MONTGOMERY COUNTY
PLANNING COMMISSION
755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Chris Tuck, Chair
Montgomery Co. Board of Supervisors

FROM: Robert Miller, Chair
Montgomery Co. Planning Commission

DATE: August 12, 2016

RE: Zoning Ordinance Amendment- Solar Energy Systems

The attached amendment was considered by the Planning Commission at their August 10, 2016 meeting. In response to several inquiries staff received from citizens, the Commission began reviewing solar energy systems in March. Since that time they have heard presentations from various representatives in the solar industry- including local providers and national manufacturers. Working with the full Commission staff fielded questions and gathered additional input necessary to draft the attached text amendment.

There was one (1) speaker from the public during the hearing with regarding glare. Commission members had previously learned that functional solar panels will not produce glare and were able to sufficiently address the speaker's concern.

After the hearing closed the Commission members discussed concerns regarding the allowable size of minor solar energy systems and at what point a Special Use Permit should be considered. From that discussion, it was determined their recommendation for the threshold for Solar Energy Systems, Minor should be limited to one (1) acre versus three (3) acres.

Upon a motion, duly seconded and carried by a 7-0 vote (Woltz absent), the Planning Commission voted to forward an amended draft ordinance to the Board of Supervisors with a recommendation of approval.

Enclosures: Ordinance Amendment

AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY AMENDING SECTIONS 10-21, 10-30, 10-31, 10-33, 10-34, 10-35, 10-41 AND 10-61, RESPECTIVELY BY DEFINING THE TERMS SOLAR ENERGY SYSTEM, MINOR; SOLAR ENERGY SYSTEM, MAJOR AND SOLAR ENERGY SYSTEM, ACCESSORY USE AND BY DESIGNATING SOLAR ENERGY SYSTEM, MINOR AS A PERMITTED USE IN A-1 AGRICULTURAL, M-1 MANUFACTURING, M-L MANUFACTURING LIGHT, PIN PLANNED INDUSTRIAL, PUD-COM PLANNED UNIT DEVELOPMENT COMMERCIAL AND PUD-RES PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICTS AND BY DESIGNATING SOLAR ENERGY SYSTEM, MAJOR AS PERMITTED BY SPECIAL USE PERMIT IN A-1 AGRICULTURAL, M-1 MANUFACTURING, M-L MANUFACTURING LIGHT, PIN PLANNED INDUSTRIAL DISTRICTS, PUD-COM PLANNED UNIT DEVELOPMENT COMMERCIAL AND PUD-RES PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICTS

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia Sections 10-21, 10-30, 10-31, 10-33, 10-34, 10-35, 10-41 and 10-61 respectively shall be amended and reordained as follows:

Sec. 10-21. - A-1 Agricultural District.

(1) Purpose. The A-1 Agricultural District is intended to preserve and enhance the rural, low density character and natural resources of the rural portions of the county where agriculture, forest and open space uses predominate, as well as to accommodate limited amounts of low density residential development that is generally not served by public water or wastewater systems.

This district is generally intended to apply to lands designated in the comprehensive plan as rural or resource stewardship areas. Land in this district is generally not intended to be served with public water or wastewater or to be in proximity to other public services.

(2) Qualifying lands. Lands qualifying for inclusion in the A-1 zoning district shall be those within the current A-1 district on the date of adoption of this chapter and other lands within areas mapped as rural or resource stewardship in the comprehensive plan. Qualifying lands shall generally not include those served or planned to be served by public water or sewer service. The minimum area required to create a district shall be ten (10) acres of total contiguous land.

(3) Uses permitted by right. The following uses are permitted by right, subject to compliance with all approved plans and permits, development and performance standards contained in this chapter, and all other applicable regulations:

(a) Agriculture.

(b) Agriculture, intensive.

(c) Agriculture, small scale.

(d) Amateur Radio Tower (subject to requirements of Section 10-41(20) of County Code).

(e) Bed and breakfast homestay.

(f) Cemetery.

(g) Church.

(h) Dwelling, single-family.

(i) Farm enterprise.

(j) Fire, police and rescue stations.

(k) Home occupation.

(l) Manufactured (mobile) home, Class A or B.

(m) Natural area.

(n) Park, unlighted.

(o) Pet, farm.

(p) Pet, household.

(q) Playground, unlighted.

(r) Public use, public facility.

(s) Public utility lines, other; and public utility lines, water and sewer.

(t) Sawmill, temporary.

(u) School.

(v) Solar Energy System, Minor.

(~~v~~w) Telecommunications tower, attached.

(~~w~~x) Veterinary practice, animal hospital.

(4)(i) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.

(b) Bed and breakfast inn.

(c) Boarding house.

(d) Campground.

(e) Camp, boarding.

(f) Civic club.

(g) Contractor's storage yard.

(h) Country club.

(i) Country inn.

(j) Custom meat cutting, processing and packaging.

(k) Day care center.

(l) Disposal facility, landfill.

(m) Exploratory activities associated with extractive industries.

(n) Extractive industries and accessory uses including, but not limited to, the mining of minerals and the operation of oil and gas wells.

(o) Flea market (also subject to requirements of article VI of the County Code).

(p) Game preserve.

(q) Garden center.

(r) General store or specialty shop, provided gross floor area is two thousand (2,000) square feet or less.

(s) Golf course.

(t) Golf driving range.

(u) Grain mill, feed mill.

(v) Home business.

(w) Junkyard, automobile graveyard.

(x) Kennel, commercial (refer to use limitations in subsection 7).

(y) Landfill (see Disposal facility).

(z) Livestock market.

(aa) Park, lighted.

(bb) Park and ride lot.

(cc) Playground, lighted.

(dd) Public utility plant, other.

(ee) Public utility substations.

(ff) Public utility plant water or sewer (not including distribution or collection lines).

(gg) Recreational vehicle park.

(hh) Recycling collection points.

(ii) Repair shop, automotive (refer to use limitations in subsection 7).

(jj) Restaurant, provided gross floor area is two thousand (2,000) square feet or less.

(kk) Rural resort.

(ll) Sawmill.

(mm) School of special instruction.

(nn) Shooting range (as principal use or accessory to a gun shop). (Refer to use limitations in subsection 7).

(oo) Slaughterhouse.

(pp) Solar Energy System, Major.

(~~pp~~qq) Solid waste collection point.

(~~qq~~rr) Stable, commercial.

(~~rr~~ss) Stone engraving and sales.

(~~ss~~tt) Structures, nonresidential, totaling in excess of twenty thousand (20,000) gross square feet.

(~~tt~~uu) Structures over forty (40) feet in height.

(~~uu~~vv) Telecommunications tower, freestanding.

(~~vv~~ww) Transition house.

Sec. 10-30. - M-1 Manufacturing.

(1) Purpose. This district is established to provide for economic development and job opportunities by accommodating a mix of industrial uses and industrial-related business uses. Activities in M-1 districts shall have limited traffic and other impacts on uses in other districts through proper location on major streets, adherence to ordinance performance standards and provision of space and physical buffers as prescribed.

(2) Qualifying lands. Lands qualifying for inclusion in the district shall be those within the current M-1 district on the date of adoption of this chapter, or other lands within areas mapped as urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water, or other lands concurrently rezoned and granted a special use permit for either natural resource extraction or processing in any area of the county. The minimum area required to create a district shall be five (5) acres of total contiguous land.

(3) Uses permitted by right. The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

(a) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.

(b) Automobile or mobile home assembling, painting, public garages, upholstering repairing, rebuilding, reconditioning, truck repairing or overhauling and tire retreading or recapping.

(c) Cabinets, furniture and upholstery shop.

(d) Civic club.

(e) Contractor service establishment.

(f) Crematorium.

(g) Custom meat cutting, processing and sales.

(h) Day care center.

(i) Equipment sales and service.

(j) Feed and seed store and mill.

(k) Fire, police, rescue facility.

(l) Fruit processing and storage.

(m) Laboratory.

(n) Laundry, dry cleaning plant.

(o) Manufacture of musical instruments, toys, novelties, rubber and metal stamps.

(p) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

(q) Manufacturing, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt,

fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn and paint.

(r) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.

(s) Monument stone works.

(t) Park and ride lot, of fifty (50) or fewer spaces.

(u) Pet, household.

(v) Public use, public facility.

(w) Public utility lines, other.

(x) Public utility line, water or sewer.

(y) Railroad facility.

(z) Recycling facility.

(aa) Retail sales and service incidental to any other permitted use.

(bb) Solar Energy System, Minor.

(~~bb~~cc) Telecommunication tower, attached.

(~~cc~~dd) Truck terminal.

(~~dd~~ee) Welding or machine shop.

(~~ee~~ff) Wholesale business, storage warehouse.

(~~ff~~gg) Wood preserving operation.

(4) Uses permissible special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter:

(a) Airport.

(b) Building material sales yard.

(c) Cement manufacturing, concrete mixing plant, block plant and production of other concrete and asphaltic products.

(d) Contractor service establishment with permitted outdoor storage of equipment and/or materials.

(e) Contractors' storage yard and/or rental of equipment commonly used by contractors.

(f) Extractive industries and accessory uses including, but not limited to, the mining of minerals, the operation of oil and gas wells, and exploratory activities associated with extractive industry.

(g) Fertilizer manufacturing.

(h) Junkyards and automobile graveyards, provided the use is not within three hundred (300) feet of an existing dwelling.

(i) Kennel, commercial.

(j) Park and ride lot of more than fifty (50) spaces.

(k) Public utility plant, other.

(l) Public utility substation.

(m) Public utility plant, water.

(n) Refining, processing or distribution of petroleum, petroleum products, natural gas and other forms of liquid fuel, aboveground.

(o) Sawmill and planning mill, coal and wood yard.

(p) Solar Energy System, Major.

(~~p~~q) Slaughterhouse.

(~~q~~r) Storage of bulk petroleum products.

(~~r~~s) Telecommunication tower, freestanding.

(~~s~~t) Use listed in subsection (3), if a manufacturing process is to take place outside.

(~~t~~u) Use similar to (a) through (p) above.

Sec. 10-31. - M-L Manufacturing-Light.

(1) Purpose. This district is established to provide for economic development and job opportunities by accommodating a mix of light industrial and business uses and related uses in settings outside of industrial parks but designated for industrial use in the comprehensive plan. Activities in M-L districts shall have limited traffic and other impacts on uses in other districts through proper location on major streets, adherence to ordinance performance standards and provision of space and physical buffers as prescribed. Areas designated for industrial uses in the comprehensive plan are best suited for rezoning to this district.

(2) Qualifying lands. Lands qualifying for inclusion in the district shall be lands within areas mapped as urban expansion, village, or village expansion in the comprehensive plan which are served by or planned for connections to public sewer and water.

(3) Uses permitted by right. The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

(a) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.

(b) Business or trade school.

(c) Cabinets, furniture and upholstery shop.

(d) Civic club.

(e) Conference or training center.

(f) Contractor's service establishment.

(g) Crematorium.

(h) Day care center.

(i) Equipment sales and service.

(j) Financial services.

(k) Fire, police, rescue facility.

(l) Flex-industrial use.

(m) Homeless shelter.

(n) Hotel, motel.

(o) Laboratory.

(p) Laundry, dry cleaning plant.

(q) Manufacture of musical instruments, toys, novelties, rubber and metal stamps.

(r) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

(s) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.

(t) Monument stone works.

(u) Offices, administrative, business or professional.

(v) Park and ride lot.

(w) Pet, household.

(x) Post office.

(y) Printing service.

(z) Public use, public facility.

(aa) Public utility lines, other.

(bb) Public utility lines, water or sewer.

(cc) Research, experimental, testing or development activity.

(dd) Retail sales and service incidental to any other permitted use.

(ee) Solar Energy System, Minor.

(~~ee~~ff) Telecommunication tower, attached.

(~~ff~~~~gg~~) Veterinary service; animal hospital.

(~~gg~~hh) Wholesale business, storage warehouses.

(4) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

(a) Airport.

(b) Contractor's service establishment with permitted outdoor storage of equipment and/or materials.

(c) Farm machinery sales and service.

(d) Feed and seed stores and mill.

(e) Kennel, indoor.

(f) Mini-warehouse.

(g) Motor vehicles rentals.

(h) Recreation establishment.

(i) Recycling facility.

(j) Park and ride lot of more than fifty (50) spaces.

(k) Public utility plant, other.

(l) Public utility substation.

(m) Public utility plant, water or sewer.

(n) Shooting range, indoor.

(o) Solar Energy System, Major.

(~~o~~p) Telecommunication tower, freestanding.

(~~p~~q) Use listed in subsection (3), if a manufacturing process is to take place outside.

(~~q~~r) Use similar to (a) through (n) above.

Sec. 10-33. - PIN Planned Industrial.

(1) Purpose. This district is established to provide for economic development and job opportunities by accommodating certain light industrial and business uses and related uses with limited environmental and visual impact that wish to locate in an area of like uses, all to be developed and operated according to standards that will ensure maintenance of a park-like atmosphere. Activities in PIN districts shall have limited traffic and other impacts on uses in other districts through proper location on major streets, adherence to ordinance performance standards and provision of open space and physical buffers as prescribed.

(2) Qualifying lands. Lands qualifying for inclusion in the PIN zoning district shall be PIN on the date of passage of this chapter, or other lands within areas mapped as urban expansion, urban development area, or village expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be five (5) acres of total contiguous land.

(3) Uses permitted by right. The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter:

(a) Animal hospital.

(b) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.

(c) Business or trade school.

(d) Cabinets, furniture and upholstery shop.

(e) Cemetery, mausoleum or memorial park.

(f) Civic club.

(g) Conference or training center.

(h) Crematorium.

(i) Day care center.

(j) Equipment sales and service.

(k) Financial services.

(l) Fire, police, rescue facility.

(m) Flex-industrial uses.

(n) Homeless shelter.

(o) Hotel, motel.

(p) Laboratory.

(q) Laundry, dry cleaning plant.

(r) Manufacture of musical instruments, toys, novelties, rubber and metal stamps.

(s) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

(t) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.

(u) Mini warehouse.

(v) Monument stone works.

(w) Office, administrative, business or professional.

(x) Park and ride lot, of fifty (50) or fewer spaces.

(y) Pet, household.

(z) Post office.

(aa) Printing service.

(bb) Public use, public facility.

(cc) Public utility lines, other.

(dd) Public utility lines, water or sewer.

(ee) Public utility substation.

(ff) Research, experimental, testing or development activity.

(gg) Retail sales and service incidental to any other permitted use.

(hh) Storage warehouse.

(ii) Solar Energy System, Minor.

(~~ii~~jj) Telecommunication tower, attached.

(~~jj~~kk) Veterinary service.

(~~kk~~ll) Wholesale business.

(4) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter:

(a) Airport.

(b) Farm machinery sales and service.

(c) Feed and seed store and mill.

(d) Kennel, indoor.

(e) Motor vehicles rentals.

(f) Park and ride lot of more than fifty (50) spaces.

(g) Public utility plant, other.

(h) Public utility plant, water or sewer.

(i) Recreation, commercial.

(j) Recycling facility.

(k) Shooting range, indoor.

(l) Solar Energy System, Major.

(~~l~~m) Telecommunication tower, freestanding.

(~~m~~n)Use listed in subsection (3), if a manufacturing process is to take place outside.

(~~n~~o) Uses similar to (a) through (l) above.

Sec. 10-34. - PUD-COM Planned Unit Development-Commercial District.

(1) Purpose. This district is established to provide for the development of planned commercial areas that incorporate a variety of commercial uses as well as residential development. This district is intended to allow greater flexibility than is generally possible under conventional zoning district regulations. The PUD-COM district encourages ingenuity, imagination, and high quality design on the part of the developer. It is intended that multiple access to existing public roads be discouraged and that development and access be oriented toward an internal road system that has carefully planned intersections with existing public roads. PUD-COM districts should result in well planned unit developments that contain a mix of commercial and residential development that is harmonious with existing site conditions, adjacent land uses, well landscaped, and safe and efficient for pedestrians and vehicles.

(2) Qualifying lands. Lands qualifying for inclusion in the district shall be PUD-COM on the date of passage of this chapter, or other lands within areas mapped as village, village expansion or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be five (5) acres of total contiguous land.

(3) Uses permitted by right. The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

(a) Apartment as accessory use.

(b) Assembly of electrical, electronic devices, less than three thousand (3,000) square feet floor area.

(c) Automotive, light truck, sales, service, rental and repair.

(d) Building material sales.

(e) Business or trade school.

(f) Cabinet shop, furniture, upholstery, craft industry of less than three thousand (3,000) square feet.

(g) Cemetery.

(h) Church.

(i) Civic club.

(j) Conference or training center.

(k) Convenience store, without motor fuel sales.

(l) Crematorium.

(m) Custom meat cutting, processing and sales (excluding slaughtering).

(n) Day care center.

(o) Equipment sales and service.

(p) Financial services.

(q) Fire, police, rescue facility.

(r) Funeral home.

(s) General store, convenience store without motor fuel sales.

(t) Homeless shelter.

(u) Hospital, medical center, emergency care.

(v) Hotel, motel.

(w) Library.

(x) Medical care facility.

(y) Motor vehicle rentals.

(z) Movie theater.

(aa) Office, administrative, business or professional.

(bb) Park.

(cc) Park and ride lot, of fifty (50) or fewer spaces.

(dd) Pet, household.

(ee) Post office.

(ff) Printing service.

(gg) Public use, public facility.

(hh) Public utility lines, other.

(ii) Public utility lines, water or sewer.

(jj) Radio station, excluding tower.

(kk) Recreation club.

(ll) Recreation establishment.

(mm) Recycling collection point.

(nn) Restaurant.

(oo) Retail sales and services.

(pp) School.

(qq) Senior living facilities.

(rr) Shopping center.

(ss) Solar Energy System, Minor.

(~~ss~~tt) Telecommunication tower, attached.

(~~tt~~vv) Veterinary practice, animal hospital.

(4) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

(a) Assembly of electrical, electronic devices, greater than three thousand (3,000) square feet floor area.

(b) Building greater than fifty (50) feet in height.

(c) Convenience store with gasoline sales.

(d) Dwelling unit.

(e) General store, convenience store with motor fuel sales.

(f) Golf driving range, miniature golf and similar outdoor recreation.

(g) Kennel.

(h) Mini-warehouse.

(i) Mobile home, Class A or B.

(j) Motor vehicles rentals.

(k) Park and ride lot of more than fifty (50) spaces.

(l) Public utility plant, other.

(m) Public utility plant, water or sewer.

(n) Public utility substation.

(o) Public water or sewer treatment plant.

(p) Recycling facility.

(q) Service station.

(r) Solar Energy System, Major.

(~~r~~ s) Telecommunication tower, freestanding.

(~~s~~ t) Other use types that are not listed above and that are determined to be appropriate and compatible with the proposed development and surrounding uses may be specifically approved in concurrent rezoning and special use permit applications or in a subsequent special use permit application.

Sec. 10-35. - PUD-RES Planned Unit Development-Residential district.

(1) Purpose. This district is established to provide for the development of planned residential communities that incorporate a variety of housing options as well as commercial and office uses. This district is intended to allow greater flexibility than is generally possible under conventional zoning district regulations. This district is intended to encourage ingenuity, imagination, and high quality design on the part of the developer. The end result of design is to support a superior neighborhood environment and promote a sense of community. The protection of important natural and cultural resources is to be

accomplished in exchange for development flexibility and economies. Design must have equal or less impact on surrounding areas than a standard residential district.

(2) Qualifying lands. Lands qualifying for inclusion in the district shall be PUD-RES on the date of passage of this chapter, or other lands within areas mapped as village, village expansion, urban development area, or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be ten (10) net acres of total contiguous land in the urban expansion area and five (5) net acres in the village or village expansion area.

(3) Uses permitted by right. The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter:

(a) Cemetery.

(b) Church.

(c) Civic club.

(d) Conference or training center.

(e) Congregate care facility.

(f) Convenience store, without motor fuel sales.

(g) Day care center.

(h) Dwelling, multifamily (apartment).

(i) Dwelling, single-family.

(j) Dwelling, single-family attached (townhouse).

(k) Dwelling, two-family (duplex).

(l) Financial services.

(m) Fire, police and rescue station.

(n) Funeral home.

(o) Golf course.

(p) Home occupation (new).

(q) Library.

(r) Medical care facility.

(s) Mobile home, Class A.

(t) Nursing home.

(u) Office, administrative, business or professional.

(v) Park, lighted or unlighted.

(w) Park and ride lot, of fifty (50) or fewer spaces.

(x) pet, household.

(y) Playground, lighted or unlighted.

(z) Post office.

(aa) Public utility lines, other.

(bb) Public utility lines, water or sewer.

(cc) Recreation establishment.

(dd) Recycling collection point.

(ee) Restaurant with gross floor area of less than two thousand (2,000) square feet.

(ff) Retail sales and services.

(gg) School.

(hh) Senior living facility.

(ii) Solar Energy System, Minor.

(~~ii~~jj) Telecommunication tower, attached.

(~~jj~~kk) Urban agriculture (subject to the requirement of section 10-41(19) of the county zoning ordinance).

(4) Uses permitted by special use permit. Other use types that are not listed above and that are determined to be appropriate and compatible with the proposed development and surrounding uses may be specifically approved in concurrent rezoning and special use permit applications or in a subsequent special use permit application.

(a) Park and ride lot of more than fifty (50) spaces.

(b) Public use, public facility.

(c) Solar Energy System, Major

Sec. 10-41. - Supplemental district regulations.

(1) Accessory uses and structures.

(a) Accessory uses and structures are permitted in connection with, and incidental and subordinate to a permitted principal use or structure and in compliance with all other provisions of this chapter. Accessory structures shall not exceed eighteen (18) feet in height or twelve hundred (1,200) square feet in area unless authorized by special use permit.

(b) Residential accessory uses and structures shall be limited to the following and to any other use or structure the zoning administrator determines to be similar in scope, size and impact as those listed herein, and are in compliance with all other provisions of this chapter:

1. Above ground deck.
2. Clothesline.
3. Fence or wall.
4. Freestanding air conditioning unit.
5. Parking for motor vehicles, subject to subsection (14).
6. Patio, porch, gazebo.
7. Pet houses and pens.
8. Play equipment and playhouses.

9. Private garage, carport. Maximum height and area shall be eighteen (18) feet and twelve hundred (1,200) square feet respectively unless authorized by special use permit.
10. Private greenhouse.
11. Private swimming pool.
12. Private tennis court or outdoor recreational court.
13. Radio or satellite antennas, freestanding or on roof, setback from required yards a minimum of one (1) foot for each one (1) foot in height.
14. Storage shed for personal, noncommercial use, and clearly subordinate to principal structure.
15. Studios and workshops without outdoor display for personal use, and clearly subordinate to principal structure.
16. Accessory dwellings in accord with subsection (2).
17. ~~Solar power panels~~ Solar Energy System, Accessory Use.
18. Enclosed areas devoted to collection of recyclable materials generated by the principal use.
19. Bus shelter or bus stand.

(c) Commercial and industrial accessory uses and structures shall be limited to the following and to any other use or structure the zoning administrator determines to be similar in scope, size and impact as those listed herein, and are in compliance with all other provisions of this chapter:

1. Dumpsters and dumpster pads.
2. Emergency power generators.
3. Fence or wall.
4. Freestanding air conditioning unit.
5. Parking uses and structures. Parking uses in the Community and General Business Zoning Districts shall be limited to the personal non-commercial vehicles driven by property owners, tenants who live on premises and their guests, the employees who work on site or the customers who patronize the business and to commercial vehicles weighing less than five (5) tons GVW that are owned and associated with the business. The parking or storing of commercial vehicles weighing over five (5) ton GVW or semitrailers associated or not associated with the business shall only be permitted pursuant to a special use permit authorized by the Board of Supervisors.
6. Recycling facilities, in accord with subsection (7).
7. Storage sheds, clearly subordinate to principal structure.
8. Stormwater management facilities, BMP facilities.
9. Bus shelter or bus stand.
10. Accessory living quarters for watchman, guard or custodian.
11. Sculpture, fountain, etc., clearly subordinate to principal structure.
12. ~~Solar power panels~~ Solar Energy System, Accessory Use.

Section 10-61 Definitions.

Solar Energy System, Accessory Use– facilities for the conversion of solar energy to electricity that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

Solar Energy System, Minor– facilities for the conversion of solar energy to electricity that are the primary land use for the parcel on which it is located. Such facilities utilize no more than 50% of the parcel size or 1acre (whichever is less) and shall meet all other base district regulations including height restrictions.

Solar Energy System, Major- facilities for the conversion of solar energy to electricity that are the primary land use for the parcel on which it is located. Such facilities utilize more than 50% of the parcel size or greater than 1 acre in project area.