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SENATE BILL NO. 430**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on General Laws and Technology
on February 13, 2012)

(Patron Prior to Substitute—Senator Ruff)

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 subtitle 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, soil storage consistent with federal and state laws on erosion sediment control, together with all grading.

D. Mausoleums, columbaria, chapels, administrative offices, maintenance and storage areas included in a master plan for a cemetery which has been approved shall not require additional local legislative approval provided they are developed in accordance with the approved master plan. 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.