

Town of Luray

Planning Commission Agenda

July 15, 2026
7:00 P.M.

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Addition or Deletion of Agenda Items**
- 5. Review of Minutes** – June 10, 2026, Meeting Minutes
- 6. General Citizen Comments**
- 7. Public Hearings**
A) Ordinance Amendments – Parking, Definitions, Solar
- 8. Updates & Discussion Items**
- 9. Action Items**
- 10. Commission Comments**
- 11. Chairman's Comments**
- 12. Adjourn**

The meeting will be live streamed on the Town's website. Please submit any public comments concerning the agenda items through any of the following means: Attendance at meeting; Email – bchrisman@townofluray.com; Mail – Luray Town Council, Attention Bryan Chrisman, Post Office Box 629, Luray VA, 22835; Hand Delivery – Place in exterior DROP BOX in the alcove located at the front of the Town's Town Hall facing Main Street; or Phone – (540) 743-5511. All comments must be submitted by 12 noon on the day of the meeting and will be read aloud at the meeting.

Town of Luray
PO Box 629
45 East Main Street
Luray, VA 22835
www.townofluray.com
540.743.5511



PLANNING COMMISSION

Ronald Good, Chair

meado12@aol.com

Appointed By
Councilman Ron Vickers
Term Ends: 12-31-2026

Frankie Seaward

frankieseaward@gmail.com

Appointed By
Councilman Chuck Butler
Term Ends: 12-31-2028

Vacant

Appointed By
Councilman Jason Pettit
Term Ends: 12-31-2028

Brian Sours

Brian.sours@mybrb.bank

Appointed By
Councilman Joey Sours
Term Ends: 12-31-2028

Bill Huffman

bill.huffman@luraycaverns.com

Appointed By
Former Council Member Lillard
Term Ends: 12-31-2026

Tracie Dickson

tdickson@truist.com

Appointed By
Mayor Stephanie Lillard
Term Ends: 12-31-2028

John Shaffer, Vice Chair

john.shaffer@luraycaverns.com

Appointed By
Councilman Alex White
Term Ends: 12-31-2026

Town Officials

Town Manager – Bryan Chrisman
Assistant Town Manager – Vacant
Planning & Zoning Technician – Brooke Newman
Town Clerk/ Treasurer – Danielle Babb
Deputy Town Clerk/ Treasurer - Danielle Alger
Interim Chief of Police – Lonnie Foster
Superintendent of Public Works - Lynn Mathews
Parks & Recreation Director - Jennifer Jenkins
WTP Superintendent - Joey Haddock
WWTP Superintendent – John Sonifrank



TOWN OF LURAY
Planning Commission
Regular Meeting
July 15, 2026

**4. Addition & Deletion of
Agenda Items**



Town of Luray, Virginia
Planning Commission Agenda Statement

Item No: IV

Meeting Date: July 15, 2026

Agenda Item:

ADDITION TO, OR DELETION FROM, THE AGENDA

Suggested Motion:
(If Required)

I move that the Planning Commission add Agenda Item ___ to the agenda regarding _____.

OR

I move that the Planning Commission delete Agenda Item ___ from the agenda regarding _____ for the reason of _____.

OR

I move that the Planning Commission move Agenda Item _____ to a position on the agenda just following Agenda Item _____.



TOWN OF LURAY
Planning Commission
Regular Meeting
July 15, 2026

5. Review of Minutes -
June 10, 2026 Meeting Minutes

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
June 10, 2026**

The Luray Planning Commission met on Wednesday, June 10, 2026, at 7:00 p.m. in regular session. The meeting was held in the Luray Town Council Chambers at 45 East Main Street, Luray, Virginia at which time there were present the following:

Commissioner's Present:

Ronald Good, Chairman
John Shaffer, Vice Chairman
Bill Huffman
Brian Sours (via phone)
Tracie Dickson

Commissioners Absent:

Barbie Stombock
Frankie Seaward

Others Present:

Bryan Chrisman, Town Manager
Chris Seal, VTG

The meeting was called to order by Chairman Good at 7:00 p.m. and everyone joined in the Pledge of Allegiance.

ROLL CALL

The roll was called with seven (5) members present.

ADDITIONS OR DELETION OF AGENDA

Motion: Commissioner Shaffer approved the June 10, 2026, agenda as presented. **Motion seconded** by Commissioner Huffman with the vote as follows: **YEA:** Chairman Good, Commissioners Shaffer, Huffman, Sours, Dickson **Approved 5-0**

APPROVAL OF MINUTES

Chairman Good led a review of the May 13, 2026, regular meeting minutes.

Motion: Commissioner Shaffer made the motion to approve the May 13, 2026, regular meeting minutes as presented. **Motion seconded** by Commissioner Dickson with the vote as follows: **YEA:** Chairman Good, Commissioners Shaffer, Huffman, Sours, Dickson **Approved 5-0**

GENERAL CITIZENS COMMENTS:

There were no citizen comments.

PUBLIC HEARINGS

7A) Manufactured Homes – Ordinance Amendments

The Planning Commission is requested to conduct a public hearing to receive comments from the public regarding proposed code amendments to the Zoning Ordinance.

The principal changes focus on:

Allowance of Manufactured Homes in all residential districts

Manufactured Homes are now treated the same as site-build homes

Removal of current Luray requirements for Manufactured Homes

Removal of the definition and allowance for temporary mobile homes and temporary mobile home parks

Removal of the definition of mobile home

Manufactured homes must be converted to real property in accordance with Virginia Code 46.2-653, as amended.

The certificate of occupancy must be issued within five years following the date of manufacture listed on the home's data plate.

Each manufactured home must be placed on an individual lot.

All manufactured homes must be built in compliance with the Virginia Manufactured Housing Construction and Safety Standards Law (Virginia Code 36.2-85.2, et seq., as amended).

Mr. Chrisman added that Mr. Botkins did alert him that also in the new state law it expressly preserves locality authority to regulate and preserve historical landmarks, historical buildings and local historical districts which would include the Luray Downtown Historical Districts. So those specific areas in Luray, we could regulate manufactured homes, but new residential construction is already required by special use in the B1 Business District anyway. The Downtown Historical District is all B1 zoning.

The public hearing was opened.

Mr. Chrisman read a comment submitted by email from Caleb Routhier sent on June 1, 2026. Mr. Routhier states "I saw that Luray was considering allowing mobile homes back in town limits. I am in support of this proposal. We still have a few mobile homes off the beaten path that are grandfathered in, so allowing new ones will not be groundbreaking. Rents have gone up precipitously recently, and mobile homes are probably the most inexpensive housing available. A landlord can easily make money renting a mobile home for less than \$1000 without any need for government subsidies. With the modern rise of tiny homes and prefabricated small homes that may be more aesthetically pleasing than a boxy mobile home, I would not want our current rules to bar someone wishing to place one of those because it would be defined as a mobile home. I was happy with the council's decision to allow accessory dwellings a few years ago but have not really seen any impact that they had on housing. Maybe allowing mobile homes will show bigger results." – Caleb Routhier, 105 N. Lee Street, Luray

Mr. Chrisman also received a comment by phone from Mr. Dudley, who is a local realtor. He is concerned and wanted confirmation primarily about there being some terminology that could be

a problem. Mobile homes are not allowed, and house trailers have not been allowed in Luray for a long time. The ones that are here are grandfathered in and cannot be replaced. What we are talking about here are single wide or double wide manufactured housing which comes in on an axel, towed in as one or two sections and placed on site. We are clarifying that part of our definition with this code amendment as well. This will clarify that mobile homes are still not allowed. You still have to have a manufactured home in compliance with the Virginia Manufactured Housing Construction and Safety Standards Law. But Mr. Dudley's questions were mostly regarding where these can be located. Essentially, they can be located in any residential zoning district that allows a single-family dwelling. And they will be allowed by-right. He was also concerned about financing availability for these homes and whether they were actually going to be more affordable or not. And was also concerned about the removal of all our local criteria for manufactured housing that we have been working on the last two years to make them available in certain districts such as masonry foundations, 5/12 or steeper pitched roofs, modern material for the siding, windows, doors and the roofing. Now all of that is resented because we cannot be any more stringent than what is in the State Ordinance. So, this would allow, with the new reduced single-family dwelling house size, you can now put a fourteen-by-fifty-foot single wide manufactured home on any residential lot in Luray. He was also concerned about the potential for devaluing adjacent properties, especially when you have a vacant lot between two \$450,000 homes and you place a manufactured home there, what does that do for property values in that neighborhood. We had a good conversation about whether this was intended to help with housing affordability, will it have the intended impact or whether the unintended consequences of this state bill will actually be farther reaching and potentially more damaging to local residential neighborhoods over the commonwealth.

We may see this topic again at the next general assembly session because as people figure out what those unintended consequences are they may very well come back up on our radar. This will probably be a chapter in our ordinance that we will be modifying for a while until we get all the wrinkles ironed out.

Chairman Good stated that they certainly should be less than most stick-built houses. Mr. Chrisman's response was they will be and especially with the size that you can put there now. The real challenge is you still have to buy the lot, grade the lot, buy water and sewer connections and then when you get all that done if you add a porch and a deck and gravel your parking spaces etc. the individual cost of the dwelling will be less but then when you go to finance the home your downpayment requirement may be significantly higher than a stick build home.

Commissioner Dickson added to also consider the interest rates.

Mr. Chrisman stated that people who may be able to buy the home outright probably have a difficult time meeting the financing requirements that most lending institutions place on this type of housing. In the end they may not see a huge amount of savings due to seeing a higher interest rate for these types of homes and having to put a certain percentage down. This will be in effect as of July 1, 2026.

The public hearing was closed.

Moving forward they will be allowed in R1, R2, R3, R4, R5 and PND. Of course, PND has the master land use plan set up which would be an essential step to approving the overall development. But for R1 through R5 they would be by right. And for B1 and M1 they would be by special use permit.

Motion: Commissioner Dickson motioned that the proposed Zoning Code Amendments be recommended to Council for approval, as presented. **Motion seconded** by Commissioner Huffman with the vote as follows: **YEA:** Chairman Good, Commissioners Shaffer, Huffman, Sours, Dickson **Approved 5-0**

UPDATES & DISCUSSION ITEMS

8A) Special Event Venues

The Planning Commission is requested to review and discuss proposed definitions and Ordinance elements related to Special Event Venues.

A draft was presented to the commission. Comments from the previous meeting have been added. A copy has been given to the town attorney. Once comments have been received from the commission and council, those would be added and then handed over to the town attorney to draft an ordinance which would then be presented for review to the commission. If the commission is ok with that it would then go to public hearing.

Commissioner Huffman asked if the permitting would be just a hoop to jump through, will it reduce any revenue and is it worth the time and effort. Mr. Chrisman states that the real issue is going to be to provide a business model of how you would plan to handle these types of events on the property that you own. And then compare that to the other elements of the ordinance. We can compare the plan to the ordinance and issue the special use permit with noted conditions. All these event venues are going to be a little bit different, so to come up with a cookie cutter to do this as a by-right would be impossible. The only other process is to run them through the special use permit process where they have a chance to provide all the supporting documentation and planning commission has an opportunity to look at that and decide is that a good place to put that at that scale in that location. We definitely do not want to inhibit business use of this because it is an economic driver for our community and our local economy. It could be hugely impactful. We also do not want to give way to everything and then we run into problems with residential neighborhoods that are adjacent or impacts to adjacent businesses. Most localities come down on the side of special use permits for these types of operations. They are specific to that operator. Because the next person that buys that property may want to do something different with that real estate. From a permitting standpoint it is designed to offset the cost of the advertisements and administrative costs. It is designed so the town taxpayers do not have to pick up the tab for these services. Moving forward the bigger impact will be on the local economy and the business license on any food tax collected. Some of these may want to utilize the lodging. So as a business that is apparently very popular right now it will be an economic driver. Chairman Good asked what the cost is for a special use permit. Mr. Chrisman stated that the fee schedule is going up about \$30.00. The permit application fee will be a \$250 flat fee and then they pay for four ads. The ads are \$95 each which totals \$360.00. It is advertised twice for the

Planning Commission and twice for the Town Council. On top of that they will pay a business license application fee if they get approved. If they do food or lodging, they remit taxes for that on a monthly basis. The initial upfront cost is minimal. Some things that may have impacts on future property owners such as special use permits and rezonings there is a requirement in the ordinance that the applicant take those to record at the County Court House which is somewhere around and then provided recorded copies to the town to prove that they have been recorded. This rarely happens. So, in talking with the council, we are just going to add that cost to the application fees, and we are going to take it to record, record it and pay the fee. This way legally in the chain of title to the property, future buyers can see the previous use of the property, and they may want to apply for the same use.

8B) Subdivision Review – Atkins Drive

The Planning Commission is requested to review and discuss a proposed subdivision located along Atkins Drive. These parcels are zoned R-1 (low density residential). The Town will require a 20-foot utility and access easement across the front of each lot for the water line. There are three (3) existing lots and there will be a total of six (6) lots. All six lots are intended to be served by Town water, but on-site sewage disposal systems approved by the Virginia Department of Health will be used in lieu of sewer. The owner intends to donate 8.5+ acres to the Town to further enhance Source Water Protection for Hite Spring. The Commission should consider whether the proposed subdivision meets the requirements of Appendix B of the Town Code, and make any remarks related to criteria for the development. Such items can include Town approved driveway entrances onto Atkins Drive, the requirement for onsite sewage disposal systems for each lot approved by VDH since Town sewer is not readily available nearby, and the requirement for Town water to be utilized.

Chairman Good asked if Atkins Drive was still a dirt road. Mr. Chrisman informed them that it has been graveled and the Town paved half of it. The Town hopes to have the money in the budget by fiscal year 2027 to pave the remaining half which will take it up to Springview Boulevard. From a maintenance perspective having asphalt on the road will be better. It is a state right-of-way that was dedicated to the town. It was the former Sperryville Turnpike. It only has a 30-foot prescriptive right-of-way, so it is not eligible for state maintenance money. Once the town paves it, due to its age we can ask VDOT to take it into the maintenance system and the town can get maintenance dollars in the future.

Chairman Good ask if the property drops off. Mr. Chrisman stated it is a significant drop off. All the houses are going to be right up on Atkins Drive and will meet a 45-foot setback from the front property line. The drainfields are going to be on the side slope. If someone cannot get a drainfield on one of the lots, they do have the ability to connect to town sewer, but they will have to put in a private sewer pump station. The town is willing to allow on-site sewer systems as long as they are health department approved and have reserved areas. The town is getting the additional acreage to protect the source water.

ACTION ITEMS

There were no action items.

COMMISSION COMMENTS

Commissioner Huffman congratulated Laurel Ridge Community College on their twenty years of having a campus in Luray.

CHAIRMAN'S COMMENTS

Chairman Good asked if there were any updates. Mr. Chrisman stated we are still looking at potential development to the west of town. He is looking at wrapping up some Luray Landing projects with the duplexes. There has been some talk with Laurel Ridge Community College and some of the developers of Luray Landing to potentially add more duplexes on that western piece that has so far been undevelopable. He did get the signed deed for transfer from Holtzman Corporation to transfer their half of General Drive to the town. And we are waiting on McDonalds and a waiver from Walmart Corp. Getting these and getting rid of the storm drainage out there that crossed the college property those two projects will essentially open up that entire area with no restrictions. Baker Drive will then extend all the way through to Airport Road. We can connect the water and sewer through there, as well as solve some stormwater problems in the WestLu neighborhood.

The next meeting will be held on July 15, 2026.

ADJOURNED

The meeting was adjourned at 7:52 p.m.

Bryan Chrisman
Town Manager



TOWN OF LURAY
Planning Commission
Regular Meeting
July 15, 2026

6. General Citizen Comments



TOWN OF LURAY
Planning Commission
Regular Meeting
July 15, 2026

7A. Ordinance Amendments-
Parking, Definitions, Solar



Town of Luray, Virginia

Planning Commission Agenda Statement

Item No: VII-A

Meeting Date: July 15, 2026

Agenda Item:

PLANNING COMMISSION PUBLIC HEARING, DISCUSSION & ACTION Item VII-A – Zoning Ordinance Code Amendments

Summary:

The Planning Commission is requested to conduct a public hearing to receive comments from the public regarding proposed code amendments to the Zoning Ordinance.

A copy of the proposed amendments, the Ordinance, the House Bill, and the ad are included for review and discussion.

The principal changes focus on:

Definition of a Data Center so as not to be confused with other elements or usage types in the Town Code. ***NOT ADDED AS A USE IN ANY ZONING DISTRICT**

Clarify and better define – Public Utilities and Storage Warehouses

Change the off-street, out of right of way parking space requirement for multi-family housing from 1.5 spaces per unit to one (1) space per bedroom in each unit.

Altering Chapter 506 - Parking, for clarity

Amending Chapter 517 to conform to recent state law changes. The yellow highlighted elements are available for change based on the Commission's recommendation and Council approval. These potential change sections are essentially setback distances and post-construction vegetative cover.

Commission Review: June 10, 2026

Fiscal Impact: N/A

Suggested Motions: I move that the proposed Zoning Code Amendments be recommended to the Council for **approval**, as presented.

OR

I move that the proposed Zoning Code Amendments be recommended to the Council for **approval with the following changes** _____.

OR

I move that the proposed Zoning Code Amendments be recommended to the Council for **denial based on the following reasons** _____.

EXHIBIT A

1. Appendix A, Article II, Section 202:

- The following definitions are added:

Data center: A facility whose primary services are the storage, management, and processing of digital data and is used to house (a) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (b) systems for monitoring and managing infrastructure performance; (c) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (d) Internet-related equipment and services; (e) data communications connections; (f) environmental controls; (g) fire protection systems; and (h) security systems and services. A data center is distinct from and mutually exclusive from all other uses defined or referenced in Appendix A.

Public utilities: Poles, lines, booster and relay stations, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems.

Storage warehouse: A commercial structure in which goods or merchandise are stored in exchange for compensation.

2. Appendix A, Article IV:

Section 401.1(h), Section 402.1(h), Section 403.1(p), Section 404.1(p), Section 405.1(i) are amended as follows:

Public utilities: ~~Poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.~~

3. Appendix A, Article IV:

- Section 409.5(a)(1): There shall be a minimum of ~~onetwo-and-one-half~~ parking spaces for each bedroom in each townhouse unit. The shared use of such overflow parking with other uses and activities is encouraged.
- Section 409.5(b)(1): There shall be a minimum of ~~onetwo-and-one-half~~ parking spaces for each unit. The shared use of such overflow parking with other uses and activities is encouraged.

4. Appendix A, Article V, Chapter 506 is amended as follows:

—~~506.6. For~~In all residential ~~uses, districts~~ there shall be provided either in a private garage or on the lot, space for the parking of ~~two~~ one automobiles for each ~~bedroomdwelling unit~~ in a new ~~buildingstructure~~, or each dwelling unit added in the case of the enlargement of an existing ~~structurebuilding~~. Off-street parking for residences in multiple-family dwellings or townhouses shall be provided at ~~onetwo~~ spaces per ~~dwelling unit~~bedroom.

5. Appendix A, Article V, Chapter 510 is amended as follows:

- Section 510.0(5) is repealed.

—Sections 510.1(b) through (d) are amended as follows:

- ~~(b) Minimum parking space. See section 506.6. An off-street parking space shall be a minimum of ten feet by 20 feet. Parking areas shall be set back at least ten feet from property lines of the development.~~

~~(b)~~ Individual water and sewer service must be provided for each dwelling unit.

~~(c)~~ Individually metered utilities such as electric power, LP gas, or natural gas must be provided for each dwelling unit.

- Section 510.2 is amended to include the following:

(q) Parking requirements.

(1) Minimum parking. See section 506.6.

(2) Location. Required parking spaces shall be provided on the same lot as the building served.

(3) Specifications.

a. Each off-street parking space shall be a minimum of ten feet by 20 feet.

b. Parking areas shall be set back at least ten feet from property lines of the development.

c. All access drives shall be at least 15 feet away from any building on the lot and from exterior lot lines.

d. If possible, parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.

~~e.~~e. Entrance and exit ways to parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site, but shall at no time exceed 30 feet in width at the street line.

~~d.~~f. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls or parking area.

~~e.~~g. All access ways and parking areas shall be paved with a double surface treatment or other approved weatherproof material.

h. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.

- i. Parking may be provided in a joint parking facility for a group of townhomes with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance, snow removal, and repairs.

- Section 510.3(h) is amended as “Reserved.”

6. Appendix A, Article V, Chapter 517 is amended as follows:

517. Solar facilities~~sustainable energy systems.~~

~~Recognizing the desire of some residents and businesses to pursue sustainable energy systems, these regulations are promoted to protect the public health, safety, and welfare of the community.~~

~~For the purposes of this section, sustainable energy systems shall be defined as mechanical devices that generate electricity from solar, wind, hydroelectric or other renewable sources for use on the property or transmission to other remote locations.~~

517.1 Solar facilities permitted by right~~Small-scale—Residential and commercial.~~

(a) The following solar facilities are permitted by right in all zoning districts with a zoning permit:

- (1) A solar facility may be installed by the owner of a residential dwelling on the roof of the dwelling.
- (2) A solar facility may be installed by the owner of property in the B-1 or M-1 zoning district on the roof of one or more buildings on the property.
- (3) A small portable solar generation device, as defined by Virginia Code § 56-596.7, may be installed on a residential structure.

(b) All solar facilities permitted hereunder must:

- (1) Serve the electricity or thermal needs of the structure upon which it is installed.
- (2) Comply with any height and setback requirements in the zoning district where the facility is located.
- (3) Comply with any additional provisions pertaining to historical, architectural preservation, or corridor protection district regulations adopted by the town.

517.2. Solar facilities permitted by special use permit.

(a) An owner may install ground-mounted solar facilities with a special use permit in all zoning districts.

(b) All ground-mounted solar facilities permitted hereunder must:

- (1) Serve the electricity or thermal needs of the structure upon which it is installed.
- (2) A "small-scale roof-mounted" system shall be defined as a system that occupies less than 75 percent of the existing roof system of a dwelling or primary structure and one accessory structure on a property that meets all height restriction requirements for the zoning district. A small-scale roof-mounted system shall be a by-right use in all zoning districts permitted through a zoning permit for an accessory structure.
- Be no more than A "small-scale accessory installation" system shall be defined as a permanent, ground-mounted system that is less than 50 percent of the size of the existing dwelling or primary structure on the property that meets all set-back and height requirements for the zoning district.
- (3) Small-scale accessory installation systems shall meet setback requirements that are the greater of 150 percent of the setback requirements for the zoning district where the facility is located, and the setback for any side or rear yard shall be at least the height of the proposed structure. These installations shall be permitted by special use permit in all zoning districts.
- (4) Comply with any additional provisions pertaining to historical, architectural preservation, or corridor protection district regulations adopted by the town.
- (5) Comply with any additional conditions of the special use permit.

Noise from a small-scale system shall conform to the town's noise requirements.

The design and installation of a small-scale system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI), Underwriters Laboratory (UL), the American Society for Testing and Materials (ASTM) or similar certifying organizations, and shall comply with the Virginia Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the zoning permit application.

If a small-scale system installation has been determined to be unsafe by the Page County Building Official, the system shall be required to be repaired by the property owner or other responsible party to meet federal, state, and local safety standards, or be removed by the property owner or other responsible party within the time period allowed by the Page County Building Official. If the property owner or other responsible party fails to remove or repair the unsafe system, the town may pursue a legal action to have the system removed at the responsible party's expense.

517.2 Solar photovoltaic projects.

- (a) Solar photovoltaic projects are permitted by special use permit in accordance with the provisions of Virginia Code § 15.2-2288.8.
- (b) "Solar photovoltaic project" means a ground mounted solar facility with a generating capacity of one megawatt or more that is designed to serve or serves

the electricity or thermal needs of any property other than the property where the facility is located.

(c) Any special use permit for a solar photovoltaic project shall comply with the following criteria:

(1) Setback requirements shall be measured from the nearest edge of any solar panels, racking equipment, and inverters as follows:

(i) 200 feet from the nearest point off the outer wall of existing occupied structures on nonparticipating properties;

(ii) 100 feet from the outside edge of the roadbed of any road abutting the property;

(iii) For projects up to 25 megawatts, 50 feet from the edge of wetlands or from the top of the bank of perennial streams as defined in Virginia Code § 62.1-44.122. This setback shall be 100 feet for projects greater than 25 megawatts.

(iv) 75 feet from the nearest shared property line for nonparticipating properties.

The owner of a nonparticipating property may waive setback requirements by written agreement.

(2) Fencing for the facility shall comply with Virginia Code § 55.1-2804, the latest version of the National Electrical Safety Code, or any applicable successor standard regarding requirements for limiting access to facilities, and the Uniform Statewide Building Code (Virginia Code § 36-97, *et seq.*). Vegetative visual screening requirements shall not be required to exceed three feet at planting, shall be between 25 and 50 feet wide, and shall allow for consideration of preexisting natural or manmade visual barriers.

(3) The height of solar panels shall not exceed 25 feet above the ground when the arrays are at full tilt except in cases where a height variance is necessary to allow for agrivoltaics activity below or in proximity to the panels. For purposes of this section, “agrivoltaics” means the same as that term is defined in Virginia Code § 10.1-1197.5.

(4) Visual impacts of facilities on public parks, scenic rivers and byways, and historic structures or sites listed on or eligible for the National Register of Historic Places or a county register of historic places shall be minimized. The town may request a viewshed analysis as part of the special exception application to assure that visual impacts are minimized through solar panel placement, height, landscaping, and screening. Such analysis shall account for existing vegetation and planned visual buffers. Such screening

may be accomplished on any property with the consent of the property owner.

- (5) The facility shall implement light intensity dimming solution technology that provides a means of tailoring the intensity level of lights according to surrounding visibility.
- (6) The facility shall comply with all Department of Environmental Quality stormwater regulations as established in 9 VAC 25-880.
- (7) The facility shall minimize new impervious surface on the site and under its solar panels.
- (8) Land disturbance, including site grading, construction, and landscaping, shall be conducted in compliance with a stormwater pollution prevention plan. Topsoil shall not be removed from the project site. Topsoil shall be returned to disturbed areas from stockpiles as quickly as site conditions allow, unless returning soil would cause adverse impacts to topsoil integrity or is otherwise not practicable for construction activities. Site stabilization shall occur as the site is developed, following appropriate stabilization timelines as identified in the General VPDES Permit for Discharges of Stormwater from Construction Activities, and shall not be delayed until site construction is completed. The facility shall decompact soil as necessary and feasible for re-vegetation after construction has concluded.
- (9) When all land-disturbing activities at the construction site have been completed, the facility shall initiate permanent stabilization to provide vegetative ground cover that provides a minimum level of coverage over the project site. No less than 75 percent of the completed construction site will have vegetative cover that is mature enough to survive and will inhibit erosion. The use of native and naturalized plants shall be encouraged and invasive plants as established pursuant to Virginia Code § 10.1-104.6:2 shall be prohibited. For projects or portions of projects not used for animal grazing, co-located crop production, native and naturalized pollinator plant species, or native and naturalized meadow species shall be planted, except for in the area directly beneath panels, and maintained throughout the solar project's life. The seed mix shall include a diversity of species with varied bloom times. Mowing shall be limited and performed on a schedule that promotes the establishment of the native plantings, controls invasive species, and minimizes impacts to wildlife. All trees and shrubs at the time of planting shall accommodate adequate screening or buffering at the end of five years of planting. Vegetation used to establish a visual screen shall not be trimmed to stunt upward and outward growth or to otherwise limit the effectiveness of the visual screen.
- (10) The facility shall provide for wildlife passage where needed by limiting fencing to the areas in reasonable proximity to arrays and interconnection equipment to the extent practicable and consistent with safety and security

requirements. The facility shall prioritize open wildlife access to riparian areas, wetlands, streams, and other areas not in proximity to panels.

(11) The facility shall comply with all applicable state and federal labor and employment laws, including apprenticeships and labor standards necessary to achieve any available tax credit bonuses found in 26 U.S.C. § 45Y and 48E.

(12) The applicant shall enter into a written agreement to decommission equipment, facilities, or devices pursuant to Virginia Code § 15.2-2241.2.

(d) A variance from the criteria in subsection (c) may be implemented only with a written agreement of the Town, the property owner or their agent, and the applicant.

(e) Nothing in this section shall be construed to require the town to approve a special use permit for a proposed solar photovoltaic project.

(f) A record of each decision by the town regarding a special use permit considered under this section shall be furnished to the State Corporation Commission. The record shall include (i) the reason for any adverse decision, (ii) any finding of nonconformity with the local comprehensive plan, and (iii) the date of the last revision to the comprehensive plan.

EXHIBIT A

1. Appendix A, Article II, Section 202:

- The following definitions are added:

Data center: A facility whose primary services are the storage, management, and processing of digital data and is used to house (a) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (b) systems for monitoring and managing infrastructure performance; (c) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (d) Internet-related equipment and services; (e) data communications connections; (f) environmental controls; (g) fire protection systems; and (h) security systems and services. A data center is distinct from and mutually exclusive from all other uses defined or referenced in Appendix A.

Public utilities: Poles, lines, booster and relay stations, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems.

Storage warehouse: A commercial structure in which goods or merchandise are stored in exchange for compensation.

2. Appendix A, Article IV:

Section 401.1(h), Section 402.1(h), Section 403.1(p), Section 404.1(p), Section 405.1(i) are amended as follows:

Public utilities.

3. Appendix A, Article IV:

- Section 409.5(a)(1): There shall be a minimum of one parking space for each bedroom in each townhouse unit. The shared use of such overflow parking with other uses and activities is encouraged.
- Section 409.5(b)(1): There shall be a minimum of one parking space for each unit. The shared use of such overflow parking with other uses and activities is encouraged.

4. Appendix A, Article V, Chapter 506 is amended as follows:

506.6. For all residential uses, there shall be provided either in a private garage or on the lot, space for the parking of one automobile for each bedroom in a new structure,

or each dwelling unit added in the case of the enlargement of an existing structure. Off-street parking for residences in multiple-family dwellings or townhouses shall be provided at one space per bedroom.

5. Appendix A, Article V, Chapter 510 is amended as follows:

- Section 510.0(5) is repealed.
- Sections 510.1(b) through (d) are amended as follows:
 - (b) Individual water and sewer service must be provided for each dwelling unit.
 - (c) Individually metered utilities such as electric power, LP gas, or natural gas must be provided for each dwelling unit.
 - (d) Reserved.
- Section 510.2 is amended to include the following:
 - (q) Parking requirements.
 - (1) Minimum parking. See section 506.6.
 - (2) Location. Required parking spaces shall be provided on the same lot as the building served.
 - (3) Specifications.
 - a. Each off-street parking space shall be a minimum of ten feet by 20 feet.
 - b. Parking areas shall be set back at least ten feet from property lines of the development.
 - c. All access drives shall be at least 15 feet away from any building on the lot and from exterior lot lines.
 - d. If possible, parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.
 - e. Entrance and exit ways to parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site, but shall at no time exceed 30 feet in width at the street line.
 - f. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls or parking area.
 - g. All access ways and parking areas shall be paved with a double surface treatment or other approved weatherproof material.
 - h. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
 - i. Parking may be provided in a joint parking facility for a group of townhomes with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance, snow removal, and repairs.
- Section 510.3(h) is amended as “Reserved.”

6. Appendix A, Article V, Chapter 517 is amended as follows:

517. Solar facilities.

517.1 Solar facilities permitted by right.

- (a) The following solar facilities are permitted by right in all zoning districts with a zoning permit:
 - (1) A solar facility may be installed by the owner of a residential dwelling on the roof of the dwelling.
 - (2) A solar facility may be installed by the owner of property in the B-1 or M-1 zoning district on the roof of one or more buildings on the property.
 - (3) A small portable solar generation device, as defined by Virginia Code § 56-596.7, may be installed on a residential structure.
- (b) All solar facilities permitted hereunder must:
 - (1) Serve the electricity or thermal needs of the structure upon which it is installed.
 - (2) Comply with any height and setback requirements in the zoning district where the facility is located.
 - (3) Comply with any additional provisions pertaining to historical, architectural preservation, or corridor protection district regulations adopted by the town.

517.2. Solar facilities permitted by special use permit.

- (a) An owner may install ground-mounted solar facilities with a special use permit in all zoning districts.
- (b) All ground-mounted solar facilities permitted hereunder must:
 - (1) Serve the electricity or thermal needs of the structure upon which it is installed.
 - (2) Be no more than 50 percent of the size of the primary structure on the property.
 - (3) Meet setback requirements that are the greater of 150 percent of the setback requirements for the zoning district where the facility is located.
 - (4) Comply with any additional provisions pertaining to historical, architectural preservation, or corridor protection district regulations adopted by the town.
 - (5) Comply with any additional conditions of the special use permit.

517.2 Solar photovoltaic projects.

- (a) Solar photovoltaic projects are permitted by special use permit in accordance with the provisions of Virginia Code § 15.2-2288.8.

- (b) “Solar photovoltaic project” means a ground mounted solar facility with a generating capacity of one megawatt or more that is designed to serve or serves the electricity or thermal needs of any property other than the property where the facility is located.
- (c) Any special use permit for a solar photovoltaic project shall comply with the following criteria:
 - (1) Setback requirements shall be measured from the nearest edge of any solar panels, racking equipment, and inverters as follows:
 - (i) 200 feet from the nearest point off the outer wall of existing occupied structures on nonparticipating properties;
 - (ii) 100 feet from the outside edge of the roadbed of any road abutting the property;
 - (iii) For projects up to 25 megawatts, 50 feet from the edge of wetlands or from the top of the bank of perennial streams as defined in Virginia Code § 62.1-44.122. This setback shall be 100 feet for projects greater than 25 megawatts.
 - (iv) 75 feet from the nearest shared property line for nonparticipating properties.

The owner of a nonparticipating property may waive setback requirements by written agreement.

- (2) Fencing for the facility shall comply with Virginia Code § 55.1-2804, the latest version of the National Electrical Safety Code, or any applicable successor standard regarding requirements for limiting access to facilities, and the Uniform Statewide Building Code (Virginia Code § 36-97, *et seq.*). Vegetative visual screening requirements shall not be required to exceed three feet at planting, shall be between 25 and 50 feet wide, and shall allow for consideration of preexisting natural or manmade visual barriers.
- (3) The height of solar panels shall not exceed 25 feet above the ground when the arrays are at full tilt except in cases where a height variance is necessary to allow for agrivoltaics activity below or in proximity to the panels. For purposes of this section, “agrivoltaics” means the same as that term is defined in Virginia Code § 10.1-1197.5.
- (4) Visual impacts of facilities on public parks, scenic rivers and byways, and historic structures or sites listed on or eligible for the National Register of Historic Places or a county register of historic places shall be minimized. The town may request a viewshed analysis as part of the special exception application to assure that visual impacts are minimized through solar panel placement, height, landscaping, and screening. Such analysis shall

account for existing vegetation and planned visual buffers. Such screening may be accomplished on any property with the consent of the property owner.

- (5) The facility shall implement light intensity dimming solution technology that provides a means of tailoring the intensity level of lights according to surrounding visibility.
- (6) The facility shall comply with all Department of Environmental Quality stormwater regulations as established in 9 VAC 25-880.
- (7) The facility shall minimize new impervious surface on the site and under its solar panels.
- (8) Land disturbance, including site grading, construction, and landscaping, shall be conducted in compliance with a stormwater pollution prevention plan. Topsoil shall not be removed from the project site. Topsoil shall be returned to disturbed areas from stockpiles as quickly as site conditions allow, unless returning soil would cause adverse impacts to topsoil integrity or is otherwise not practicable for construction activities. Site stabilization shall occur as the site is developed, following appropriate stabilization timelines as identified in the General VPDES Permit for Discharges of Stormwater from Construction Activities, and shall not be delayed until site construction is completed. The facility shall decompact soil as necessary and feasible for re-vegetation after construction has concluded.
- (9) When all land-disturbing activities at the construction site have been completed, the facility shall initiate permanent stabilization to provide vegetative ground cover that provides a minimum level of coverage over the project site. No less than 75 percent of the completed construction site will have vegetative cover that is mature enough to survive and will inhibit erosion. The use of native and naturalized plants shall be encouraged and invasive plants as established pursuant to Virginia Code § 10.1-104.6:2 shall be prohibited. For projects or portions of projects not used for animal grazing, co-located crop production, native and naturalized pollinator plant species, or native and naturalized meadow species shall be planted, except for in the area directly beneath panels, and maintained throughout the solar project's life. The seed mix shall include a diversity of species with varied bloom times. Mowing shall be limited and performed on a schedule that promotes the establishment of the native plantings, controls invasive species, and minimizes impacts to wildlife. All trees and shrubs at the time of planting shall accommodate adequate screening or buffering at the end of five years of planting. Vegetation used to establish a visual screen shall not be trimmed to stunt upward and outward growth or to otherwise limit the effectiveness of the visual screen.
- (10) The facility shall provide for wildlife passage where needed by limiting fencing to the areas in reasonable proximity to arrays and interconnection equipment to the extent practicable and consistent with safety and security

requirements. The facility shall prioritize open wildlife access to riparian areas, wetlands, streams, and other areas not in proximity to panels.

- (11) The facility shall comply with all applicable state and federal labor and employment laws, including apprenticeships and labor standards necessary to achieve any available tax credit bonuses found in 26 U.S.C. § 45Y and 48E.
- (12) The applicant shall enter into a written agreement to decommission equipment, facilities, or devices pursuant to Virginia Code § 15.2-2241.2.
- (d) A variance from the criteria in subsection (c) may be implemented only with a written agreement of the Town, the property owner or their agent, and the applicant.
- (e) Nothing in this section shall be construed to require the town to approve a special use permit for a proposed solar photovoltaic project.
- (f) A record of each decision by the town regarding a special use permit considered under this section shall be furnished to the State Corporation Commission. The record shall include (i) the reason for any adverse decision, (ii) any finding of nonconformity with the local comprehensive plan, and (iii) the date of the last revision to the comprehensive plan.

VIRGINIA ACTS OF ASSEMBLY - 2026 RECONVENED SESSION

CHAPTER 1068

An Act to amend and reenact §§ 15.2-2241.2, 15.2-2288.7, and 15.2-2288.8 of the Code of Virginia, relating to local regulation of solar facilities; special exceptions.

[H 711]

Approved April 22, 2026

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2241.2, 15.2-2288.7, and 15.2-2288.8 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2241.2. Bonding provisions for decommissioning of solar energy equipment, facilities, or devices.

A. As used in this section, unless the context requires a different meaning:

"Decommission" means the removal and proper disposal of solar energy equipment, facilities, or devices on real property that has been determined by the locality to be subject to § 15.2-2232 and therefore subject to this section. "Decommission" includes the reasonable restoration of the real property upon which such solar equipment, facilities, or devices are located, including (i) soil stabilization and (ii) revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

"Solar energy equipment, facilities, or devices" means any personal property designed and used primarily for the purpose of collecting, generating, or transferring electric energy from sunlight.

B. As part of the local legislative approval process or as a condition of approval of a site plan, a locality shall require an owner, lessee, or developer of real property subject to this section to enter into a written agreement to decommission solar energy equipment, facilities, or devices upon the following terms and conditions: (i) if the party that enters into such written agreement with the locality defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning, and (ii) such owner, lessee, or developer provides financial assurance of such performance to the locality in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the locality; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

C. *The owner, lessee, or operator shall hire a professional engineer licensed in the Commonwealth to update the decommissioning plan cost estimate and corresponding approved financial instrument every five years after the approval of the first decommissioning plan to adjust for inflation, account for advancements in technologies and processes for decommissioning, salvaging, or re-powering of renewable energy facilities, and make any other necessary changes. The decommissioning plan shall provide for the removal of the facility's equipment from the landowner's property and return of the property to a useful condition similar to the preconstruction condition unless otherwise agreed to by the landowner. After the decommissioning process is complete, the facility shall comply with all stormwater provisions in state law. The project shall provide an up-to-date decommissioning plan to the locality any time there is project ownership outside of the current developer. Notice shall be provided to the local government within 30 days of the sale or transfer of the lease or property, and a new financial guarantee shall be provided by the new leaseholder or property owner.*

§ 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 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 A ground-mounted solar energy generation facility to be located on property zoned agricultural and to be operated under § 56-594 or 56-594.2 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 otherwise provided herein, any other solar facility proposed on property zoned agricultural, 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 considered pursuant to § 15.2-2288.8 unless otherwise permitted by right.~~

C. An owner of real property zoned commercial, industrial, or institutional may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, 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 A ground-mounted solar energy generation facility to be located on property zoned commercial, industrial, or institutional 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 otherwise provided herein, any other solar facility proposed on property zoned commercial, industrial, or institutional, 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 considered pursuant to § 15.2-2288.8 unless otherwise permitted by right.~~

D. An owner of real property zoned mixed-use may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, 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 A ground-mounted solar energy generation facility to be located on property zoned mixed-use 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 mixed-use, 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.

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

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

§ 15.2-2288.8. Special exceptions for solar photovoltaic projects.

A. ~~Any~~ *Unless otherwise provided by right, each locality may grant shall require* a special exception pursuant to §§ 15.2-2204, 15.2-2286, and 15.2-2288.7 or a siting agreement pursuant to § 15.2-2316.7 and include in its zoning ordinance ~~reasonable~~ regulations and provisions *consistent with this section* for a special exception as defined in § 15.2-2201, for any solar photovoltaic ~~(electric energy) project or energy storage~~

project. For the purposes of this section, "energy storage project" means energy storage equipment and technology within an energy storage project that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored "solar photovoltaic project" means a ground-mounted solar facility with a generating capacity of one megawatt or more that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facility is located.

Any special exception granted pursuant to this section is an amendment to the zoning ordinance pursuant to subdivision A 7 of § 15.2-2286 and shall comply with the following criteria. Where numerical ranges are attached to criteria, localities may choose to establish an ordinance that specifies any number within the applicable range that they deem appropriate for their community. In the issuance of a special exception, a variance from these ordinance criteria may be implemented only with a written agreement of the locality, the property owner or their agent, and the applicant. Nothing in this section shall (i) be construed to relieve projects of the responsibility to comply with all relevant state and federal laws, regulations, and permits, including those related to tree canopy; (ii) require a locality to approve a special exception application considered pursuant to this section; (iii) be construed to prohibit a locality from permitting a solar photovoltaic project or energy storage project by right; or (iv) prohibit the owner of a proposed solar photovoltaic project and a locality from entering into a siting agreement that provides less stringent restrictions than those specified under this subsection.

1. Setback distances shall be measured from the nearest edge of the equipment as follows: (i) between 150 and 200 feet from the nearest point on the outer wall of existing occupied community buildings and dwellings on nonparticipating properties; (ii) between 50 and 100 feet from the outside edge of the roadbed of any road abutting the property; (iii) for projects not greater than 25 megawatts, 50 feet from the edge, and for projects greater than 25 megawatts, 100 feet from the edge, of tidal wetlands or nontidal wetlands, as defined in 9VAC25-830, or from the top of bank of perennial streams, as defined in § 62.1-44.122; (iv) for projects of any capacity within Chesapeake Bay Preservation Areas, between 100 and 125 feet from the edge of tidal wetlands, nontidal wetlands, or from the top of bank of perennial streams; and (v) between 50 and 75 feet measured from the nearest shared property line for nonparticipating properties. Nothing in this subdivision shall preclude the owner of a nonparticipating property from waiving the foregoing setback requirements by written agreement. Setbacks shall not be required for internal boundaries between adjacent participating parcels. For purposes of clauses (iii) and (iv), "equipment" is limited to solar panels, racking equipment, and inverters.

2. Fencing for the facility shall comply with § 55.1-2804, the latest version of the National Electrical Safety Code or any applicable successor standard regarding requirements for limiting access to facilities, and the Uniform Statewide Building Code (§ 36-97 et seq.). Vegetative visual screening requirements shall not be required to exceed three feet at planting, shall be between 25 and 50 feet wide, and shall allow for consideration of preexisting natural or manmade visual barriers.

3. The height of solar panels shall not exceed 25 feet above ground when the arrays are at full tilt, except in cases where a height variance is necessary to allow for agrivoltaics activity below or in proximity to the panels. For purposes of this section, "agrivoltaics" means the same as that term is defined in § 10.1-1197.5.

4. Visual impacts of facilities on public parks, scenic rivers and byways, and historic structures or sites listed on or eligible for the National Register of Historic Places or a county register of historic places shall be minimized. A locality may request a viewshed analysis as part of the special exception application to assure that visual impacts are minimized through solar panel placement, height, landscaping, and screening. Such analysis shall account for existing vegetation and planned visual buffers. Such screening may be accomplished on any property with the consent of the property owner.

5. The facility shall implement light intensity dimming solution technology that provides a means of tailoring the intensity level of lights according to surrounding visibility.

6. The facility shall comply with all Department of Environmental Quality stormwater regulations as established in 9VAC25-880.

7. The facility shall minimize new impervious surface on the site and under its solar panels.

8. Land disturbance, including site grading, construction, and landscaping, shall be conducted in compliance with a stormwater pollution prevention plan. Topsoil shall not be removed from the project site. Topsoil shall be returned to disturbed areas from stockpiles as quickly as site conditions allow, unless returning soil would cause adverse impacts to topsoil integrity or is otherwise not practicable for construction activities. Site stabilization shall occur as the site is developed, following appropriate stabilization timelines as identified in the General VPDES Permit for Discharges of Stormwater from Construction Activities, and shall not be delayed until site construction is completed. The facility shall decompact soil as necessary and feasible for re-vegetation after construction has concluded.

9. When all land-disturbing activities at the construction site have been completed, the facility shall initiate permanent stabilization to provide vegetative ground cover that provides a minimum level of coverage over the project site. An ordinance may require up to 75 percent vegetative cover with no significant bare areas that is mature enough to survive and will inhibit erosion. The use of native and

naturalized plants shall be encouraged and invasive plants as established pursuant to § 10.1-104.6:2 shall be prohibited. For projects or portions of projects not used for animal grazing, co-located crop production, native and naturalized pollinator plant species, or native and naturalized meadow species shall be planted, except for in the area directly beneath panels, and maintained throughout the solar project's life. The seed mix shall include a diversity of species with varied bloom times. Mowing shall be limited and performed on a schedule that promotes the establishment of the native plantings, controls invasive species, and minimizes impacts to wildlife. All trees and shrubs at the time of planting shall accommodate adequate screening or buffering at the end of five years of planting. Vegetation used to establish a visual screen shall not be trimmed to stunt upward and outward growth or to otherwise limit the effectiveness of the visual screen.

10. The facility shall provide for wildlife passage where needed by limiting fencing to the areas in reasonable proximity to arrays and interconnection equipment to the extent practicable and consistent with safety and security requirements. The facility shall prioritize open wildlife access to riparian areas, wetlands, streams, and other areas not in proximity to panels.

11. The facility shall comply with all applicable state and federal labor and employment laws, including apprenticeships and labor standards necessary to achieve any available tax credit bonuses found in 26 U.S.C. §§ 45Y and 48E.

12. A locality shall require an applicant to enter into a written agreement to decommission equipment, facilities, or devices pursuant to § 15.2-2241.2.

B. Any locality may grant a special exception pursuant to § 15.2-2286, and include in its zoning ordinance reasonable regulations and provisions for a special exception as defined in § 15.2-2201, for an energy storage project. For the purposes of this section, "energy storage project" includes energy storage equipment and technology within an energy storage project that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored.

~~B.~~ C. The governing body of such locality may grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such conditions are reasonably related to the project.

~~C.~~ D. Once a condition is granted pursuant to subsection ~~B~~ C, such condition shall continue in effect until a subsequent amendment changes the zoning on the property for which the conditions were granted. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

E. The governing body of such locality shall furnish the State Corporation Commission a record of special exception decisions reached pursuant to this section not more than 60 days after such decision is made. The record shall include (i) the reason for any adverse decision, (ii) any finding of nonconformity with the local comprehensive plan, and (iii) the date of the last revision to the comprehensive plan.

2. That the State Corporation Commission shall compile and maintain on the Commission's public website a searchable database of all solar photovoltaic project special exception decisions and the reasons for any adverse decisions made over a period of not less than five years. The Commission shall furnish to each locality a standardized form for submitting decision records by July 1, 2026.

3. That the provisions of this act shall apply to any ground-mounted solar facility with a generating capacity of one megawatt or more for which an application for local approval is filed on or after July 1, 2026, and any such project shall not be governed by any local ordinances inconsistent with this act. Any application for a solar energy facility that has been received and accepted by the relevant authority prior to July 1, 2026, shall be subject to any applicable local ordinances in place at the time the initial application was filed.

Ordinance No. 2026-__

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF APPENDIX A OF THE
TOWN CODE OF THE TOWN OF LURAY, VIRGINIA**

WHEREAS, Appendix A of the Town Code currently sets forth the zoning ordinance that applies to property within the Town; and

WHEREAS, adding definitions for several terms to Appendix A would provide clarity and meaning to their use elsewhere in the ordinance; and

WHEREAS, certain amendments to minimum off-street parking requirements for townhomes and other residential uses are required to address congestion and crowding caused by insufficient available parking; and

WHEREAS, Virginia Code §§ 15.2-2288.7 and 15.2-2288.8 have been recently amended to require the Town and all other localities to include provisions in their zoning ordinance with respect to solar facilities; and

WHEREAS, certain amendments to Appendix A are necessary to harmonize the Town's zoning ordinance with those recently-enacted changes; and

WHEREAS, the proposed amendments are required for public necessity, convenience, the general welfare, and good zoning practice; and

WHEREAS, the Town Planning Commission conducted a duly-advertised public hearing on the proposed amendments and has provided a recommendation to the Town Council; and

WHEREAS, the Town Council has conducted a duly-advertised public hearing and wishes to adopt the proposed amendments.

NOW, THEREFORE, be it ordained by the Council of the Town of Luray, Virginia, as follows:

1. The amendments to Appendix A of the Town Code that are set forth in Exhibit A are hereby adopted and approved.

2. This Ordinance shall take effect immediately.

Adopted: August 10, 2026

Mayor

CERTIFICATE

I certify that I am the Clerk of the Town of Luray, Virginia, and that the foregoing is a true copy of an Ordinance adopted by the Council of the Town of Luray, Virginia, on August 10, 2026, upon the following vote:

NAME	AYE	NAY	ABSTAIN	ABSENT
Mayor Lillard ¹				
Ron Vickers				
Jerry Dofflemyer				
Ryan Dean				
Jason Pettit				
Joey Sours				
Charles Butler, Jr.				

Date: August 10, 2026

[SEAL]

ATTEST: _____
Clerk, Town Council of
Town of Luray, Virginia

¹ Votes only in the event of a tie.