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HOUSE BILL NO. 2125

Offered January 14, 2009

Prefiled January 13, 2009

A *BILL to amend and reenact § 15.2-2206 of the Code of Virginia, relating to notice given by the applicant for rezoning.*

Patrons—Byron; Senator: Hurt

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2206 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2206. When locality may require applicant to give notice; how given.

Any locality may by ordinance require that a person applying to the local governing body, local planning commission or board of zoning appeals pursuant to this chapter be responsible for all required notices. The locality shall require that notice be given as provided by § 15.2-2204.

Further, the locality may require, by ordinance, that a person applying to the local governing body, local planning commission or board of zoning appeals pursuant to this chapter shall post a sign that, at a minimum, shall state the current zoning of the property, the proposed zoning of the property, and the time and place of the public hearing where public input will be received. The size, placement, and any additional information required on the sign shall be prescribed by ordinance by the locality. The locality may require the applicant to pay all costs associated with this section.

The locality may provide that, in the case of a condominium or of a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessee's association, respectively, in lieu of each individual unit owner.

The applicant may rely upon records of the local real estate assessor's office to ascertain the names of persons entitled to notice.

A certification of notice and a listing of the persons to whom notice has been sent shall be supplied by the applicant as required by the local governing body at least five days prior to the first hearing.

The governing body shall allow any person entitled to notice to waive such right in writing.

Nothing herein shall be construed so as to affect the validity of any ordinance or amendment adopted prior to July 1, 1992.

INTRODUCED

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