



City of Hampton, Virginia

Ordinance - Zoning Text

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0007

Enactment Number: Z13-01

Zoning Ordinance Amendment No. 049-2012: by the City of Hampton to amend and re-enact Chapter 1, entitled “Zones and General Provisions” by adding section 1-25 of the Zoning Ordinance of the City of Hampton, Virginia, pertaining to the regulation of renewable energy systems.

Whereas, the public necessity, convenience, general welfare and good zoning practice so require;

BE IT ORDAINED by the Council of the City of Hampton, Virginia that chapter 1 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

Sec. 1-25. - Renewable Energy Production Systems.

- (1) Purpose. The purpose of this section is to establish standards and procedures by which the installation and operation of “Renewable Energy Production Systems” shall be regulated within the city of Hampton, in order to promote the safe, effective and efficient use of such systems. Unless otherwise defined in this section specific terms shall be defined as set forth in chapter 2.1 of the zoning ordinance.
- (2) Applicability.
 - (a) The regulation set forth in this section shall govern the installation and siting of Renewable Energy Production Systems used to generate electricity for onsite consumption. Renewable Energy Production Systems may be connected to the utility grid pursuant to Code of Virginia §56-594 governing Virginia net metering laws.
 - (b) Renewable Energy Production Systems shall comply with the appropriate regulations set forth in Virginia Administrative Code §§ 20VAC5-315-10 through 20VAC5-315-80. The systems may serve as an independent source of energy or serve in a hybrid system, using complementary systems such as a small wind energy conversion system and solar energy producing system.

(3) Application for “Small Wind Energy Conversion Systems”
 (“SWECS”)

- (a) One SWECS per lot shall be permitted in all zoning districts, as an accessory structure, subject to issuance of a use permit, except in M-4 and M-5 industrial districts where they shall be prohibited.
- (b) In addition to what is required by section 25-2 of the zoning ordinance, the following shall be provided by the applicant for review and approval by the zoning administrator:
 - (i) Survey of the property showing the proposed location of the SWECS on the property and all applicable setbacks.
 - (ii) Scaled elevation drawings of the proposed system showing the total height of the structure, including the tower plus the length of the rotor blade at its vertical location, colors and specifications.
 - (iii) Certification from a licensed professional engineer or certified installer that the support structure of the system will have the structural integrity to carry the weight and wind loads of the small wind energy system.
 - (iv) The proposed type of wind energy system to be constructed, including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generated capacity, dimensions, rotor diameter, and a description of ancillary functions.
- (c) The applicant must provide evidence in writing that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.

(4) Standards for SWECS

All SWECS must comply with the following requirements.

- (a) Height.
 - (i) Under no circumstances shall a freestanding SWECS exceed seventy (70) feet in height.
 - (ii) Building mounted SWECS shall not exceed beyond ten (10) feet of the height of the building.

(b) Setbacks.

- (i) The minimum setback for a SWECS from a property line, public right-of-way, or public overhead utility line must be a distance which is at least equal to the total height of the SWECS.
- (ii) For waterfront properties, a minimum rear yard setback of fifteen (15) feet shall be required.

(c) Signs/Safety.

- (i) Other than safety and warning signs, no signage, flags, streamers, or decorative items shall be attached or affixed to any component of the system except the nacelle, which may have lettering that exhibits the manufacturer's identification.
- (ii) Lighting is prohibited unless required by the Federal Aviation Administration ("FAA").
- (iii) SWECS shall be equipped with both a manual and automatic braking device capable of stopping the system in high winds or must be designed so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
- (iv) To prevent unauthorized access, each tower mounted SWECS shall not be climbable up to twelve (12) feet above ground.

(d) Noise. When in operation SWECS shall not exceed sixty (60) dB(A).

(e) Color. Unless otherwise required by the FAA, all portions of a wind energy system shall be of nonreflective white, black, galvanized steel, aluminum or other matte-finish color designed to blend with the surrounding environment; provided, however, that blades may be painted black to facilitate deicing.

(f) Maintenance. SWECS must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

(g) Inspection. The City shall have the right upon approving SWECS to inspect the premises on which the Wind Energy

System is located at all reasonable times with permission of the property owner.

- (5) Application for solar energy equipment.
 - (a) Solar energy equipment shall be a permitted use in all zoning districts.
 - (b) For free standing solar energy equipment, a survey of the property showing the location of the structure on the property and all applicable setbacks will be required.
- (6) Standards for solar energy equipment.
 - (a) Height.
 - (i) Solar panels may be located on any roof, irrespective of its relationship to the underlying district height limit, up to five (5) feet above the roof surface to adequately access solar energy.
 - (ii) Free standing solar energy equipment shall be limited to a height of sixteen (16) feet.
 - (b) Setbacks. Free standing solar energy equipment shall have a minimum rear yard and side yard setback of fifteen (15) feet. Placement in the front yard is prohibited.
- (7) Nuisance Conditions Prohibited.
 - (a) All SWECS and solar energy equipment must be maintained in good working order by the property owner.
 - (b) Dilapidated or deteriorated SWECS and solar energy systems will be deemed nuisance structures.
 - (c) No person shall maintain any structure in such a state of disrepair as to be considered a nuisance or hazard to the health or safety of persons residing in the vicinity of such structure, or of passersby.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on January 9, 2013.

Signed by _____ **Date** _____
Molly Joseph Ward, Mayor

Attested by _____ **Date** _____

Katherine K. Glass, CMC
Clerk of the Council