

Franklin County Planning Commission  
Agenda  
October 12, 2021

- I. Call to Order
- II. Roll Call
- III. Consent Agenda
  - A) Approval of Minutes from September 14, 2021 meeting
- IV. Old Business:
  - a. Union Hall Community Meeting Summary
  - b. Solar Ordinance Discussion
  - c. Short-Term Rental Discussion
- V. Adjourn

\*\*\* The Planning Commission's next site visits are tentatively scheduled for November 3, 2021.

# Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on September 14, 2021, in the Board of Supervisors meeting room located in the Franklin County Government Center.

## **THOSE PRESENT:**

Sherrie Mitchell- Snow Creek District  
Debbie Crawford- Union Hall District  
David Clements- Rocky Mount District  
C.W. Doss, Jr.- Blue Ridge District  
James Colby- Gills Creek District  
David Pendleton – Blackwater District

## **THOSE ABSENT:**

Angie McGhee

## **OTHERS PRESENT:**

Chris Dadak, County Attorney  
Carrie Spencer, Director of Development and Planning  
Timothy Mack – Senior Planner  
Lisa Cooper – Principal Planner  
Mindy Goldsmith – Clerk  
EPR PC Consultants – Union Hall Village Plan

The meeting was called to order by Chairwoman Mitchell at 6:02 p.m. The first order of business was approval of the August 2021 minutes. Chairwoman Mitchell asked the Planning Commission if there were any comments or corrections to the minutes as written. There were no corrections. Minutes will stand as written.

Chairwoman Mitchell introduced the next item on the agenda and asked for the staff report.

## **APPLICATION for SPECIAL USE PERMIT –**

SPEC-08-21-17011 - Application of Jay Schott, Applicant, and SML Partners, LLC, Owner, requesting a special use permit, with possible conditions, to allow for the installation of private roads on an approximate 195 acres of property currently in three parcels and zoned A-1, Agricultural.

Mr. Mack presented the staff report, including recommendation and conditions. There were no questions from the Commissioners. The applicant did not have any comments. No public comments were presented during this hearing. Mr. Colby requested to speak to the applicant. He asked that the applicant elaborate on the easement of the proposed right of way, due to VDOT's refusal to accept the roads into the public system. The applicant stated this was the first time in seventeen years he had run across the issue of VDOT not accepting the roads. The preference would be that the roads be accepted into the state system. Mr. Schott stated that in the future, they could petition the state, if the neighbors chose to do so. He stated his company would have the roads inspected before the completion of the project. Mr. Doss asked if the section of road would be upgraded. Ms. Spencer explained that the zoning code requires that the roads be inspected and in condition to meet state and county requirements. Ms. Mitchell closed the period of public comment. Ms. Crawford commented that she believes the developer has done his due diligence and she would like to motion approval with the three conditions in the staff report, and the last four bullets in the application. Second by Mr. Clements.

- Although the streets would be private, SML Partners, LLC will construct all private streets in accordance with current VDOT subdivision requirements for public streets and agrees to comply with the road maintenance agreements of the subdivision ordinance regulating private streets in large lot subdivisions.
- Pursuant to the Virginia Property Owners' Association Act, Va. Code §§55.1-1800 et. Seq., the Moorman Road Subdivision will have a mandatory homeowners' association of which all lot owners must be members. The HOA will be obligated to maintain the roads and have a reserve fund for road maintenance as part of the annual dues.
- A bond will be in place to guarantee the roads will be built to state standards, and the bond will not be fully released until the roads are certified by a properly licensed engineering professional, accepted by the County, that the Moorman Road streets meet state standards.
- SML Partners, LLC will provide a note on the subdivision plat identifying the streets as private and referencing this private maintenance responsibility.

AYES: 6  
 NAYS: 0  
 ABSENT: 1  
 ABSTAIN: 0

OLD BUSINESS:

Application for REZONE – REZO-07-21-16998- Idlewood Shores - Applicant Franklin County Planning Commission on behalf of Idlewood Shores Homeowners Association, Owners, requesting to rezone, with possible proffers, an approximate 80.321 acres of property currently in sixty-eight (68) parcels from A-1 Agricultural, to R-1, Residential Suburban

The public hearing was held at the July 13<sup>th</sup>, 2021, meeting. Due to a tie vote among commissioners, the application was continued to September's meeting. Chairwoman opened the hearing to citizen comments.

Scott Sayer stated he is a homeowner in Idlewood Shores and respectfully requests that the Commission rezone the area. He feels the county code requires the rezoning. He stated that every home is less than 5 acres and homes are close together. He feels the re-zoning would align with the mission of Idlewood Shores. He stated the A-1 zone is a "catch all" zoning. He stated it was his opinion that the attorney who spoke at the public hearing was in error. He also stated that it is understood that Idlewood Shores covenants are more restrictive than R-1 zoning.

Charles Gusser spoke to the Commissioners. He stated the matter is not a property right issue or a short-term rental issue. He feels we are here today to determine if the current zoning conforms to the residential community. There are 80 parcels with single-family home lots. He stated there is no agricultural activity going on in Idlewood Shores. He feels the zoning is outdated and recommends the zoning be changed to R-1.

David Davis rose to further his public comments from the July Planning Commission meeting. He reiterated that they had achieved 85% homeowner approval and they were informed they would not require 100% approval by the homeowners in Idlewood Shores. He states he feels they have provided excess due diligence.

The attorney stated that because there was no recommendation to the Board of Supervisors, the application would be automatically approved by the Board of Supervisors if the Planning Commission does not have a recommendation at this time. The default is a recommendation of approval after 100 days have passed. Ms. Crawford asked why this has never been brought to their attention before. Ms. Spencer stated that in reviewing the statute, a disposition of abstention without a direct conflict of interest is assumed an approval. Ms. Crawford asked if any tie vote must wait 100 days for it to go to the Board of Supervisors. Mr. Colby asked if another vote could be taken. He stated he was

willing to motion approval to rezone Idlewood Shores to R-1. Ms. Mitchell clarified that we only agreed to hear the application, not to recommend or not recommend. Ms. Crawford asked if the motion could be tabled, and Ms. Spencer clarified that tabling the motion would be no action. Ms. Mitchell stated they did not hear any new information this evening other than what we learned from the county attorney. Mr. Colby stated the Commissioners who abstained were concerned about tax consequences. (Ex Parte communication.) Ms. Spencer cautioned the Commissioners about Ex Parte conversations. Ms. Mitchell would prefer a vote to recommend or not recommend approval. Ms. Crawford asked if we could table the application. Mr. Colby motioned approval of the Idlewood Shores rezoning application. Second by Mr. Doss. Ms. Crawford commented that some developers opted to keep A-1 zoning, and the developer, Mr. Cooper, chose to leave Idlewood Shores as A-1. She believes in property rights with little government control. If Idlewood Shores had 100% approval of homeowners, she would be in favor. She feels that no one is in favor of taking property rights from others. She stated other communities are RPD instead of R-1. Mr. Colby interjected they were rambling off into outer space and to stop comments. Ms. Mitchell asked for a vote.

AYES: 4

NAYS: 2

ABSENT: 1

ABSTAIN: 0

The motion carried and the application to rezone was approved. Ms. Mitchell asked if all minutes and comments would go to the Board of Supervisors. Ms. Spencer stated we would summarize the comments and send them to the Board of Supervisors. Ms. Mitchell thanked the public.

Union Hall Village Presentation by EPR PC Consultants: Ms. Cooper provided a brief presentation of the Union Hall Village plan progress. The GAP grant has provided funds to engage consultants. The grant is \$100,000. The same consultants assisted with the Westlake plan and the Ferrum Village plan. Ms. Cooper reminded the board of the community meeting scheduled for October 5<sup>th</sup>. Ms. Cooper introduced the consultants who continued the presentation.

Vlad, Todd and Anthony were the presenters. Vlad reported that they would be developing the plan in the next few months. Todd presented the agenda, project schedule and benchmarks. The firm is a planning engineering firm with experience. EPR, PC partners with Michael Baker International for creating plans. Anthony Donald from Michael Baker introduced himself to the Commissioners and described the firm's extensive experience. The consultants offer project coordination, draft and final comprehensive plan recommendations, and assistance with community meetings. The consultants will assist in creating a strategy and offering zoning recommendations. The consultants will return for further meetings with the Planning Commission. They expect the project to be completed by Spring-Summer 2022.

The consultants presented their current findings regarding Union Hall. They suggested that village boundaries be defined. The existing land use is a lot of agricultural with some development around the lake, and in the middle of Union Hall. The zoning is mainly A-1, but in the larger study area, there are RPD and B-2 along Route 40, and some R-1 throughout the area. There is one area of planned commercial district along Route 40. The consultants also examined roads/transportation, which is important if improvements are planned due to VDOT standards. When examining safety data, there are multiple crash incidents, particularly around sharp curves, Kemp Ford Road and Route 40. There are sight distance issues with winding roads and the higher speed limit. Utility data was presented as well, which shows existing and potential water service in the area. The area around Union Hall does not currently have water service. The two options are to bring water down Route 40 or go underneath the lake for water from the North. There is a potential need for a water tank. Mr. Colby stated that in 2013-2014, a lot of the analysis was driven by citizen comments and surveys. Mr. Colby questioned if surveys would be sent to citizens. The surveys were mailed to everyone who had an address in the 24176-zip code area. Ms. Cooper estimated they had about a 30% response rate. She also stated we placed information on the county website. The consultants have the information

from the previous survey. The consultants agreed a survey would be beneficial. The consultants were able to draw some themes from previous planning and existing policies.

1. Promote a village style land development pattern.
2. Establish transportation infrastructure to support future growth in and around Union Hall.
3. Preserve the character of surrounding lands.
4. Provide a greater variety of housing types and costs.

The consultants posted questions to the Commissioners:

1. What should be the role/status of 2014 plan for Union Hall?
2. What are your long-term goals for this area?
3. What are your objectives for this planning process?
4. How do you envision the upcoming public meeting October 5<sup>th</sup>?

Ms. Spencer stated she felt the 2014 plan was more transportation focused. Ms. Crawford thanked the consultants and stated that she envisions a community meeting that may have citizens who do not participate because they feel the “lake residents” will make all the decisions. She stated that she heard several complaints from people who did not receive a survey when the previous village plan was being written. She feels the traffic is a huge concern. Ms. Mitchell stated that new census information will help guide the plan and in the past some citizens wanted a grocery store. The survey was limited to people who had a mailing address with the Union Hall zip code. Ms. Cooper reported that the community meeting in the past was advertised and will be advertised this time and placed on the website. The survey was mailed a minimum of a month in advance of the community meeting. Ms. Crawford suggested that we have the community meeting first and if needed, a survey could be sent. Ms. Spencer asked if the meeting could be accessed remotely for those who cannot attend, however the internet access for some citizens is a concern. Vlad suggested both an online survey and a paper version survey. It can take a while to receive mailed surveys. Ms. Crawford asked if the county had a bulk-mail permit and suggested we send a one-page flyer. Every citizen who has a mailbox or PO Box would receive the flyer. Ms. Spencer will research further.

Mr. Colby stated he feels the six concepts from 2014 were very solid and this was the first village plan in the county. He asked if it was possible to define “what is a village and what are its functions”, as this pertains to a plan. Vlad stated the plan needs to be scaled to the population and area. Mr. Doss stated that since the 2014 plan, there has been economic downturn. He stated he hopes the economics improve over time. Ms. Mitchell stated it would be interesting to see the census data, and Ms. Cooper will present census data to the Commissioners. Ms. Mitchell also stated that the idea of the plan is to look forward to the future, not just tomorrow. There also needs to be a focus on increasing broadband to encourage people to live and remain in the area.

Ms. Crawford asked if the study area boundaries of the village could be expanded. She feels a lot of the surrounding land will remain as farmland. She stated the only vacant land is the South Lake development, which never happened. Vlad suggested that the plan is a living document that changes and evolves. Ms. Cooper will send a copy of the presentation to the Commissioners. Vlad also stated that a report has been submitted to the staff.

Short-Term Rental Update:

Ms. Spencer presented the short-term rental update. She provided an overview of how we regulate short-term rentals. She will want to hear back from the Commissioners regarding their thoughts about where we offer short-term rentals,

how we are zoning, etc. Granicus is the software where applicants can apply for short-term rentals and Granicus trolls Internet sites for listings of short-term rentals. Ms. Spencer reported that 90% of the short-term rentals are in compliance. Issues under consideration are septic systems that are not rated for rented capacity. Sleeping areas without adequate egress, presence of smoke detectors and fire extinguishers, and the need for clearer guidelines. She has also heard that we don't charge high enough enforcement fines. She asked if the Commissioners had other issues of concern. Mr. Colby stated that overall, he has the impression that we are doing relatively well, and he is pleased with Granicus. Ms. Spencer stated we are working with VDH regarding septic systems, and we've created a how-to list for owners for creating proper egress. We are performing quite a bit of applicant education. Enforcement fines need to be strong enough so that they matter. Ms. Mitchell stated she feels we need clearer guidelines for zoning and enforcement. Ms. Crawford asked if we had an actual code enforcer and Ms. Spencer stated that we do not, however we do have inspectors assigned to regions. Mr. Doss asked about homeowners' insurance. Ms. Spencer stated that liability insurance is part of the registration process and applicants will not receive a permit without liability insurance. A septic report is also a built-in condition. Ms. Spencer asked what the Commissioners would like regarding zoning. Ms. Mitchell stated we have to keep in mind what we can and can't enforce or have purview over enforcement. She thinks there are specific agencies other than the Planning Commission that are in charge of some of the public's concerns. She stated they hear the same thing over and over from people who oppose short-term rentals. She feels it would be good if we knew who oversaw each type of complaint so that we could direct the public toward the proper agency. She would prefer to hear complaints about what the Commissioners can control. Ms. Crawford asked if the Planning Commission needed to hear short-term rental applications going forward. She reported that Salem City had short-term rental in their zoning as "by right" and does not believe the applications go to the Planning Commission. She is wondering if short-term rental should be "by right" and just have the planning office staff manage them. She also feels we need a definition of a short-term rental. Mr. Mack stated the common concern from the public is that the applicants aren't vetting those who rent, however this is not the purview of the planning department. Mr. Colby stated another issue is that the special-use permit is forever, and if we have a repeat problem area, there ought to be a method of terminating special use permits. If the applicant violates the conditions, the special-use permit can be revoked. Ms. Crawford feels there should be a method of revoking a special-use permit or could there be a method of trial-basis, however the county attorney stated that there are some sunset provisions, but they can be tricky. Mr. Colby feels the land use is changed when a domicile is changed to a short-term rental. Ms. Crawford stated that even if the land use is changed, the homeowner may still use the home as a residence temporarily. Ms. Mitchell expressed concern about fire safety regarding how many people are staying in a short-term rental. Ms. Spencer stated that more research is needed regarding the industry of short-term rentals and how other planning services define short-term rentals. Ms. Crawford asked if economic development could speak to the Planning Commission about the future of short-term rentals. Mr. Mack reported that he gets a minimum of five calls per day from people who are looking at purchasing a home and are wondering about the ability to use it as a short-term rental. It can be an economic disadvantage to an area that does not allow short-term rentals. Ms. Spencer feels it may be unfair to deter future lake residents who would purchase at the lake, but do not do so because citizens currently living there are against short-term rentals. Mr. Pendleton is against short-term rentals, but this is a personal preference. Mr. Pendleton stated he feels short-term rentals could be addressed through covenants versus zoning. Mr. Colby stated that we would not get approval from the Board of Supervisors if we tried to allow short-term rentals to be determined by covenants. Mr. Mack stated he would call other areas and do some research, plus ask how the change to approval of special use permits by planners has on the planning staff. Ms. Crawford stated she feels our tax revenue would increase greatly if we allowed more short-term permits. Ms. Mitchell suggested that we could reserve some zoning areas to require a special use permit for short-term rentals and others by right. Ms. Spencer stated we would do more research and report back.

Ms. Spencer reported that a solar industry expert would be making a presentation to the Board of Supervisors around 2 PM on September 21<sup>st</sup>. Planning Commissioners are encouraged to attend. Ms. Mitchell asked that we send an email invitation to the Planning Commissioners.

Ms. Mitchell asked if there was any new business on the agenda. Hearing none, the meeting was adjourned at 8:45 PM.

Mindy S. Goldsmith, Clerk  
Franklin County Planning Commission

September 14, 2021  
Date

# Department of Planning & Community Development



DATE: 09/30/21

TO: FRANKLIN COUNTY PLANNING COMMISSION

FROM: TIMOTHY MACK, SENIOR PLANNER

**RE: OCTOBER 12, 2021 PLANNING COMMISSION MEETING**

Dear Commissioners,

The upcoming October 12, 2021 Planning Commission meeting does not have any petitions to be heard. With that, the agenda items will consist of a brief summary of the 10/5 Union Hall Community Meeting, a solar draft ordinance review, and short-term rental update. Below is an overview of the meeting:

## **10/5 UNION HALL COMMUNITY MEETING**

- Brief summary, Commissioner discussion

## **SOLAR DRAFT ORDINANCE**

- SolSmart's presentation to the Board of Supervisors on 9/21 addressed questions and concerns; a revised draft is included in your packet
- Q&A with Staff, Commissioner discussion
- The hearings for approval and adoption are tentatively scheduled for the 11/9 Planning Commission and 12/21 Board of Supervisors meetings

## **SHORT-TERM RENTAL UPDATE**

- Staff update on the short-term rental program since using Granicus; one-year mark
- Q&A with Staff, Commissioner discussion regarding recommended changes
- Any recommended changes will be discussed with Board of Supervisors at 11/16 meeting; will determine if County is to proceed with recommended changes or remain as directed

If you have any questions, please don't hesitate to contact us. As always, thank you all so much for your dedication and service to Franklin County.

Respectfully,

Timothy Mack  
Senior Planner | Development Services



# Help Us Plan for the Future of Union Hall



## Community Meeting on the Union Hall Village Plan Update

In 2014, Franklin County prepared a plan for the area around the village of Union Hall. At that time, the vision for Union Hall was for it to grow into a village center for the surrounding area with open space, farmland, and a variety of new residential communities around it.

The County recently won a grant from the State for consulting assistance to help update the Village Plan. The update to the Village Plan will develop policies for desired future land uses in the area and show where new transportation connections or improvements are desired.

We invite you to learn more about this effort, and to share your ideas for the future of Union Hall at a community meeting on Tuesday, October 5, 2021. Information about this meeting is provided below. Please direct inquiries to Lisa Cooper, Franklin County Principal Planner, at (540) 483-3027, ext. 2642 or [Lisa.Cooper@franklincountyva.gov](mailto:Lisa.Cooper@franklincountyva.gov)

**COMMUNITY MEETING**  
**Tuesday, October 5th**  
**Franklin Heights Church - Union Hall Campus**  
**527 Dillard's Hill Rd, Union Hall, VA 24176**

**6:00 – 7:30 PM - Presentation at 6:30 PM**  
**Come at Any Time and Share your Ideas!**

**MEMO**  
**Solar Draft Ordinance**



**To:** Franklin County Planning Commission  
**From:** Timothy Mack, Senior Planner  
**Date:** September 30, 2021  
**Subject:** Solar Draft Ordinance Update

The revised draft ordinance addresses the following concerns that have come to staff's attention from the Planning Commission, from the public, and from the Board of Supervisors presentation Sept 21:

- Decommissioning concerns for the removal of materials and equipment after the life of the facility: The revision includes more comprehensive decommissioning requirements as well as a requirement for decommissioning of facilities that are abandoned for 12-months. A bond will be required with an inflationary factor. A plan for the disposal of various material types will be required.
- Potential effects of solar panel materials on the environment: The EPA's Office of Energy Efficiency & Renewable Energy is conducting regular research on the various materials used in solar panels – the majority being made from silicon, found in sand. Panels are regulated by the National Electrical Code, and include rapid shutdown mechanisms. approved by National Standards, covered securely with material with strong and secure made of material that does not
- Visual impact and the need for maintained buffers: Buffers will definitely be required. A developer with interest in the county is currently preparing a visual impact study to demonstrate what a development will look like from the road and from a neighboring property.
- Stormwater runoff from disturbing large acreages, especially near Smith Mountain Lake: The County will have applications reviewed by a third-party expert in the solar field.
- Effect on large acreages of farmland: Applicants must identify soil that is suited for farming, then include soil restoration in the decommissioning plan and bond. An NCSU study of the effect of solar development on farmland is attached.
- Potential conflicts with Designated Growth Areas: The ordinance and the Comp Plan will include language that prioritizes the potential impact on current and future zoning as a decision factor in approving development.
- Concern over the regulation and control of the development: The County will have applications reviewed by a third-party expert in the solar field.
- Safety concerns with emergency response: Developers will be responsible for a Post Construction Safety Plan and for training first responders.
- Lack of lifetime data on solar facilities that take 35-40 years to depreciate: An operations and maintenance plan will be submitted and will include interim inspections.

Other ongoing work in support of solar development includes a request for GIS to gather substation info to determine possible siting areas. Staff is also working with the County attorney's office on formats for Siting Agreements that will protect non-zoned areas by including standards similar to the zoning ordinance.

The Planning Commission is asked to schedule a public hearing for a text amendment and an amendment to the Comprehensive Plan for their November 9 meeting with a Board of Supervisors hearing on December 21.

# FRANKLIN COUNTY, VIRGINIA SOLAR ORDINANCE\_DRAFT SEPTEMBER 28, 2021

## DIVISION 3. – DEFINITIONS

### Sec. 25-40. – Principal definitions of the Zoning Ordinance

**Solar Generation Facility, Small:** *A ground or roof-mounted solar power or thermal energy generation facility that serves the electricity or thermal needs of the property upon which such facilities are located, and/or adjacent parcels under common use, ownership, and control.*

**Solar Generation Facility, Utility-Scale:** *A renewable energy project that generates electricity from sunlight, consisting of one or more photovoltaic systems and other appurtenant structures and facilities within the boundaries of the site, and is designed to interconnect with the electrical grid and/or to serve facilities that are not adjacent or under common use, ownership, or control.*

**Decommissioning** means the removal and proper disposal of solar energy equipment, facilities, or devices related to a Solar Facility, Utility-Scale. The term also includes the reasonable restoration of the real property to its original state, including (1) soil stabilization and regeneration, (2) revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices, and (3) the removal of all infrastructure, equipment, facilities, or devices associated with the facility. Solar energy infrastructure, equipment, facilities, or devices means any property designed and used primarily for the purpose of collecting, generating, or transferring electric energy from sunlight.

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## ARTICLE II. BASIC REGULATIONS

### DIVISION 4. – SUPPLEMENTARY REGULATIONS

#### Sec. 25-147. – Solar Generation Facility, Utility-Scale

(a) Application – An application for a utility-scale solar generation facility shall contain:

(1) Project narrative. A narrative identifying the applicant, facility owner, site owner, proposed operator, and describing the proposed utility scale solar generation including an overview of the project and its location; the size of the site and the project area; the current use of the site; the estimated time for construction and proposed date for commencement of operations; the planned maximum generated capacity of the facility identified as AC and/or DC; the approximate number, representative types and expected footprint of solar equipment to be constructed, including, without limitation, photovoltaic panels; ancillary facilities, if applicable; and how and where the electricity generated at the facility will be transmitted, including the location of the proposed electric grid interconnection; and a statement that addresses how the facility will be in compliance with the Comprehensive Plan. The statement should address why the applicant believes the following:

- a. Why the applicant believes the proposal will not be of substantial detriment to adjacent properties
- b. Why the applicant believes that the character of the zoning district will not be changed by the proposed action; and

- c. How the proposal will be in harmony with the purpose and intent of Chapter 25 of the Franklin County Code, with the uses permitted by-right in the corresponding zoning district, with additional regulations provided in sections 25-111 through 25-137, supplementary regulations, and amendments of this chapter, and with the public health, safety and general welfare.

(2) Concept plan - The concept plan shall include the following information:

- a. Property lines, minimum required buffer areas, and any proposed buffer areas and setback lines that exceed the minimum requirements.
- b. An area map showing the proposed site within a five-mile radius, together with prominent landmarks, physical features, and transmission lines.
- c. Existing and proposed buildings structures and other improvements, including preliminary location(s) of the proposed solar equipment.
- d. Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, and other areas requiring access to parking, including written confirmation from the Virginia Department of Transportation (VDOT) that all entrances satisfy applicable VDOT requirements; provided, however, these requirements shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
- e. Proposed locations and maximum heights of substations, electrical cabling from the solar systems to the substations, panels, ancillary equipment and facilities, buildings, and structures (including those within any applicable buffers or setbacks).
- f. Areas where vegetative buffering will be installed and maintained and areas where pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers will be installed and maintained following Virginia Pollinator-Smart Program best practices.
- g. Existing wetlands, woodlands and areas containing substantial woods or vegetation.
- h. Identification of actively cultivated lands, and predominant soil types of those lands including the identification of soils suited to farming.
- i. Identification of any parcels located in or immediately adjacent to a Designated Growth Area as shown in the most recently adopted Comprehensive Plan.
- j. Identification, zoning, and use of all adjacent parcels.
- k. Additional information may be required, as determined by the zoning administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or

modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the zoning administrator to assess the visual impact of the project, aerial image or map of the site, and additional information that may be necessary for a technical review of the proposal. The planning commission or board of supervisors may also require other relevant information deemed to be necessary to evaluate the application.

(3) Generalized Landscaping and screening plan.

The applicant must submit a landscaping and screening plan with the location, size, and type of planting yards including the use of existing and newly installed vegetation to screen the facility.

A detailed landscaping and screening plan with plant species, size, number, spacing, and height will be required at the time of Site Plan review

(4) Identification of environmental and cultural resources - The applicant must submit the following:

- a. The location of all historical, architectural, archeological, or other cultural resources on or near the proposed facility as documented by the Virginia Cultural Resource Information System and the Department of Historic Resources for the Department of Environmental Quality
- b. The location of all wildlife and wildlife habitats documented by the Department of Wildlife Resources.

(5) The location of airports within a mile of the proposed development. Detailed reports of environmental and cultural resources will be required as part of the Site Plan review.

Performance Standards - The application shall comply with the following criteria:

- a. Visual impacts. The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on view sheds, including from residential areas and areas of scenic, historical, cultural, archeological, and recreational significance. The facility shall utilize only panels that employ anti-glare technology, antireflective coatings, and other available mitigation techniques, all that meet or exceed industry standards, to reduce glint and glare.
- b. National standards. Projects shall comply with generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. A site development plan shall refer to the specific safety and environmental standards being met.
- c. Setbacks. The project area shall be set back a distance of at least ~~300~~ 150 feet from all public rights-of-way and main buildings on adjoining parcels, and from

adjacent property lines. Exceptions to this distance may be made for adjoining parcels owned by the applicant. Increased setbacks over 150 feet and additional buffering may be included in the conditions for a particular permit. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line or underground

- d. Fencing. The project area shall be enclosed by security fencing not less than eight feet in height and equipped with appropriate anticlimbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required so that it is screened from the ground level view of adjacent property owners. The fencing shall be maintained at all times while the facility is in operation, and posted with appropriate safety messaging. Fencing height and design shall be coordinated with the Department of Wildlife Resources regarding wildlife fencing that would allow ingress and egress.
- e. Vegetative buffer. A vegetative buffer sufficient to mitigate the visual impact of the facility as approved by the Zoning Administrator is required. The buffer shall consist of a landscaping strip at least 15 feet wide, shall be located within the setbacks required under subsection (3) above, and shall run around the entire perimeter of the property. The buffer shall consist of existing vegetation and, if deemed necessary for the issuance of a special use permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials reasonably expected to grow to a minimum height of full maturity within three years. The Planning Commission or Board of Supervisors may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or topography affects the visual impact of the facility. Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers must be used in the vegetative buffer following Virginia Pollinator-Smart Program best practices. Fencing must be installed on the interior of the buffer. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the Planning Commission when the applicant proposes to use alternative designs such as landscaped berms, existing wetlands or woodlands, as long as the berms, wetlands or woodlands are permanently protected for use as a buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable and approved by the Zoning Administrator. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer at least 3-foot tall. The buffer shall be maintained for the life of the facility.
- f. Pollinator habitats. The project area shall be seeded promptly with pollinator-friendly vegetation following completion of construction in such a manner as to

reduce invasive weed growth and trap sediment within the project area. At the beginning of the next planting season the project area, setbacks and buffers will be overseeded with appropriate pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers following Virginia Pollinator-Smart Program best practices. Once these pollinator habits are established, maintenance of the site shall follow Virginia Pollinator-Smart Program best practices unless Agrivoltaics (APV) are employed.

- g. **Height.** Ground-mounted solar energy generation facilities shall not exceed a height of 20 feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid that meet State Corporation Commission requirements.
- h. **Lighting.** Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects. Lighting on the site shall be dark sky compliant.
- i. **Density; location.** Solar 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.

(b) Processing and approval standards

- (1) **Community meeting.** A public meeting shall be held prior to the public hearing with the planning commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed facility.

The meeting shall be held under the following guidelines:

- a. The applicant shall inform the zoning administrator and adjacent property owners in writing of the date, time and location of the meeting, at least seven but no more than 14 days in advance of the meeting.
- b. The date, time and location of the meeting shall be advertised in a newspaper of record in the county by the applicant, at least seven but no more than 14 days, in advance of the meeting date.
- c. The meeting shall be held within the county, at a location open to the public with adequate parking and seating facilities that will accommodate persons with disabilities.
- d. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.
- e. The applicant shall provide to the zoning administrator a summary of any input received from members of the public at the meeting.

- f. The applicant shall make available to the public information about materials and components used for the construction, maintenance, and decommissioning of solar panels.
- (2) Review of application - Applications for Large Scale Solar Facilities will be reviewed by the County's Development Review Team as well as a 3<sup>rd</sup> party consultant with expertise and experience in solar energy development. The cost of consultant review will be estimated upon receipt of the application and charged to the applicant.
- (3) Considerations. Solar facilities shall be prohibited within Designated Growth Areas when the development would negatively impact future growth opportunities described in the Comprehensive Plan, existing adjacent businesses, and when the development would conflict with other policies of the Comprehensive Plan.
- (4) Conditions - The Board of Supervisors may impose conditions reasonably designed to mitigate the impacts of the facility. Such conditions may include requirements for (1) dedication of real property of substantial value to the county or one of its instrumentalities, or (2) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of the conditional use permit, so long as such conditions are reasonably related to the project.
- (5) Plans and Studies – Staff approval of the following plans and studies is required prior to any grading, permitting or construction:
  - a. Site Development Plan - The approval of an administrative, minor, or major site development plan (site plan) and Erosion and Sedimentation Control plans as defined by the Zoning Code shall be required prior to any construction. All Solar Generation Facilities shall require a site development plan and all other documentation and approvals required by law, including those provided for any special use permit. The Site Development plan shall include a Decommissioning Plan as well as other requirements stated throughout this ordinance.
  - b. A detailed landscaping and screening plan with plant species, size, number, spacing, and height shall be required prior to the approval of zoning or building permits. The plan must also include and identify pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers in the project area and in the setbacks and vegetative buffering-following Virginia Pollinator-Smart Program best practices.
  - c. A Lighting Plan per the County Zoning Code.
  - d. Provisions for the overall maintenance and operational integrity of the site including interim on-site evaluations of the facility, mowing five times per year, maintenance of pollinator habitats following Virginia Pollinator-Smart Program best practices, or best practices for Agrivoltaic (APV) facilities.



- e. A post-construction safety plan to be reviewed by public safety agencies, to include a site-specific Emergency Response Plan as well as training on the equipment to be located on the site.
- f. Environmental and Cultural Resources Reports
  - 1. A copy of the cultural resources review conducted in conjunction with the state Department of Historic Resources for the Department of Environmental Quality permit by rule process This report shall be in addition to the report required in subsection (1) above and shall further identify historical, architectural, archeological, or other cultural resources on or abutting the proposed site.
  - 2. A report on potential impacts on pollinators and pollinator habitats at the site, including but not necessarily limited to the submission of a completed solar site pollinator habitat assessment as required by the zoning administrator.
  - 3. For facilities within a one-mile radius of a Federally Obligated airport: A glint and glare study that demonstrates that the panels will be sited, designed, and installed to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, and other sensitive viewing locations. The study will assess and quantify potential glint and glare effects and address the potential health, safety, and visual impacts associated with glint and glare. Any such assessment must be conducted by qualified individuals using appropriate and commonly accepted software and procedures.

(d) Decommissioning.

- (1) The Site Development plan for a Solar Generation Facility, Utility-Scale shall include a detailed decommissioning plan that provides the following:
  - a. Procedures and requirements for removal of all parts of the solar energy generation facility and its various structures and foundations at the end of the useful life of the facility or if it is deemed abandoned.
  - b. Provisions for the restoration and regeneration of soil and vegetation with a description of pre-construction and desired post- construction conditions including productivity goals for agricultural viability. (Description is provided at the time of the Concept Plan. What do we require as part of the description – soil type, hydrology, etc
  - c. The anticipated life of the facility
  - d. The estimated overall cost of decommissioning the facility in current dollars and the methodology for determining such estimate, and;

The BOS requested regular updates of the estimate. This requirement can be included in Development Agreements on a case by case basis to consider current and relevant factors.

- e. The manner in which the project will be decommissioned including a plan for the disposal of each component material type.
  - f. The decommissioning plan and the estimated decommissioning cost will be updated upon the request of the zoning administrator or as provided in the agreement.
- (2) As a condition of the approval of a Site Development plan, the owner, lessee, or developer of the project (the "responsible party") shall enter into a written project development agreement with the County, setting forth, at a minimum, that
- a. if the facility ceases generating electricity for more than 12 consecutive months, the responsible party will provide for its decommissioning;
  - b. if the owner, lessee, or developer defaults in the obligation to decommission the facility, the county has the right to enter the real property without further need of consent of the owner to engage in decommissioning; and
  - c. the responsible party provides financial assurance of such performance to the County in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee as approved by the County Attorney.

The amount of the financial assurance shall be based upon an estimate by a professional engineer licensed in the Commonwealth, who is engaged by the responsible party, who has experience in preparing decommissioning estimates and is approved by the county. The estimate shall not exceed equal 100% of the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, the cost of ground restoration, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

#### **Sec. 25-148 Solar Generation Facility, Small.**

- (a) Small Solar Generation Facilities are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below. Small Solar Generation Facilities that do not meet the following criteria will require a Special Use Permit.

##### **(1) Height - Solar energy systems must meet the following height requirements:**

- a. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
- b. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
- c. Solar carports in non-residential districts shall not exceed 20 feet in height.

- (2) Set-back - Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located, except as allowed below.
- a. Roof- or Building-mounted Solar Energy Systems – The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
  - b. Ground-mounted Solar Energy Systems - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
- (3) Visibility - Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right-of way to the extent that doing so does not affect the cost or efficacy of the system. Visibility standards do not apply to systems in non-residential districts, except for historic building or district review as described in (e) below.
- a. Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use, or performance standards for the district in which the building is located.
  - b. Aesthetic restrictions – Roof-mount or ground-mount solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards.
    1. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
    2. Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
  - c. Reflectors - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

- (4) Lot Coverage - Ground-mount systems total collector area shall not exceed half the building footprint of the principal structure.
- a. Ground-mount systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
  - b. Ground-mounted systems shall not count toward accessory structure limitations.
  - c. Solar carports in non-residential districts are exempt from lot coverage limitations.
- (5) Historic Buildings - Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.
- (6) Plan Approval Required - All solar energy systems requiring a building or zoning permit shall provide a site plan for review.
- a. Plan Applications - Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
  - b. Plan Approvals - Applications that meet the design requirements of this ordinance shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.
- (7) Approved Solar Components - Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.
- (8) Compliance with Building Code - All solar energy systems shall meet approval of local building code officials, consistent with the State of Virginia Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Facilities that are roof mounted shall be located on structures that comply with all provisions of the Uniform Statewide Building Code.
- (9) Compliance with State Electric Code - All photovoltaic systems shall comply with the Virginia State Electric Code.
- (10) Compliance with State Plumbing Code - Solar thermal systems shall comply with applicable Virginia State Plumbing Code requirements.

(11)Utility Notification - All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

(12)The provisions of this section may be varied or modified as part of a master plan or proffered condition

(b) Roof and ground-mounted facilities shall comply with generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electrotechnical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. A site development plan or building permit application shall refer to the specific safety and environmental standards complied with.

The provisions of this section may be varied or modified as part of a master plan or proffered condition.

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Permitted Uses:

	A-1	RE	R-1	R-2	RC-1	RMF	RPD	B-1	B-2	M-1	M-2	PCD	REP
<b>Solar Generation Facility, Small</b>	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
<b>Solar Generation Facility, Utility-Scale</b>	SUP									SUP	SUP	SUP	SUP

**SR:** Allowed by right, Supplemental Regulations apply

**SUP:** Special Use Permit required



# Public Utilities

**Goal:** Develop and implement a long range countywide utility infrastructure plan which assures equitable level of access for all County citizens including but not limited to water, sewer, solid waste, telecommunications, electrical power, television access, broadband access, and natural gas that supports and complements the County's long range plan for transportation, residential, commercial and industrial development; and community facilities. This plan will also be consistent with the County's plan for environmental quality and the state's goals for renewable energy.

**Objective:**

**28.0** Develop water service to key industrial, commercial, and residential sites in the County.

**Strategies:**

**28.0a** Develop a community facilities plan for public water extensions countywide, to include potential service areas and enhance provision of fire flow, detailing service areas, potential costs, timing, and funding sources.

**28.0b** Transfer new and existing privately owned water systems to public ownership where appropriate and feasible.

**28.0c** Connect existing systems to the countywide public water system source as the distribution system is extended.

**Objective:**

**29.0** Distribute the Smith Mountain Lake sources contracted through the Bedford County Public Service Authority (PSA) to designated service areas countywide; develop a county-owned Smith Mountain Lake water withdrawal and treatment plant as a complementary source; contract links with other regional sources as appropriate to extend public water countywide and to other localities.

**Strategies:**

**29.0a** Continue to strengthen the County's Public Works Department while investigating the possibility of forming a new PSA or expanding the existing Ferrum Water and Sewer Authority to provide water and sewer services.

**Objective:**

**30.0** Development and implement a Long Range Utility Plan for Sewer Service that supports the County's future land use plan.

**Strategies:**

**30.0a** Develop a community facilities plan for public sewer development that incorporates realistic development goals and objectives, timing, funding sources, and technology appropriate to the initiation of public sewer service in target areas.

**30.0b** Develop guidelines for County acceptance of new sewer systems.

**30.0c** Consider the development of regulations for County oversight of new sewer systems meeting all state and local design, construction, expansion, and sustainability standards.

- 30.0d** Reserve Areas for On–Site Sewage Disposal: Investigate the development of regulations to require that all new building lots (including single family residential) dependent on on–lot sewage disposal have an adequate drainfield reserve area.
- 30.0e** Consider expanding the existing mandatory septic tank pumpout program to include maintenance and apply to all parcels within the County.
- 30.0f** Develop guidelines for the County’s subdivision ordinance to determine when a new subdivision will be required to install sewer and water treatment systems in lieu of individual septic systems and wells.

**Objective:**

- 31.0** Ensure the long term capability of the County to dispose of solid and hazardous waste.

**Strategies:**

- 31.0a** Solid Waste Disposal: Continue to update and implement the long term management plan to ensure the effective operations of the new landfill or other disposal options.
- 31.0b** Solid Waste Collection: Review and recommend where improvements may be made to the County solid waste collection system.
- 31.0c** Recycling: Continue to update and implement a cost-effective strategy to meet all mandated requirements.
- 31.0d** Hazardous Waste: Develop a plan and implement procedures for the disposal of household hazardous waste.
- 31.0e** Litter Control and Beautification: Continue to implement a cost-effective effort to control litter at solid waste collection sites and to landscape public areas for low-cost maintenance and enhancement of the County’s image as a livable community.

**Objective:**

- 32.0** Provide countywide cellular service.

**Strategies:**

- 32.0a** Conduct service area, customer base studies in conjunction with service providers to determine those areas that have inadequate service.
- 32.0b** Conduct meetings with staff, citizens, and cellular providers to develop a strategy promoting countywide service.

**Objective:**

- 33.0** Investigate establishing a natural gas distribution network in Franklin County.

**Strategies:**

- 33.0a** Cooperate with natural gas service companies in developing service proposals and routes.
- 33.0b** Work with neighboring entities to create opportunities to expand natural gas service into Franklin County.

**Objective:**

- 34.0** Provide adequate electrical power for the present and future needs of the County in a manner that is compatible with the goals of the Comprehensive Plan.

**Strategies:**



- 34.0a** Review future transmission line and substation locations well in advance of construction and ensure compatibility with community growth and visual character.
- 34.0b** Encourage the conservation of energy by promoting existing educational programs and best practices.

**Objective:**

- 35.0** To develop broadband internet opportunities for the citizens of the entire County.

**Strategies:**

- 35.0a** Identify new technology opportunities and encourage their implementation to provide the maximum coverage throughout the County.
- 35.0b** Encourage the adoption and use of new technologies as they become available.

**Objective:**

- 36.0** To promote the use of residential, commercial, and utility scale renewable energy in a way that balances the development of large acreages with the policies of the Comp Plan.

**Strategies:**

- 36.0a** To encourage the use of local renewable energy resources, including appropriate applications for wind and solar facilities.
- 36.0b** Promote sustainable building design and management practices to serve current and future generations.
- 36.0c** Assist local businesses to lower financial and regulatory risks and improve their economic, community, and environmental sustainability.
- 36.0d** Promote Agrivoltaics (APV) for farmers to still use the area of their land where solar facilities are located to farm.
- 36.0e** Encourage utility scale solar facilities to locate on sites otherwise less suited for development.
- 36.0f** Protect existing businesses from incompatible uses and development.

<p><b>36.0f Added as a response to concern from BOS</b></p>
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**MEMO**  
**Short Term Rentals**



**To:** Franklin County Planning Commission  
**From:** Carrie Spencer, Community Development Director  
**Date:** September 28, 2021  
**Subject:** Short Term Rental Update

**DISCUSSION:**

**REGULATION**

Please review these key components of the zoning and county regulation and suggest revisions if appropriate:

- STRs are primarily for residential purposes related to tourism or vacationing
- STR stays must be less than 30 days
- The outside appearance cannot change
- Occupancy is limited to 2 adults/bedroom. Ages 5 and up are considered adults for this purpose.
- The number of bedrooms used for STR is limited to those allowed by the wastewater system design.
- Vehicles must park in driveways or parking spaces.
- Boats must be parked on the lot of the STR
- Noise is limited to what is typical of a residential neighborhood.
- A fire extinguisher and smoke detector must be installed in every dwelling.
- STRs have to be inspected and registered annually
- Violations of the ordinance are subject to \$500.00 per violation
- Multiple violations result in being prohibited to rent for 2 years

STRs are permitted in certain districts as follows:

	A-1	RE	R-1	R-2	RC-1	RMF	RPD	B-1	B-2	M-1	M-2	PCD	REP
Short Term Tourist Rental of dwelling	SUP						SR					SR	

**SUP:** Special Use Permit required

**SR:** Allowed by right, Supplemental Regulations apply

**APPROVAL CRITERIA**

The Board of Supervisors must find that the STR:

- will not be of substantial detriment to adjacent property
- will not change the character of the zoning district
- will be in harmony with the purpose and intent of the zoning code, and with the public health, safety and general welfare