

2003 SESSION

HOUSE SUBSTITUTE

033399836

HOUSE BILL NO. 2509

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Counties, Cities and Towns
on January 31, 2003)

(Patron Prior to Substitute-Delegate McDonnell)

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

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~~ 60 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. *The Commission or agent shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission.* 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 deficiencies in the plat ~~which~~ that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall ~~generally~~ identify modifications or corrections as will permit approval of the plat. *The local planning commission or other agent shall act on any proposed plat that it has previously disapproved within 45 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~~ 60 days after it has been officially submitted for approval, *or within 45 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 *give the petition first priority on the docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01* 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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