

# 2003 SESSION

INTRODUCED

033387836

## HOUSE BILL NO. 2509

Offered January 8, 2003

Prefiled January 8, 2003

*A BILL to amend and reenact § 15.2-2259 of the Code of Virginia, relating to plat approval.*

Patrons—McDonnell and Suit

Referred to Committee on Counties, Cities and Towns

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

#### 1. That § 15.2-2259 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2259. Local planning commission to act on proposed plat.

A. The local planning commission or other agent shall act on any proposed plat within ~~sixty~~ 45 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. Specific reasons for disapproval ~~may~~ shall be contained *either* in a separate document or ~~may be written~~ on the plat itself. The reasons for disapproval shall identify *all* deficiencies in the plat ~~which~~ *that* cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall ~~generally~~ identify *all* modifications or corrections as will permit approval of the plat. *Deficiencies not identified in the initial disapproval shall be waived. The failure to act within 45 days or to state the reasons for disapproval as described herein shall cause the plat to be deemed approved. The local planning commission or other agent shall act on any proposed plat that it has previously disapproved within 30 days after the plat has been modified, corrected and resubmitted for approval.*

B. If the commission or other agent fails to approve or disapprove the plat within ~~sixty~~ 45 days after it has been ~~officially~~ *modified, corrected and* submitted for approval, *or within 30 days after it has been officially resubmitted after a previous disapproval*, the subdivider, after ~~ten~~ 10-days' written notice to the commission, or agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall hear the matter and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

C. If a commission or other agent disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within ~~sixty~~ 60 days of the written disapproval by the commission or other agent.

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