

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 315

An Act to amend and reenact § 15.2-2302 of the Code of Virginia, relating to conditional zoning; public hearing.

[S 1335]

Approved March 27, 2009

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2302 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2302. Same; amendments and variations of conditions.

There shall be no amendment or variation of conditions created pursuant to the provisions of § 15.2-2297 until after a public hearing before the governing body advertised pursuant to the provisions of § 15.2-2204. *However, where an amendment to proffered conditions is requested by the profferrer, and where such amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing (i) under this section and (ii) under any other statute, ordinance, or proffer requiring a public hearing prior to amendment of conditions created pursuant to § 15.2-2298 or 15.2-2303. Once so amended, the proffered conditions shall continue to be an amendment to the zoning ordinance and may be enforced by the zoning administrator pursuant to the applicable provisions of this Chapter (§ 15.2-2200 et seq.).*