

# VIRGINIA ACTS OF ASSEMBLY -- 1999 RECONVENED SESSION

## CHAPTER 1041

*An Act to amend the Code of Virginia by adding a section numbered 15.2-2288.1, relating to special use permits.*

[H 2324]

Approved May 7, 1999

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

**1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.1 as follows:**

*§ 15.2-2288.1. Localities may not require a special use permit for certain residential uses.*

*No local ordinance shall require as a condition of approval of a subdivision plat, site plan, or plan of development, or issuance of a building permit, that a special exception, special use, or conditional use permit be obtained for the development and construction of residential dwellings at the use, height and density permitted by right under the local zoning ordinance. Nothing herein shall restrict the use of the special exception, special use, or conditional use permit process on application of a property owner for (i) a cluster or town center as an optional form of residential development at the density permitted by right, or otherwise permitted by local ordinance; (ii) use in an area designated for steep slope mountain development; (iii) use as a utility facility to serve a residential development; or (iv) nonresidential uses including but not limited to home businesses, home occupations, day care centers, bed and breakfast inns, lodging houses, private boarding schools, and shelters established for the purpose of providing human services to the occupants thereof.*

**2. That the provisions of this act shall become effective on January 1, 2000.**