

SENATE BILL NO. 697

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Local Government

on _____)

(Patron Prior to Substitute--Senator VanValkenburg)

A BILL to amend and reenact § 15.2-2288.7 of the Code of Virginia, relating to solar and energy storage facilities; local regulation.

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2288.7 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2288.7. Local regulation of solar facilities.

A. An owner of a residential dwelling unit may install a solar facility on the roof of such dwelling to serve the electricity or thermal needs of that dwelling, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned residential shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as provided herein, any other solar facility proposed on property zoned residential, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

B. An owner of real property zoned agricultural may install a solar facility on the roof of a residential dwelling on such property, or on the roof of another building or structure on such property, to serve the electricity or thermal needs of that property upon which such facilities are located, provided that

27 such installation is (i) in compliance with any height and setback requirements in the zoning district where
28 such property is located and (ii) in compliance with any provisions pertaining to any local historic,
29 architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such
30 property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy
31 generation facility to be located on property zoned agricultural and to be operated under § 56-594 or 56-
32 594.2 shall be permitted, provided that such installation is (a) in compliance with any height and setback
33 requirements in the zoning district where such property is located and (b) in compliance with any
34 provisions pertaining to any local historic, architectural preservation, or corridor protection district
35 adopted pursuant to § 15.2-2306 where such property is located. Except as otherwise provided herein, any
36 other solar facility proposed on property zoned agricultural, including any solar facility that is designed
37 to serve, or serves, the electricity or thermal needs of any property other than the property where such
38 facilities are located, shall be subject to any applicable zoning regulations of the locality.

39 C. An owner of real property zoned commercial, industrial, or institutional may install a solar
40 facility on the roof of one or more buildings located on such property to serve the electricity or thermal
41 needs of that property upon which such facilities are located, provided that such installation is (i) in
42 compliance with any height and setback requirements in the zoning district where such property is located
43 and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or
44 corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local
45 ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property
46 zoned commercial, industrial, or institutional shall be permitted, provided that such installation is (a) in
47 compliance with any height and setback requirements in the zoning district where such property is located
48 and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or
49 corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as
50 otherwise provided herein, any other solar facility proposed on property zoned commercial, industrial, or
51 institutional, including any solar facility that is designed to serve, or serves, the electricity or thermal needs
52 of any property other than the property where such facilities are located, shall be subject to any applicable
53 zoning regulations of the locality.

54 D. An owner of real property zoned mixed-use may install a solar facility on the roof of one or
55 more buildings located on such property to serve the electricity or thermal needs of that property upon
56 which such facilities are located, provided that such installation is (i) in compliance with any height and
57 setback requirements in the zoning district where such property is located and (ii) in compliance with any
58 provisions pertaining to any local historic, architectural preservation, or corridor protection district
59 adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides
60 otherwise, a ground-mounted solar energy generation facility to be located on property zoned mixed-use
61 shall be permitted, provided that such installation is (a) in compliance with any height and setback
62 requirements in the zoning district where such property is located and (b) in compliance with any
63 provisions pertaining to any local historic, architectural preservation, or corridor protection district
64 adopted pursuant to § 15.2-2306 where such property is located. Except as provided herein, any other
65 solar facility proposed on property zoned mixed-use, including any solar facility that is designed to serve,
66 or serves, the electricity or thermal needs of any property other than the property where such facilities are
67 located, shall be subject to any applicable zoning regulations of the locality.

68 E. Nothing in this section shall be construed to supersede or limit contracts or agreements between
69 or among individuals or private entities related to the use of real property, including recorded declarations
70 and covenants, the provisions of condominium instruments of a condominium created pursuant to the
71 Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as
72 defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real
73 Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created
74 pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

75 F. A locality, by ordinance, may provide by-right authority for installation of solar facilities in any
76 zoning classification in addition to that provided in this section. A locality may also, by ordinance, require
77 a property owner or an applicant for a permit pursuant to the Uniform Statewide Building Code (§ 36-97
78 et seq.) who removes solar panels to dispose of such panels in accordance with such ordinance in addition
79 to other applicable laws and regulations affecting such disposal.

80 G. No local ordinance shall include (i) limits on the total amount, density, or size of any ground-
81 mounted solar facility or energy storage facility or (ii) any prohibitions on the use of solar panels that
82 comply with generally accepted national environmental protection and product safety standards such as
83 those set forth in subdivision A 13 of § 15.2-2286, provided that such installation is in compliance with
84 any provision of a local ordinance that establishes criteria and requirements for siting. The provisions of
85 this subsection shall not apply to any site that was the subject of an application to construct a solar facility
86 or energy storage facility submitted to a locality before July 1, 2024. Nothing in this subsection shall
87 require a locality to approve an application for solar or energy storage projects or limit a locality's authority
88 to establish criteria and requirements for siting, including those related to tree cover and stormwater
89 management, that are otherwise in compliance with this subsection and existing local zoning authority.

90 #