

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 15.2-961.4, relating to land*
 3 *development; solar canopies in surface parking areas.*

4 [S 26]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 15.2-961.4 as follows:**8 **§ 15.2-961.4. Solar canopies in surface parking areas.**9 *A. For purposes of this section:*10 *"Qualified parking area" means all new, or additions to, public or private surface parking lots containing*
 11 *100 or more new off-street contiguous parking spaces that serve a nonresidential building, facility, or*
 12 *development.*13 *"Solar canopy" means a singular structure or multiple structures located above a qualified parking area*
 14 *that has a raised horizontal, slanted, or movable surface that contains solar photovoltaic panels and that has*
 15 *no sides.*16 *B. Any locality may include in its land development ordinances a provision that requires as a condition of*
 17 *land development approval that an applicant shall install a solar canopy over up to 50 percent of a qualified*
 18 *parking area if the locality meets the requirements of subsection C.*19 *C. An ordinance adopted pursuant to this section shall (i) apply equally to all qualified parking areas*
 20 *within the locality, including those that are publicly owned by the locality, its public school system, or a local*
 21 *or regional authority; (ii) not treat any solar canopy and associated infrastructure as additional impervious*
 22 *areas for purposes of stormwater management if the land surface under the canopy is or is proposed to be an*
 23 *impervious surface and is accounted for as such for purposes of compliance with Article 2.3 (§ 62.1-44.15:24*
 24 *et seq.) of Chapter 3.1 of Title 62.1; (iii) eliminate landscaping and tree canopy coverage requirements for*
 25 *areas covered by solar canopies; (iv) not apply to a mixed use building or development where 50 percent or*
 26 *more of the square footage to be constructed is for residential uses; (v) permit installation of a singular solar*
 27 *canopy or multiple canopies in the applicant's sole discretion; (vi) allow for the ownership of the solar*
 28 *canopy to be severed from the title to the real property and vested by contract, deed, or lease in a party other*
 29 *than the owner of the real property; and (vii) allow for deviations, in whole or in part, from the requirements*
 30 *of such ordinance when its strict application would prevent the development of uses and densities otherwise*
 31 *allowed by the locality's zoning or development ordinance or when a property owner shows, using a P90*
 32 *energy value from an industry-standard solar modeling service, that the solar canopy, if installed as*
 33 *otherwise required under the ordinance, will generate less than 75 percent of the electricity that would be*
 34 *expected given the nameplate capacity of the solar modules installed on such canopy if the canopy was to be*
 35 *installed at another location in the locality without surrounding impediments to insolation such as buildings*
 36 *or shading vegetation.*37 *D. The applicant or owner may use the electric energy generated from such solar canopy to offset the*
 38 *consumption of the parking lot or adjoining building served under the same account. Any such solar canopy*
 39 *shall be interconnected pursuant to 20VAC5-314 or 20VAC5-315 of the Virginia Administrative Code at the*
 40 *election of the interconnection customer or owner.*41 **2. That the provisions of this act shall become effective on July 1, 2027.**

ENROLLED

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