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HOUSE BILL NO. 1234

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government
on March 2, 2026)

(Patrons Prior to Substitute—Delegates Sewell and Krizek [HB 457])

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 additional impervious areas for purposes of stormwater management if the land surface under the canopy is or is proposed to be an impervious surface and is accounted for as such for purposes of compliance with Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1; (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 or when a property owner shows, using a P90 energy value from an industry-standard solar modeling service, that the solar canopy, if installed as otherwise required under the ordinance, will generate less than 75 percent of the electricity that would be expected given the nameplate capacity of the solar modules installed on such canopy if the canopy was to be installed at another location in the locality without surrounding impediments to insolation such as buildings or shading vegetation.

D. The applicant or owner may use the electric energy generated from such solar canopy to offset the consumption of the parking lot or adjoining building served under the same account. Any such solar canopy shall be interconnected pursuant to 20VAC5-314 or 20VAC5-315 of the Virginia Administrative Code at the election of the interconnection customer or owner.

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

SENATE SUBSTITUTE

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