

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-2302 of the Code of Virginia, relating to amendments to proffered*
3 *conditions.*

4
5 Approved

[S 36]

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

7 **1. That § 15.2-2302 of the Code of Virginia is amended and reenacted as follows:**

8 § 15.2-2302. Same; amendments and variations of conditions.

9 *A. Subject to any applicable public notice or hearing requirement of subsection B but*
10 *notwithstanding any other provision of law, any landowner subject to conditions proffered pursuant to*
11 *§ 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 may apply to the governing body for amendments to*
12 *or variations of such proffered conditions provided only that written notice of such application be*
13 *provided in the manner prescribed by subsection H of § 15.2-2204 to any landowner subject to such*
14 *existing proffered conditions. Further, the approval of such an amendment or variation by the governing*
15 *body shall not in itself cause the use of any other property to be determined a nonconforming use.*

16 *B. There shall be no such amendment or variation of any conditions created pursuant to the*
17 *provisions of § 15.2-2297 proffered pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 until*
18 *after a public hearing before the governing body advertised pursuant to the provisions of § 15.2-2204.*
19 *However, where an amendment to such proffered conditions is requested by the profferor pursuant to*
20 *subsection A, and where such amendment does not affect conditions of use or density, a local governing*
21 *body may waive the requirement for a public hearing (i) under this section and (ii) under any other*
22 *statute, ordinance, or proffer requiring a public hearing prior to amendment of such proffered conditions*
23 *created pursuant to § 15.2-2298 or 15.2-2303.*

24 *C. Once so amended pursuant to this section, the proffered conditions shall continue to be an*
25 *amendment to the zoning ordinance and may be enforced by the zoning administrator pursuant to the*
26 *applicable provisions of this Chapter (§ 15.2-2200 et seq.) chapter.*

27 *D. Notwithstanding any other provision of law, no claim of any right derived from any condition*
28 *proffered pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 shall impair the right of any*
29 *landowner subject to such a proffered condition to secure amendments to or variations of such proffered*
30 *conditions.*

ENROLLED

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