six months of no energy production. Such a plan shall be reviewed and updated every five (5) years and contain the following:

- 1) The anticipated life of the project and defined conditions upon which decommissioning will be initiated;
- 2) The estimated decommissioning cost, including removal of the SES and related foundations, pads, underground collector lines, and roads, and the salvage value of any equipment in current dollars, and the calculations supporting the decommissioning estimate. The estimated salvage value of the material using current, publicly available material indices and/or firm quotes from a decommissioning or recycling company experienced in the decommissioning of SES, shall be provided. The Board of Adjustment or other authority having jurisdiction shall consider the salvage value identified in computing the amount, if any, of financial assurance required under subsection 5 below.
- 3) For all Ground Mounted SES, all structures and facilities, including foundations and conduit, associated with the SES shall be removed within six (6) months of the beginning of decommissioning. All materials shall be recycled or otherwise reused to the extent reasonably practicable, and the disturbed areas shall be reclaimed, revegetated, and restored consistent with the zoning classification of the property.
- 4) The party responsible for decommissioning;
- 5) A performance bond, letter of credit, or other financial assurance sufficient to cover the net costs identified in section (j)(2) and to assure that decommissioning of the site can be achieved by a third party in the event that a permittee defaults in that obligation, which financial assurance shall be provided prior to commencement of construction. The amount of the proposed bond or similar security

shall be determined by an independent, licensed engineer. The proposed amount of the bond or similar security shall be the net present value of the total estimated cost of completing the decommissioning plan, less the current net salvage value of the SES's components.

Section 7 – That Section 31-7(a)(12) is hereby amended and 31-7(a)(13)(14) and 31-7(b) are created as follows:

Sec. 31-7. Conditional Use Permit Application Requirements

a) Applications for an SES requiring a conditional use permit shall include the following information:

[...]

12) For conditional use permits for Large Scale SES, applicants may provide the Board of Adjustment with information pertaining to any Community Benefits Plans (CBP) or other binding agreements that they have entered into related to their proposal.

[...]

13) For conditional use permits for large scale SES within an Agricultural Zone, a written report for Rural Land Staff or their designee shall be included assessing agricultural production on the site, along with an agreement for Rural Land Staff to inspect land and structures as outlined above in Section 31-6(h)(3). The report shall include, but is not limited to: quality of soils, farm activity, agricultural improvements, environmentally sensitive areas, natural protected areas, and historical/cultural resources as defined in the Rural Land Management Code of Ordinance, Section 26-10. It may also include proximity to nearby property protected with conservation easements or with solar/utility uses.

14) If the SES will include a battery storage system (BESS), the application shall include a hazard assessment regarding the potential risks associated with the proposed battery storage. The assessment shall include a clarification that the BESS conforms to NFPA 1: Fire Code, NFPA 70: National Electric Code, NFPA 855: Standard for the Installation of Stationary Energy Storage Systems.

(b) All dimensional standards, height restrictions, lighting, farmland conservation, and setbacks, and other requirements for siting, construction, operation, and decommission of Small, Intermediate, or Large Scale Ground-Mounted SES required to obtain a Conditional Use Permit pursuant to this ordinance, shall be

applicable to any battery energy storage (BESS) proposed to be sited and located in conjunction with the ground mounted system.

Section 8 – That Section 31-8 is hereby created as follows:

Sec. 31-8. Exception for Brownfield properties

- a. Ground Mounted Solar Energy Systems shall be permitted within any zone if the project is located entirely within the boundaries of an identified Brownfield, including but not limited to potentially contaminated land, landfills, and mine sites.
- b. Applicants seeking a Brownfield Exception must provide one of the following:
 - i. An Environmental Site Assessment conducted by a Qualified Environmental Professional (QEP) to determine if the site meets the criteria for a brownfield property.
 - ii. Formal state or federal certification confirming the property's status as a brownfield.

Section 9 – That this ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED: