

2020 SESSION

INTRODUCED

20102704D

SENATE BILL NO. 870

Offered January 8, 2020

Prefiled January 8, 2020

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-2303.5, relating to conditional zoning for solar photovoltaic projects.*

Patron—Marsden

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2303.5 as follows:

§ 15.2-2303.5. Conditional zoning for solar photovoltaic projects of more than five megawatts.

A. A zoning ordinance may include reasonable regulations and provisions for conditional zoning as defined in § 15.2-2201 for solar photovoltaic (electric energy) projects of more than five megawatts, as measured in alternating current (AC) generation capacity, in any locality that has a planning commission.

B. The governing body of such locality may accept a proffered condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit or a rezoning itself, so long as such proffered conditions are reasonably related to the project.

C. Once proffered and accepted as part of an amendment to the zoning ordinance, any condition proffered pursuant to subsection B shall continue in effect until a subsequent amendment changes the zoning on the property for which the conditions were proffered. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

D. Nothing in this section shall be construed to affect or impair the authority of a governing body to (i) accept proffered conditions that include provisions for timing or phasing of dedications, payments, or improvements; (ii) accept or impose valid conditions pursuant to subdivision A 3 of § 15.2-2286, subdivision 5 of § 15.2-2242, or any other provision of law; (iii) accept cash payments to offset the impacts of a solar photovoltaic (electric energy) project; or (iv) enter into an agreement with an applicant or owner to voluntarily waive a portion of the taxpayer's exemption from the machinery and tools tax pursuant to § 58.1-3660.

E. A zoning ordinance may include reasonable regulations to implement, in whole or in part, the provisions of §§ 15.2-2296 through 15.2-2302, and shall otherwise be in compliance with §§ 15.2-2303 through 15.2-2303.4.

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