

ORDINANCE-3862

AN ORDINANCE TO AMEND SECTIONS 401, 501, 901  
AND 1001 OF THE CITY ZONING ORDINANCE  
PERTAINING TO SOLAR FACILITIES AS A  
CONDITIONAL AND ACCESSORY USE IN THE  
AGRICULTURAL, RESIDENTIAL, COMMERCIAL AND  
INDUSTRIAL DISTRICTS

Sections Amended: §§ 401, 501, 901 and 1001

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA  
BEACH, VIRGINIA:

That Sections 401, 501, 901 and 1001 of the City Zoning Ordinance is hereby  
amended and reordained to read as follows:

**Sec. 401. Use regulations.**

(a) *Principal and conditional uses.* The following chart lists those uses permitted within  
the AG-1 and AG-2 Agricultural Districts. Those uses and structures in the  
respective agricultural districts shall be permitted as either principal uses indicated  
by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by  
an "X" shall be prohibited in the respective districts. No uses or structures other  
than as specified shall be permitted.

| Use                                                         | AG-1     | AG-2     |
|-------------------------------------------------------------|----------|----------|
| ....                                                        |          |          |
| Small wireless facilities not placed on existing structures | P        | P        |
| <u>Solar facilities</u>                                     | <u>C</u> | <u>C</u> |
| Storage and maintenance installations for public utilities  | C        | C        |
| ....                                                        |          |          |

(b) *Accessory uses and structures.* Uses and structures which are customarily  
accessory and clearly incidental and subordinate to principal uses and structures,  
including but not limited to, an accessory activity operated for profit in a residential  
dwelling unit where (i) there is no change in the outside appearance of the building or  
premises or any visible or audible evidence detectable from outside the building lot,  
either permanently or intermittently, of the conduct of such business except for one (1)  
nonilluminated sign not more than one (1) square foot in area mounted flat against the  
residence; (ii) no traffic is generated, including traffic by commercial delivery vehicles,  
by such activity in greater volumes than would normally be expected in the

neighborhood, and any need for parking generated by the conduct of such activity is met off the street and other than in a required front yard; (iii) the activity is conducted on the premises which is the bona fide residence of the principal practitioner, and no person other than members of the immediate family occupying such dwelling units is employed in the activity; (iv) such activity is conducted only in the principal structure on the lot; (v) there are no sales to the general public of products or merchandise from the home, except for agricultural products, or agricultural-related products, incidental to an agricultural operation on which the dwelling unit is located; and (vi) the activity is specifically designed or conducted to permit no more than one (1) patron, customer, or pupil to be present on the premises at any one time. Notwithstanding the provisions of clauses (ii) and (vi) hereof, ministers, marriage commissioners and other persons authorized by law to perform the rites of marriage may permit a maximum of eight (8) persons on the premises at any one time in connection with the performance of such rites, provided that all other requirements of subdivision (b)(2) are met. Solar generating equipment is permitted as an accessory structure on roofs or as a ground mounted accessory structure when serving the property upon which such facilities are located unless such property lies within a historic and cultural district. Ground mounted accessory Solar Generating Equipment for a residential use shall not exceed 500 square feet of area or thirty (30) percent of the floor area of the principal structure, whichever is greater. The following are specifically prohibited as accessory activities: Convalescent or nursing homes, tourist homes, massage or tattoo parlors, body piercing establishments, radio or television repair shops, auto repair shops, or similar establishments. Rental of rooms in a dwelling or the entire dwelling thirty (30) consecutive days or more is an accessory use to the dwelling.

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## **Sec. 501. Use regulations.**

- (b) *Accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures and where such accessory structures do not exceed the height of the principal structure and, in all residential zoning districts, except for R-30 and R-40, do not exceed five hundred (500) square feet of floor area or twenty (20) percent of the floor area of the principal structure, whichever is greater. In the R-30 and R-40 residential zoning districts, accessory uses and structures shall not exceed thirty (30) percent of the floor area of the principal structure. Such accessory uses and structures include but are not limited to:

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(8) Solar generating equipment is permitted as an accessory structure on roofs or as a ground mounted accessory structure when serving the property upon which such facilities are located unless such property lies within a historic and cultural district.

**Sec. 901. Use regulations.**

- (a) *Principal and conditional uses.* The following chart lists those uses permitted within the B-1 through B-4K Business Districts. Those uses and structures in the respective business districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

| Use                     | B-1      | B-1A     | B-2      | B-3      | B-4      | B-4C     | B-4K     |
|-------------------------|----------|----------|----------|----------|----------|----------|----------|
| .....                   |          |          |          |          |          |          |          |
| Specialty shops         | C        | P        | P        | P        | P        | P        | P        |
| <u>Solar facilities</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| Storage garages         | X        | X        | P        | P        | P        | X        | X        |
| .....                   |          |          |          |          |          |          |          |

- (b) *Accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental and subordinate to the principal uses and structures, including, but not limited to:

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(4) Solar generating equipment is permitted as an accessory structure on roofs or as a ground mounted accessory structure when serving the property upon which such facilities are located unless such property lies within a historic and cultural district.

.....

**Sec. 1001. Use regulations.**

- (a) *Principal and conditional uses.* The following chart lists those uses permitted within the I-1 and I-2 Industrial Districts. Those uses and structures in the respective industrial districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

| Use                                                           | I-1 | I-2 |
|---------------------------------------------------------------|-----|-----|
| .....                                                         |     |     |
| Small wireless facilities meeting the requirements of section | P   | P   |

|                                   |          |          |
|-----------------------------------|----------|----------|
| 207                               |          |          |
| <u>Solar facilities</u>           | <u>C</u> | <u>C</u> |
| Solid waste management facilities | X        | C        |
| . . . .                           |          |          |

(b) *Accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental and subordinate to the principal uses and structures, including, but not limited to:

- (1) An accessory activity operated for profit in a residential dwelling unit where there is no change in the outside appearance of the building or premises or any visible or audible evidence detectable from outside the building lot, either permanently or intermittently, of the conduct of such business except for one non-illuminated sign not more than one square foot in area mounted flat against the residence; where no traffic is generated, including traffic by commercial delivery vehicles, by such activity in greater volumes than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such activity is met off the street and other than in a required front yard; where the activity is conducted on the premises which is the bona fide residence of the principal practitioner, and no person other than members of the immediate family occupying such dwelling unit is employed in the activity; where such activity is conducted only in the principal structure on the lot; where there are no sales to the general public of products or merchandise from the home; and where the activity is specifically designed or conducted to permit no more than one patron, customer, or pupil to be present on the premises at any one time. The following are specifically prohibited as accessory activities: Convalescent or nursing homes, bars or nightclubs, tourist homes, massage or tattoo parlors, radio or television repair shops, auto repair shops, or similar establishments.
- (2) Solar generating equipment is permitted as an accessory structure on roofs or as a ground mounted accessory structure when serving the property upon which such facilities are located unless such property lies within a historic and cultural district.

Adopted by the Council of the City of Virginia Beach, Virginia, on the 7<sup>th</sup> day of July, 2026.