

2020 SESSION

SENATE SUBSTITUTE

20107271D

SENATE BILL NO. 870

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Local Government
on February 3, 2020)

(Patron Prior to Substitute—Senator Marsden)

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.*

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. *In addition to the process for granting a special exception pursuant to § 15.2-2286, 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.*

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.*

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