

2011 SESSION

SENATE SUBSTITUTE

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SENATE BILL NO. 1190

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 7, 2011)

(Patron Prior to Substitute—Senator Norment)

A BILL to amend and reenact §§ 3.2-300 and 3.2-301 of the Code of Virginia, relating to aquaculture; authority of local governments.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-300 and 3.2-301 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; *the production and harvest of products from the practice of aquaculture, as defined in § 3.2-2600*; and the production and harvest of products from silviculture activity.

"Production agriculture and silviculture" means the bona fide production or harvesting of agricultural, *aquacultural*, or silvicultural products but shall not include the processing of agricultural, *aquacultural*, or silvicultural products or the aboveground application or storage of sewage sludge.

§ 3.2-301. Right to farm; restrictive ordinances.

In order to limit the circumstances under which agricultural operations may be deemed to be a nuisance, especially when nonagricultural land uses are initiated near existing agricultural operations, no county shall adopt any ordinance that requires that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. Counties may adopt setback requirements, minimum area requirements, and other requirements that apply to land on which agriculture and silviculture activity is occurring within the locality that is zoned as an agricultural district or classification. No locality shall enact zoning ordinances that would unreasonably restrict or regulate farm structures, *piers or docks attached to upland property zoned to allow agricultural activity*, or farming and forestry practices in an agricultural district or classification unless such restrictions bear a relationship to the health, safety, and general welfare of its citizens. This section shall become effective on April 1, 1995, and from and after that date all land zoned to an agricultural district or classification shall be in conformity with this section.

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