

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT****PLN-ZOTA-24-00003: SOLAR ENERGY SYSTEMS**

APPLICANT: SILICON RANCH

PROPOSED TEXT: See attachment: Text underlined indicates an addition to the existing Zoning Ordinance; text ~~stricken through~~ indicates a deletion.)

**STAFF REVIEW:**

The applicant, Silicon Ranch, LLC is a Solar Energy Provider based out of Nashville, Tennessee. The applicant wishes to create a new solar energy operation within Fayette County; however, current zoning regulations do not address solar energy production at the scale and scope that they propose. The applicant has stated the intent of the proposed amendment to the Zoning Ordinance is to facilitate the siting, development, construction, installation, and decommissioning of solar energy systems, while balancing any potential conflicts between land uses and protecting the farmland of Fayette County.

**CURRENT LANGUAGE**

Currently, Solar Energy Systems, which include technology such as solar panels, are not a defined use within the Zoning Ordinance. The singular mention of solar panels within the current ordinance relates to height restrictions for roof mounted solar panels. Historically, Solar Energy Systems have been treated similarly to other building-mounted equipment, and were considered accessory to the principal use of a site. As a result, the current Zoning Ordinance does not address large scale solar energy systems, or solar energy systems that operate as the principal use on a parcel. Of note, the Board of Adjustment did make a determination in 2021 that solar arrays are a principal permitted use in the Light Industrial (I-1) zone under the category “other industrial and manufacturing uses.” This interpretation makes solar arrays prohibited in most other zones (agricultural, residential and business).

**TEXT AMENDMENT PROPOSAL**

The applicant proposes a comprehensive text amendment that adds a new article to the Zoning Ordinance in order to address Solar Energy Systems. The proposed text creates a definition of Solar Energy Systems, and differentiates between integrated systems that are incorporated into a structure, rooftop systems attached to an existing building, and ground mounted systems that are freestanding. The proposed language further categorizes ground mounted systems into three tiers based on the footprint of the operation. The applicant is proposing to allow these uses as principal, accessory, or conditional uses in all zones based on the intensity of each category of system.

The applicant’s language also creates a definition for “agrivolatic” uses, where Solar Energy Systems are incorporated with other agricultural activity on the property. The proposed text encourages this approach for rural Solar Energy System uses, but does not make them a requirement in order to



operate in the Rural Service Area. Accompanying the applicant's new definition and classification system are a host of regulations that describe the siting, approval, operation, and decommissioning of Solar Energy Systems.

## EVALUATION

When amending the Zoning Ordinance, it is essential that any changes reflect best practices focused on the protection of the health, safety and welfare of the community. Any incorporation of new technologies needs to be done with careful consideration of the impact on the community character, and how Lexington seeks to grow in the future. Due to the large scale and scope of this proposed text amendment, staff would like additional time to research best practices and other ordinances that have successfully addressed the implementation of Solar Energy Systems in both urban and rural contexts. Additionally, with the far-reaching impacts of the applicant's proposed text, further public outreach is needed to ensure that all stakeholders have adequate opportunity to be heard. The Division of Planning recommends outreach to the Division of Environmental Services, the Rural Land Management Board, Empower Lexington, and the Kentucky Solar Energy Society at a minimum.

The Staff Recommends: **Postponement**, for the following reasons:

1. Additional research and analysis is necessary regarding the implications of introducing these new technologies across the county, both in the urban and rural areas. Any new Solar Energy Systems should not have an adverse influence or negatively impact the overall health, safety, and welfare of the community.
2. Additional time is necessary to research best practices and other ordinances that regulate Solar Energy Systems.
3. The applicant should provide further information on their ongoing public engagement efforts and solicit feedback from noted stakeholders related to the proposal.

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