

HOUSE BILL NO. 1234

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns

on _____)

(Patron Prior to Substitute—Delegate Sewell)

A BILL to amend the Code of Virginia by adding a section numbered 15.2-961.4, relating to land development; solar canopies in surface parking areas.

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 15.2-961.4 as follows:****§ 15.2-961.4. Solar canopies in surface parking areas.***A. For purposes of this section:*

"Qualified parking area" means all new, or additions to, public or private surface parking lots containing 100 or more new off-street contiguous parking spaces that serve a nonresidential building, facility, or development.

"Solar canopy" means a singular structure or multiple structures located above a qualified parking area that has a raised horizontal, slanted, or movable surface that contains solar photovoltaic panels and that has no sides.

B. Any locality may include in its land development ordinances a provision that requires as a condition of land development approval that an applicant shall install a solar canopy over up to 50 percent of a qualified parking area if the locality meets the requirements of subsection C.

C. An ordinance adopted pursuant to this section shall (i) apply equally to all qualified parking areas within the locality, including those that are publicly owned by the locality, its public school system, or a local or regional authority; (ii) not treat any solar canopy and associated infrastructure as impervious areas for purposes of stormwater management; (iii) eliminate landscaping and tree canopy coverage requirements for areas covered by solar canopies; (iv) not apply to a mixed use building or development where 50 percent or more of the square footage to be constructed is for residential uses; (v) permit installation of a singular solar canopy or multiple canopies in the applicant's sole discretion; (vi) allow for the ownership of the solar canopy to be severed from the title to the real property and vested by contract, deed, or lease in a party other than the owner of the real property; and (vii) allow for deviations, in whole or in part, from the requirements of such ordinance when its strict application would prevent the development of uses and densities otherwise allowed by the locality's zoning or development ordinance.

D. The applicant or owner may use the electric energy generated from such solar canopy to offset the

33 *consumption of the parking lot or adjoining building served under the same account. Any such solar canopy*
34 *shall be interconnected pursuant to 20VAC5-314 or 20VAC5-315 of the Virginia Administrative Code at the*
35 *election of the interconnection customer or owner.*

36 **2. That the provisions of this act shall become effective on July 1, 2027.**