



THE COMMON COUNCIL

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I, Kerri A. Mellott, Deputy Clerk of the Common Council, hereby certify on this 22 day of March 2022 that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 22 day of March 2022.

AN ORDINANCE AMENDING SECTIONS 1-2, 8-2, 10-1, 11-1, 12-1, 16.1-1 AND ENACTING A NEW SECTION 18-10.1 OF THE ZONING ORDINANCE OF CITY OF WINCHESTER, VIRGINIA.

WHEREAS, as provided in §15.2-2283 of the Code of Virginia, it is in the interest of the City of Winchester to promote health, safety, welfare, and furthermore protect and promote a convenient, attractive and harmonious community; and,

WHEREAS, the City desires to promote the orderly use of renewable energy resources in all zoning districts; and,

WHEREAS, the Winchester Zoning Ordinance provides for the regulation of accessory structures and aesthetics; and,

WHEREAS, the City has identified a need to amend the Zoning Ordinance to incorporate regulations governing solar energy systems; and,

WHEREAS, on February 15th, 2022, the Winchester Planning Commission forwarded this Text Amendment with a recommendation of approval to the Common Council.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that Sections 1-2, 8-2, 10-1, 11-1, 12-1, and 16.1-1 of the Winchester Zoning Ordinance are hereby amended and reenacted, and Section 18-10.1 is enacted as follows:

Sec. 1-2. – Definitions

1-2-86.4 Solar Energy System: the use of equipment for the conversion of sunlight into energy, where the equipment may be on a structure and/or freestanding subject to Sec. 18-10.1. A solar energy system that produces electricity for off- site use is a principal use and subject to the setback regulations for the underlying zoning district. A solar energy system that generates energy for on- site use is an accessory use and shall also be subject to the accessory use and structure regulations found under Sec. 18-10.

ARTICLE 8 - HIGHWAY COMMERCIAL DISTRICT—B-2

8-2-30 Solar energy systems, as a principal use.

ARTICLE 10 - COMMERCIAL INDUSTRIAL DISTRICT—CM-1

10-1-46 Solar energy systems, as a principal use. ARTICLE 11 -

LIMITED INDUSTRIAL DISTRICT—M-1

11-1-35 Solar energy systems, as a principal use.

ARTICLE 12 - INTENSIVE INDUSTRIAL DISTRICT—M-2

12-1-44 Solar energy systems, as a principal use.

ARTICLE 16.1 - EDUCATION, INSTITUTION AND PUBLIC USE DISTRICT—EIP

16.1-1-14 Solar energy systems, as a principal use.

ARTICLE 18 – GENERAL PROVISIONS

Sec. 18-10.1 – Special Regulations Pertaining to Solar Energy Systems

18-10.1-1 Structure Mounted Systems. Solar energy systems that generate energy for on- site use are permitted by right as an accessory use when they are mounted to structures which are used for a permitted principal use, or structures accessory thereto which are used chiefly for an accessory use unrelated to solar, provided that the surface mounted solar energy system conforms to all of the following requirements:

- a. A surface-mounted solar energy system may not be located on any surface, excluding roofs, of a structure that fronts a public right of way.
- b. A surface-mounted solar energy system may not project more than twelve (12) inches from any surface of any structure, unless allowed pursuant to subsections c or d.
- c. On a pitched roof surface which does not front a public right-of-way, a surface- mounted solar energy system may project vertically up to the highest point of the pitch.
- d. On a flat roof surface, a surface-mounted solar energy system may project vertically up to five feet provided that the system is screened from view from the public right of way with a parapet of similar structure or is otherwise not visible from the public right of way.
- e. No surface-mounted solar energy system that is mounted on a roof may project horizontally past the edge of the roof.
- f. No surface-mounted solar energy system may project or encroach onto an adjoining property.
- g. The limitations in this Section shall not apply to structure-mounted solar energy systems located on properties that are principally used for solar energy systems.

18-10.1-2 Freestanding (Ground Mounted) Systems. Solar energy systems that are freestanding (ground mounted) and generate energy for on-site use are permitted by right as an accessory use provided that they comply with all of the following requirements:

- a. Freestanding solar energy systems must be screened from the public right-of- way per Sec. 19-5-6, if located within the Historic Winchester (HW) or Corridor Enhancement (CE) Overlay Districts.
- b. Freestanding solar energy systems may not be located in a required front yard.
- c. Freestanding solar energy systems are permitted where no principal structure exists, if the principal use of the property is for solar energy systems.

18-10.1-3 General Regulations for solar energy systems

- a. No solar energy system may exceed the height limitations applicable in the zoning district.
- b. All distribution lines for solar energy systems shall be installed underground.
- c. All batteries used in connection with a solar energy system must be located within an enclosed cabinet or within a building.
- d. All solar energy systems must receive approval of a Certificate of Appropriateness if located within the Historic Winchester (HW) or Corridor Enhancement (CE) Overlay Districts.
- e. Any solar energy system that is a principal use shall require a written decommissioning agreement, pursuant to Virginia Code § 15.2-2241.2 and reasonably satisfactory to the Zoning Administrator, which agreement shall provide for financial assurance to the City of such decommissioning.
- f. Any solar energy system that is a principal use shall satisfy the minimum required improvements and standards, as applicable, in Section 19-5.

Ordinance No. O-2022-7

ADOPTED by the Common Council of the City of Winchester on this 22 day of March 2022.

Witness my hand and the seal of the City of Winchester, Virginia.



A handwritten signature in black ink, reading "Kerri A. Mellott". The signature is written in a cursive, flowing style.

Kerri A. Mellott
Deputy Clerk of the Common Council