

ORDINANCE NO. 2023-7

AN ORDINANCE AMENDING CHAPTER 53, ZONING, OF THE CODE OF THE COUNTY OF HALIFAX, VIRGINIA 2006, BY AMENDING AND REENACTING SECTION 53-158, LOCATION, APPEARANCE, AND OPERATIONAL REQUIREMENTS, TO PROVIDE THAT NO PORTION OF ANY LARGE SCALE SOLAR ENERGY FACILITY SHALL BE LOCATED WITHIN 2,000 FEET OF THE CORPORATE LIMITS OF ANY MUNICIPALITY

WHEREAS, Section 53-158 of the Halifax County Code provides certain limitations on where large scale solar energy facilities may be located; and

WHEREAS, the Board of Supervisors of the County of Halifax, Virginia (the “Board”) finds that public necessity, convenience, general welfare, and good zoning practices require the amendment and reenactment of Section 53-158 of the Halifax County Code to prohibit large scale solar energy facilities within 2,000 feet of the corporate limits of any municipality in the County; and

WHEREAS, this Ordinance has been advertised as required by Virginia Code §§ 15.2-1427(F) and 15.2-2204 and has undergone properly advertised public hearings by the Halifax County Planning Commission and the Halifax County Board of Supervisors at a joint meeting held on April 18, 2023.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HALIFAX, VIRGINIA:

Section 1. That Section 53-158, Location, appearance, and operational requirements, of Article V.II, Solar Energy Facilities, of Chapter 53, Zoning, of the Code of the County of Halifax, Virginia, 2006, is hereby amended and reenacted as follows:

- (j) *Density; location.* Large scale solar energy facilities shall not be located within one mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard for, and will not interfere with, airport operations. No portion of any large scale solar energy facility shall be located within 2,000 feet of the corporate limits of any municipality. In addition, no more than five percent of the land in a five-mile radius of the project area of any existing large scale solar energy facility may be approved for use as the project area for a new large scale solar energy facility, except as provided herein. Notwithstanding the foregoing maximum density, the board may, in compelling circumstances deemed appropriate by the board, approve a conditional use permit for large scale solar energy facilities that exceed the maximum density set forth in the preceding sentence.

(Ord. No. 2017-3, § 1, 11-6-2017; Ord. No. 2018-2, § 1, 2-5-2018; Ord. No. 2021-9, § 1, 4-5-2021; Ord. No. 2021-36, § 1, 12-6-2021; Ord. No. 2023-7, § 1, 5-1-2023)

Section 2. The remaining subsections of Section 53-158 are unaffected by this Ordinance and shall remain in full force and effect without amendment.

Section 3. Section 1 of this Ordinance shall be made a part of the Code.

Section 4. This Ordinance shall become effective immediately.

Passed and adopted by the Board of Supervisors of the County of Halifax, Virginia this \_\_\_\_\_ day of May, 2023.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Clerk, Halifax County Board of Supervisors

Approved as to form:

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County Attorney