

## ORDINANCE # O-2022-04

### **AN ORDINANCE TO ADD DEFINITIONS TO TOWN CODE § 157.008 AND TO ADD A SECTION NUMBERED 157.013 GENERALLY RELATING TO SOLAR FACILITIES**

**WHEREAS**, Virginia Code § 15.2-2288.7 authorizes the regulation of solar facilities through local zoning ordinances; and

**WHEREAS**, the Town Council wishes to encourage the placement of rooftop solar facilities, consistent with the historic protection provisions of the Town's zoning ordinance; and

**WHEREAS**, the Town Planning Commission and Town Council have advertised and held public hearings on the proposed amendments to the Town zoning ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Council for the Town of Occoquan, Virginia meeting in regular session this 6<sup>th</sup> day of September, 2022:

1. That the Town Council finds that commercial and ground-based solar energy facilities are not suited to the small, densely occupied area of the Town.
2. That the Town Council hereby amends Town Code § 157.008 as follows:

#### **§ 157.008 DEFINITIONS.**

Add the following definitions in their alphabetical location:

**ROOFTOP SOLAR FACILITY:** A solar electrical or thermal facility that is integrated into or mounted on the wall or roof of a primary or accessory structure.

**SOLAR ENERGY FACILITY:** A facility consisting of activities, applications or devices designed to convert sunlight into electricity for storage and/or distribution from one property to others through the transmission grid except for facilities meeting the definition of "Rooftop Solar Facilities."

**TEMPORARY PHOTOVOLTAIC FACILITY:** One or more photovoltaic panels, not permanently affixed to the ground or to any structure, not exceeding 10 square feet in the total area of all panels on a single parcel, and not connected to the electrical grid.

**UTILITY SOLAR FACILITY:** A solar array consisting of one or two panels for the sole purpose of providing electricity to a traffic sign, utility installation, or public facility.

3. That the Town Council hereby adopts Town Code § 157.013 as follows:

#### **157.013 SOLAR ENERGY.**

(A) Solar Energy Facilities and ground-mounted solar energy generation facilities are not permitted in any zoning district in the Town.

(B) Utility Solar Facilities are permitted as accessory to any use by the state, county, or town, subject only to the requirements of maintaining vertical clearance for pedestrian and vehicle traffic.

(C) Rooftop Solar Facilities are permitted as accessory uses in every zoning district in the Town subject to the following conditions and approvals:

(1) In the Old and Historic Occoquan District, Rooftop Solar Facilities are permitted (a) in locations not visible from a public street, way or place or (b) with a certificate of appropriateness from the Architectural Review Board.

(2) Height limitations in individual zoning districts do not apply to Rooftop Solar Facilities less than 5 feet in height.

(3) Rooftop Solar Facilities must meet the setback requirements in the zoning district where the property is located.

(D) Temporary Photovoltaic Facilities are allowed in all zoning districts, subject to the applicable setback regulations. Temporary Photovoltaic Facilities in the Old and Historic Occoquan District do not require a Certificate of Appropriateness.

4. That this ordinance is effective upon passage.

#### **BY ORDER OF THE TOWN COUNCIL**

**Meeting Date: September 6, 2022**

**Town Council Meeting**

**Ord No. O-2022-04**

**RE: An Ordinance to Add Definitions to Town Code § 157.008 and to Add a Section Numbered 157.013 Generally Relating to Solar Facilities**

**MOTION: Vice Mayor Loges**

**SECOND: Councilmember Perkins**

**ACTION: Approve**

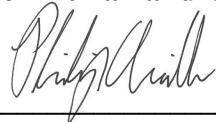
**Votes:**

**Ayes: Vice Mayor Loges, Councilmember Love, and Councilmember Perkins**

**Nays: None**

**Absent from Vote: Councilmember Fithian and Councilmember Holloway**

**Absent from Meeting: Councilmember Fithian and Councilmember Holloway**



**CERTIFIED COPY** \_\_\_\_\_

**Town Clerk**