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SENATE BILL NO. 430

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact § 15.2-2288.1 of the Code of Virginia, relating to residential development in certain areas; affordable housing.

Patron—VanValkenburg

Referred to Committee on Local Government**Be it enacted by the General Assembly of Virginia:****1. That § 15.2-2288.1 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-2288.1. Localities may not require a special use permit for certain residential uses.**

A. 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.

B. Any type of residential use that is permitted in a locality shall be considered a conforming residential use on any parcel other than parcels zoned for (i) agriculture, (ii) conservation, or (iii) a different residential use. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for a conforming residential use. Rights under existing zoning shall be considered vested pursuant to § 15.2-2307. Any residential development pursuant to the authority granted in this subsection shall dedicate a minimum of 10 percent of the total number of housing units to housing affordable to households making at or below 120 percent of the area median income.

C. Nothing ~~herein~~ in this section 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 a density greater than that 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.

INTRODUCED

SB430