

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-2302 of the Code of Virginia, relating to amendment of proffers;*
3 *notice.*

4 [H 1797]

5 Approved

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 B 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 proffered pursuant to
17 § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 until after a public hearing before the governing body
18 advertised pursuant to the provisions of § 15.2-2204. However, where an amendment to such proffered
19 conditions is requested pursuant to subsection A, and where such amendment does not affect conditions
20 of use or density, a local governing body may waive the requirement for a public hearing (i) under this
21 section and (ii) under any other statute, ordinance, or proffer requiring a public hearing prior to
22 amendment of such proffered conditions.

23 C. Once amended pursuant to this section, the proffered conditions shall continue to be an
24 amendment to the zoning ordinance and may be enforced by the zoning administrator pursuant to the
25 applicable provisions of this chapter.

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

30 E. Notwithstanding any other provision of law, the governing body may waive the written notice
31 requirement of subsection A in order to reduce, suspend, or eliminate outstanding cash proffer payments
32 for residential construction calculated on a per-dwelling-unit or per-home basis that have been agreed to,
33 but unpaid, by any landowner.

ENROLLED

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