

# VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

## CHAPTER 455

*An Act to amend and reenact § 15.2-2288 of the Code of Virginia, relating to special use permit for storage or disposal of certain nonagricultural waste.*

[H 1076]

Approved March 30, 2012

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2288 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-2288. Localities may not require a special use permit for certain agricultural activities.

A zoning ordinance shall not require 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. For the purposes of this section, production agriculture and silviculture is the bona fide production or harvesting of agricultural or silviculture products but shall not include the processing of agricultural or silviculture products or, the above ground application or storage of sewage sludge, *or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act.* However, localities may adopt setback requirements, minimum area requirements and other requirements that apply to land used for agriculture or silviculture activity within the locality that is zoned as an agricultural district or classification. *Nothing herein shall require agencies of the Commonwealth or its contractors to obtain a special exception or a special use permit under this section.*