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HOUSE BILL NO. 316**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on General Laws and Technology
on February 27, 2012)

(Patron Prior to Substitute—Delegate Ingram)

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-2288.5, relating to cemeteries.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.5 as follows:

§ 15.2-2288.5. Meaning of "cemetery" for purposes of zoning.

A. A "cemetery" for purposes of this chapter shall have the meaning set forth in § 54.1-2310.

B. Nothing in this section shall exempt a licensed funeral home or cemetery from any applicable zoning regulation.

C. The following uses shall be included in the approval of a cemetery without further zoning approval being required: all uses necessarily or customarily associated with interment of human remains, benches, ledges, walls, graves, roads, paths, landscaping, and soil storage consistent with federal, state, and local laws on erosion sediment control.

D. Mausoleums, columbaria, chapels, administrative offices, and maintenance and storage areas that are shown in a legislative approval for the specific cemetery obtained at the request of the owner shall not require additional local legislative approval provided such structures and uses are developed in accordance with the original local legislative approval. This subsection shall not supersede any permission required by an ordinance adopted pursuant to § 15.2-2306 relative to historic districts.

2. That nothing in this act shall limit, modify, or alter the terms or obligations of a special permit referenced as SPA 88-P-050-03 issued by Fairfax County, Virginia, and approved on or about October 26, 2011.

3. That the provisions of this act shall become effective on January 1, 2013.