

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT****PLN-ZOTA-26-00004: AMENDMENT TO SOLAR ENERGY SYSTEMS**

INITIATED BY: Urban County Council

PROPOSED TEXT: See attachment: Text underlined in red indicates an addition to the proposed text; text ~~stricken through in red~~ indicates a deletion.)

**STAFF REVIEW:**

The Urban County Council has initiated a Zoning Ordinance Text Amendment to update portions of the recently adopted Article 31: Solar Energy Systems. The proposed amendments address large scale Solar Energy Systems (SES) in the agricultural zones, establish provisions relating to brownfield development, and create additional criteria for the review of Solar Energy Systems projects.

Before discussing the current proposed amendment, it is important to understand the work and conversations that have occurred over the past 2 years. The Planning Commission reviewed a text amendment in 2024 which was filed by Silicon Ranch, LLC, a solar energy provider based in Nashville, Tennessee (ZOTA-24-000003). The text amendment created a zoning framework for siting, development, construction, installation and decommissioning of SESs on private property. The text amendment does not address utilities that are regulated by the Public Service Commission (PSC). At the end of the review process, the Planning Commission recommended approval of the framework and permissions for integrated solar, rooftop solar, and small or intermediate scale ground mounted solar energy projects across the urban zones, but concluded that more research and analysis was necessary to determine the appropriate land use regulations for the agricultural zones found primarily with the Rural Service Area.

The Urban County Council held numerous discussions about the proposed regulations and made modifications to the text, which included the following:

- **residential zones** – small scale ground mounted solar – change from an accessory use to a conditional use
- **agricultural zones**
  - small scale ground mounted solar – change from prohibited use to an accessory use
  - intermediate scale ground mounted solar – change from prohibited use to a conditional use
- creation of height regulations in Article 31-5 (rather than reference to underlying zone)
- creation of general application guidance to the BOA for SES requiring conditional use permits
  - application materials
  - project description
  - topographic map, site plan, screening plan, NRCS map
  - Community Benefit Plan evaluation
- addition of regulations related to agricultural zones



- vegetative ground cover requirement of 85%
- maximum land utilization for the entire county of 1% (applied to large scale SES in the agricultural zones only)
- required BOA considerations and finding that the
- land management plan

The Council adopted a modified text amendment in September 2025. While the Urban County Council made numerous changes, they agreed that additional information and evaluation was necessary to determine if large scale ground mounted SES should be allowed as a conditional use in any of the agricultural zones. Staff would note that several changes to the text, like requiring a land management plan and requiring vegetative ground cover, are in conflict with the summary land use table since it continued to prohibit large scale ground mounted SES. These text changes appear to be setting the stage for a conditional use permit for such uses in the agricultural zones.

The chair of the General Government and Planning (GGP) Committee created a working group to study large scale SESs and to better understand site and community impacts of the land use within the agricultural zones. The working group, made up of four Council members and the Division of Planning staff, held 11 meetings from September 2025 to February 2026. The group heard from experts and stakeholders about soil preservation and protection; regulatory burdens on solar energy systems; agrivoltaics and dual-use opportunities; decommissioning processes; Community Benefit Agreements; opportunities for solar energy systems on floodplains, landfills, and brownfields; distribution of generated power; and economic and job impacts. The additional information did assist the working group in drafting revisions to the adopted Zoning Ordinance.

The working group made specific recommendations to modify Article 31 and reported back to the full GGP Committee in April 2026. The Urban County Council initiated this amendment or update to Article 31 on May 14, 2026.

### **TEXT PROPOSAL**

As stated previously, the amendments initiated by the Urban County Council address large scale ground mounted SES in the agricultural zones, establish provisions relating to brownfield development, and create additional criteria for the review of solar energy systems projects.

More specifically, the text changes include the following:

- define farmland of statewide importance, prime farmland and brownfield property
- allow large scale ground mounted SES as a conditional use within the Agricultural Rural (A-R) and Agricultural Urban (A-U) zones
- provide a brownfields exception for ground mounted solar energy systems to be installed on brownfield property without regard to zoning category
- provide guidance for Community Benefit Plans, if offered by an applicant (optional)
- clarify that SESs within the agricultural zones must comply with the adopted LFUCG Stormwater Manual; must maintain a level of agricultural production on the site, and must submit a land conservation plan
- modify timeframe of inactivity to trigger decommissioning from 1 year to 6 months of inactivity
- require a hazard assessment for battery storage if included with any ground mounted SES



Once the text was forwarded to the Planning Commission, the chair created a work group of commission members and council members to hear stakeholder input regarding the changes to the Zoning Ordinance. The work group created an opportunity for early public involvement as the Commission evaluated the proposed amendment knowing that the Commission would need to make a recommendation to the Urban County Council within 60 days (per KRS 100.211(3) and Article 6-4(a) of the LFUCG Zoning Ordinance).

### **EVALUATION**

Many of the changes that have been proposed to Article 31 relating to definitions, decommissioning, creating a brownfield exception, and battery storage on site improve the regulations and generally apply to all zoning categories. The Staff supports these changes, as well as a rewording of section 31-6(c) to clarify the measurement of the required setbacks for panel location on a site when it is approved for a ground mounted SES. These changes improve the clarity of the ordinance and provide for solar energy systems to be located on sites with known environmental constraints that might not otherwise be utilized, which helps to support the city's sustainability goals and more specifically, the city's Race to Net Zero goal.

Although the Urban County Council provided numerous additional requirements for ground mounted SES within the agricultural zones, what remains at the core of the discussion is a policy decision about whether to allow or prohibit large scale SES (often called merchant solar) within the agricultural zones. To determine the appropriateness of adding the use to the allowable conditional uses in the A-R and A-U zones, the Planning Commission should review the proposal in light of the adopted Imagine Lexington 2045 Comprehensive Plan and 2017 Rural Land Management Plan, consider the existing character of our rural area, and how the proposed use would impact current and future land use in Lexington-Fayette County.

First, the proposed text amendment does continue to support the Comprehensive Plan's calls for an increased emphasis on supporting renewable energy, calling for a reduction in Lexington-Fayette County's carbon footprint, and community wide net zero greenhouse gas emissions by the year 2050 (Theme B, Goal #2). Increasing the amount of energy that can be produced using renewable resources, like sun and wind, reduces the demand on other energy sources such as coal-fired plants, thus reducing greenhouse gas emissions. Naturally, more solar power generation will improve the city's chances of reaching the net zero goals. The goal, objectives and policies that are derived from it are generally neutral as to the location of such energy production though.

Second, the proposed text amendment re-introduces the idea of locating large scale ground mounted SESs on agricultural zones, which comprise more than 70% of the land within Fayette County. The Imagine Lexington 2045 Comprehensive Plan and the Rural Land Management Plan both provide numerous goals and objectives related to the protection and conservation of the unique rural landscape of Fayette County, and support of the agricultural economy (Comprehensive Plan - Theme D, Goal #3; Theme E Goals #1 and #2; RLMP – Goals A thru D). The Comprehensive Plan also provides additional direction to preserve, protect, and promote the iconic Bluegrass landscape (Livability Policy #2).

At this time, the Staff recommends removal of all text related to allowing or regulating ground mounted SES within all of the agricultural zones. The rural character and landscape of Fayette County has been recognized as one of America's most distinctive landscapes which is characterized



by the rolling hills and highly fertile soil; soil that is of statewide importance and prime farmland that cannot be replaced. The introduction of solar energy systems that constitute large land coverage, disturb the soils and remove land from typical agricultural production within this unique environment poses a threat to the community's identity and economy. Although agrivoltaics and other protections are proposed, they cannot ameliorate the impact of hundreds of acres of solar panels within the unique landscape. Once the soils have been disturbed, they cannot be restored to ensure future agricultural potential. Decommissioning plans continue to be untested, and little information is present regarding the success of the reclamation efforts and the reintroduction of agricultural uses. Ant large scale ground mounted SES should only be allowed within the Urban Service Area and only with evaluation by the Board of Adjustment for sites within the industrial zones (B-4, I-1, I-2 and ED).

The Staff alternative text is attached to this report and includes changes indicated in [blue underline](#) and ~~blue strikethrough~~.

The Staff Recommends: **APPROVAL OF THE STAFF ALTERNATIVE TEXT**, for the following reasons:

1. The proposed language will continue to allow for increased utilization of solar energy systems within urban contexts and on brownfield property, contributing to the community's efforts to reach net-zero emissions by 2050 (Theme E, Goal #1.c). Appropriate limits have been established to focus solar energy systems within the Urban Service Area.
2. The alternative text language will remove all references to allowing ground mounted solar energy systems within the agricultural zones which protects the rural character and landscape of Fayette County. The Bluegrass Region has been recognized as one of America's most distinctive landscapes characterized by the rolling hills and highly fertile soil; soil of statewide importance and prime farmland that cannot be replaced. The introduction of solar energy systems that constitute large land coverage, disturb the soil, and remove land from typical agricultural production within this unique environment poses a threat to the community's identity and economy.
3. The proposed addition to the Zoning Ordinance for ground mounted solar energy systems within the agricultural zones is not consistent with the adopted 2017 Rural Land Management Plan, nor the Imagine Lexington 2045 Comprehensive Plan which recommends protecting the natural landscapes that make our county unique (Comprehensive Plan - Theme D, Goal #3; Theme E Goals #1 and #2; RLMP – Goals A thru D). Permitting merchant solar in this context does not support this vision nor would it be consistent with the intent of the Agricultural Rural (A-R) zone to preserve the rural character of the Rural Service Area by promoting agriculture and related uses.

DAC/TLW

7/1/2026

Planning Services/Staff Reports/ZOTA/2026/PLN-ZOTA-26-0004 AMENDMENT TO SOLAR ENERGY SYSTEMS



## **ARTICLE 31: SOLAR ENERGY SYSTEMS**

---

### **Sec. 31-1. Intent**

The intent of this Article is to facilitate the siting, development, construction, installation, and decommissioning of solar energy systems in a predictable manner that promotes and protects the safety, health, and welfare of the community. This Article encourages the appropriate siting of solar energy systems to bolster local economic development and job creation, diversify the state's energy portfolio, strengthen energy and grid security, and reduce other environmental impacts. The appropriate siting of solar energy systems considers, avoids to the extent possible, and mitigates any adverse impacts to wildlife, productive and nationally important agricultural lands, forests, endangered species habitat, and historic, natural, and other sensitive lands. The appropriate siting of solar energy systems also establishes standards and requirements to assure that the use and enjoyment of lands located adjacent to and in the proximity of solar energy systems are fully protected.

### **Sec. 31-2. Definitions**

- a) *Solar Energy System (SES)* means a device, including its components and subsystems that collects solar energy for electricity generation, consumption, or transmission, or for thermal applications. SESs are categorized as three types depending on how the system is incorporated into the existing land use:
  - 1) *Integrated Solar Energy System* means an SES where the solar materials are incorporated into the building materials, such that the building and solar system are reasonably indistinguishable, or where the solar materials are used in place of traditional building components, such that the SES is structurally an integral part of the house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building façade, skylight, shingles, canopy, light, or parking meter.
  - 2) *Rooftop Solar Energy System* means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
  - 3) *Ground Mounted Solar Energy System* means an SES that is structurally mounted to the ground and does not qualify as an integrated SES. Ground Mounted SESs are subcategorized as follows:
    - (a) *Small Scale Ground Mounted Energy System (Small Scale SES)* which is a Ground Mounted SES with a footprint of less than two thousand five hundred (2,500) square feet.
    - (b) *Intermediate Scale Ground Mounted Energy System (Intermediate Scale SES)* which is a Ground Mounted SES with a footprint of between two thousand five hundred one (2,501) square feet and five (5) acres.
    - (c) *Large Scale Ground Mounted Solar Energy System (Large Scale SES)* means a Ground Mounted SES with a footprint of more than five (5) acres.
- b) *Exempt Solar Energy System (Exempt SES)* means a SES that is a facility of a municipally owned electric system or public utility regulated by the Kentucky Public Service Commission or Federal Energy Regulatory Commission, which is exempt from planning and zoning requirements under KRS 100 and otherwise in conformance with then-existing law or regulation.

**ZOTA-26-00004: Amendment to Article 31 of the Zoning Ordinance**

*Staff Alternative Text - June 30, 2026*

- 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, ~~and~~ 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.
- d) *Siting Board Regulated SES* means a SES that constitutes a "merchant electric siting facility" under KRS 278, the construction and siting of which is subject to review and approval of the Kentucky State Board on Electric Generation and Transmission Siting. A merchant electric siting facility is an electricity generating facility or facilities that, together with all associated structures and facilities are capable of operating at an aggregate capacity of ten megawatts (10 MW) or more and sell the electricity produced in the wholesale market, at rates and charges not regulated by the Kentucky Public Service Commission.
- 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 Resources 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.

**Sec. 31-3. Applicability**

- a) This Article applies to the siting, construction, installation, and decommissioning of any new SES within the jurisdiction of the Lexington-Fayette Urban County Government after the effective date.
- b) An SES in operation, or which has begun physical construction prior to adoption of this Article, shall be considered to have legal nonconforming status in accordance with KRS 100 and Article Four.
- c) Any Exempt SES shall provide the Lexington-Fayette Urban County Planning Commission ("Planning Commission", Lexington-Fayette Urban County Board of Adjustment ("Board of Adjustment"), or other Lexington-Fayette Urban County authority having jurisdiction, with information concerning service facilities which have been located on and relocated on private property in accordance with KRS 100.

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

**P:** Principal Use. The SES is a use that is permitted as a principal use in a specified zone, subject to the requirements contained herein.

**CUP:** Conditional Use Permit required. The SES is permitted as a conditional use in a specified zone subject to the review of the Board of Adjustment and the requirements contained herein.

**ZOTA-26-00004: Amendment to Article 31 of the Zoning Ordinance**

*Staff Alternative Text - June 30, 2026*

**A:** Accessory Use. Within the urban zones, Ground Mounted SES may only qualify as accessory if the total area of the system is less than fifty (50) percent of the floor area of the principal structures on the lot. Within the agricultural zones, accessory Ground Mounted SES shall only be allowed if the total area of the system is less than fifty (50%) percent of the area of the property.

**X:** Prohibited

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.

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

**Sec. 31-5. General Requirements Applicable to Integrated and Rooftop Solar Energy Systems**

- a) *Height Restrictions.* A rooftop SES shall be subject to the following regulations:
- 1) No solar energy system shall be mounted or affixed to any freestanding wall or fence.
  - 2) A rooftop solar energy system shall not extend beyond the edge of a roof.
  - 3) Solar panels installed on a building with a sloped roof shall not project vertically more than four feet above the roof surface, ridge line, or highest point of the roof.
  - 4) Solar panels installed on a building with a flat roof shall not extend more than ten (10) feet above the highest point of the roofline.
- b) *Lighting.* Integrated and Rooftop SESs shall not be illuminated.

**ZOTA-26-00004: Amendment to Article 31 of the Zoning Ordinance**

*Staff Alternative Text - June 30, 2026*

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

- a) *Lot Coverage.* Solar Energy Systems shall not be included within calculations of minimum lot coverage, or floor area ratio. Solar energy systems utilizing vegetative ground cover shall not be included in calculations of maximum lot coverage.
- b) *Height Requirements* for Ground Mounted SES. A Ground Mounted SES shall not exceed twenty (20) feet in height as measured from the highest natural grade below each solar panel. The height restriction excludes utility poles, storage batteries, substation structures, and antennas constructed for the project.
- c) *Siting Restrictions for Ground Mounted SES.*
  - 1) An Intermediate or Large Scale Ground Mounted SES, ~~measured from the closer of the outer edge of the nearest panel or perimeter fencing,~~ shall be located at least fifty (50) feet from the property line of any property located within an agricultural or residential zone, at least thirty (30) feet from the property line of any property zoned for commercial, business, industrial, office, or mixed use, and at least fifty (50) feet from the centerline of any public road. The distance shall be measured from the property to the nearest panel and fencing may be installed within the setback.
  - 2) An Intermediate or Large Scale Ground Mounted SES, ~~measured from the closer of the outer edge of the nearest panel or perimeter fencing,~~ shall be located no closer than one hundred (100) feet from a residence located on a property other than that on which the Ground Mounted SES is to be installed. The distance shall be measured from the property to the nearest panel and fencing may be installed within the setback.
  - 3) These setback provisions above can be waived in writing by the adjacent property owner to whom the property line or residence setback is applicable.
- 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.
- e) *Signage.* A Ground Mounted SES may include such signage as is required by law.
- f) *Ground Cover* ~~within the Agricultural Zones:~~ Ground Mounted Solar Energy Systems ~~within the Agricultural Zones~~ shall utilize vegetative ground cover underneath the panels, and the project area must contain a minimum of eighty-five percent (85%) vegetative coverage.
- g) Maximum Land Utilization. No more than one percent (1%) of the land in Fayette County can be used for Large Scale Ground Mounted Solar Energy Systems, in the Agricultural zones.

~~h) For any Large Scale SES located in an A-R or A-U zone,~~

- ~~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.~~

**ZOTA-26-00004: Amendment to Article 31 of the Zoning Ordinance**

*Staff Alternative Text - June 30, 2026*

~~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 provisions 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 lessee, must maintain agricultural production on the subject site, as defined in the Rural Land Management Code of Ordinances, Section 26-1. A full description of the agricultural production carried out on the property including type and quality of crops, 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 this condition, similar to the inspection process outlined 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.~~

~~i)–h) *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.~~

- ~~5) The community benefits plan shall prioritize alleviating energy costs to low-income households.~~
- ~~6) 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.~~
- ~~7) *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.~~~~
- ~~8) The community benefits plan must be in compliance with all local, state, and federal codes, statutes, and regulations.~~

**ZOTA-26-00004: Amendment to Article 31 of the Zoning Ordinance**

*Staff Alternative Text - June 30, 2026*

- i) *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 ~~one year~~ 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) ~~The manner in which the project will be decommissioned, including provision and timetable for the removal of all structures, equipment, and foundations up to a depth of 36 inches, and for the revegetation and restoration of the property to its original condition.~~ 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 ~~subsection F.2~~ section (i)(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.

**Sec. 31-7. Conditional Use Permit Application Requirements**

- a) Applications for an SES requiring a conditional use permit shall include the following information:
- 1) Name, address, telephone number, and email address (if available) of the applicant, the project owner, and the project operator.
  - 2) The address of the property on which the SES will be located and the property owner's name, address, telephone number, and email address if available.
  - 3) Documentation, such as a deed, lease, or other agreement with the landowner, demonstrating the applicant's right to use and control the property.

**ZOTA-26-00004: Amendment to Article 31 of the Zoning Ordinance**

*Staff Alternative Text - June 30, 2026*

- 4) A topographic map that depicts vegetative cover, watersheds, floodplains, and other geographic information about the property and surrounding area.
- 5) A conceptual description of the project, including the maximum number of modules, mounting type (fixed-tilt or tracking), system height, system capacity, installation method, total land area covered by the system, and information about all associated structures or facilities such as transformers, substations, feeder lines, and battery storage.
- 6) A conceptual site plan including property lines, zoning classification of the property and all adjacent properties, existing buildings and proposed structures, the proposed location of the solar equipment, transmission lines, any associated structures and facilities, and substations. The conceptual site plan shall also identify proposed roads, drives, and parking, fencing, or other methods to ensure public safety
- 7) A screening plan demonstrating how the use is proposed to be visually buffered. The plan shall include renderings of the proposal from all adjoining rights-of-way, as well as any adjoining residential uses. Additional buffering may be required by the Board of Adjustment to ensure the development does not negatively impact adjoining uses.
- 8) A map from the Natural Resources Conservation Service identifying prime farmland and farmland of statewide importance ~~(if in a district zoned as agricultural)~~, documentation from the U.S. Fish and Wildlife Service regarding the presence of any identified critical habitat for rare or endangered federal or state species. The application shall also contain a Federal Emergency Management Agency map delineating floodplains, shall include evidence of any water quality or stormwater permit needed for the project, ~~4~~ and shall contain a letter from the State Historic Preservation Office regarding known archaeological or cultural resources listed or eligible for listing on the National Register
- 9) Proof of adequate casualty and liability insurance covering installation and operation of the SES;
- 10) ~~For Conditional Use Permits for SES within an Agricultural zone,~~ The Board shall consider the impact of the proposal on the existing soils and topography as well as the compatibility of the proposed SESs with adjacent agricultural use of the land uses. Developments should work with the existing topography, with grading, compaction, and tree removal minimized to the extent possible. When grading is approved, topsoil shall be retained on-site and re-established as a part of the decommissioning plan.
- 11) Where the applicant for a Conditional Use Permit is also seeking a construction certification pursuant to KRS 278.700 - 278.716, the applicant may submit a copy of a complete state siting board application and site assessment report meeting the requirements of KRS 278.706 and 278.7008 in lieu of the above requirements of Section 7(a) 1-7.
- 12) ~~For Conditional Use Permits for large scale SES, the Board of Adjustment shall acknowledge the impact of the proposal and the benefits it may have on the community, including any Community Benefit Plan (CBP) in place.~~
  - ~~(i) The applicant may enter into a Community Benefits Plan with the city or one or more community-based organizations Lexington Fayette Urban County.~~
  - ~~(ii) The amount suggested for the CBP is \$750/megawatt sold, annually, for 15 years.~~

**ZOTA-26-00004: Amendment to Article 31 of the Zoning Ordinance**

*Staff Alternative Text - June 30, 2026*

~~(iii) The Community Benefits Plan shall prioritize alleviating energy costs to low-income households.~~

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.~~

~~13) 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.~~

**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.~~~~