

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 17

An Act to amend the Code of Virginia by adding in Chapter 38 of Title 58.1 an article numbered 11, consisting of a section numbered 58.1-3852, relating to local incentives and regulatory flexibility for the use of green roofs.

[H 1975]

Approved February 23, 2009

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 38 of Title 58.1 an article numbered 11, consisting of a section numbered 58.1-3852, as follows:

Article 11.

Local Incentives for Green Roofs.

§ 58.1-3852. Incentives for green roofing.

A. As used in this article, unless the context clearly shows otherwise, the term or phrase:

"Green roof" means a solar roof or a vegetative roof.

"Solar roof" means a solar roofing system that generates reusable energy, which reusable energy accounts for at least 2.5 percent of the total electric energy used by the building to which the solar roofing system is attached.

"Vegetative roof" means a roofing system designed in accordance with the Virginia Stormwater Management Program's standards and specifications for green roofs, as set forth in the Virginia Stormwater BMP Clearinghouse, in which at least 50 percent of the total roofing area is vegetative.

B. Any county, city, or town may, by ordinance, grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. Any such incentive or regulatory flexibility shall require that green roofs be used.

C. The incentives or regulatory flexibility may include, but shall not be limited, to (i) a reduction in permit fees when green roofs are used, (ii) a streamlined process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance.

D. The extent and duration of the incentives or regulatory flexibility shall conform to the requirements of the Constitutions of Virginia and of the United States.

2. That until such time as standards and specifications for vegetative roofing systems are set forth in the Virginia Stormwater BMP Clearinghouse, this act shall not preclude the use of containerized vegetative roofing systems designed in accordance with other standards and specifications from qualifying for the incentives for green roofing.