

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 [H 1234]

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.