

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 867

An Act to amend and reenact § 15.1-493 of the Code of Virginia, relating to zoning ordinances.

[S 312]

Approved April 9, 1996

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-493 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-493. Preparation and adoption of zoning ordinance and map and amendments thereto; appeal.

A. The planning commission of each county or municipality may, and at the direction of the governing body shall, prepare a proposed zoning ordinance including a map or maps showing the division of the territory into districts and a text setting forth the regulations applying in each district. The commission shall hold at least one public hearing on such proposed ordinance or any amendment of an ordinance, after notice as required by § 15.1-431, and may make appropriate changes in the proposed ordinance or amendment as a result of such hearing. Upon the completion of its work, the commission shall present the proposed ordinance or amendment including the district maps to the governing body together with its recommendations and appropriate explanatory materials.

B. No zoning ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local commission for its recommendations. Failure of the commission to report ~~ninety~~ 100 days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission, or such shorter period as may be prescribed by the governing body, shall be deemed approval, unless such proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of such time period. In the event of and upon such withdrawal, processing of the proposed amendment or reenactment shall cease without further action as otherwise would be required by this subsection.

C. Before approving and adopting any zoning ordinance or amendment thereof, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by § 15.1-431, after which the governing body may make appropriate changes or corrections in the ordinance or proposed amendment. In the case of a proposed amendment to the zoning map, such public notice shall state the general usage and density range of such proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by § 15.1-431. Such ordinances shall be enacted in the same manner as all other ordinances.

D. The governing body of any county which has adopted an urban county form of government provided for under Chapter 15 (§ 15.1-722 et seq.) of this title may provide by ordinance for use of plans, profiles, elevations, and other such demonstrative materials in the presentation of requests for amendments to the zoning ordinance.

E. The adoption or amendment prior to March 1, 1968, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise, give notice or conduct more than one public hearing as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment.

F. The adoption of a zoning ordinance prior to July 1, 1968, by the board of supervisors of a county having the county executive form of organization and government shall not be declared invalid by reason of a failure by said board to call for and hold an election in said county for approval of said ordinance, provided that the provisions of this section for advertisement and public hearings were complied with. Nothing herein contained shall be construed so as to affect any litigation pending on March 20, 1970.

G. Every action contesting a decision of the local governing body adopting or failing to adopt a proposed zoning ordinance or amendment thereto or granting or failing to grant a special exception shall be filed within thirty days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, nothing in this subsection shall be construed to create any new right to contest the action of a local governing body.