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HOUSE BILL NO. 1076

Offered January 11, 2012

Prefiled January 11, 2012

A *BILL to amend and reenact § 15.2-2288 of the Code of Virginia, relating to special use permit for land filling activities.*

Patron—Hugo

Referred to Committee on Counties, Cities and Towns

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. 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. 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.

B. *Notwithstanding the provisions of subsection A, a locality may require that a special exception or special use permit be obtained for land filling activities on agriculturally zoned property if such activities will include the delivery of more than 20 truckloads of construction or excavation material to the property in one day.*

INTRODUCED

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