

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 437

An Act to amend and reenact § 15.2-2209.1:1 of the Code of Virginia, relating to local land use approvals; extension of approvals to address the COVID-19 pandemic.

[S 1205]

Approved March 23, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2209.1:1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2209.1:1. Extension of approvals to address the COVID-19 pandemic.

A. Notwithstanding any time limits for validity set out in § 15.2-2260 or 15.2-2261, any subdivision plat valid under § 15.2-2260 and outstanding as of July 1, 2020, and any recorded plat or final site plan valid under § 15.2-2261 and outstanding as of July 1, 2020, shall remain valid until July 1, 2023 2025, or such later date as may be provided for by the terms of the locality's approval, local ordinance, resolution, or regulation. Any other plan or permit associated with such plat or site plan extended by this subsection is similarly extended for the same time period.

B. Notwithstanding any other provision of this chapter, for any valid special exception, special use permit, or conditional use permit, or any modifications thereto, outstanding as of July 1, 2020, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or incur significant expenses related to improvements for the project within a certain time, is extended until July 1, 2023 2025, or such longer period as may be agreed to by the locality.

C. Notwithstanding any other provision of this chapter, for any rezoning approved pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303 and valid and outstanding as of July 1, 2020, any proffered condition that requires the landowner or developer to incur significant expenses upon the occurrence of an event related to a stage or level of development is extended until July 1, 2023 2025, or longer as may be agreed to by the locality. However, the extensions in this subsection do not apply (i) to proffered dedications of land or rights-of-way pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303 or (ii) when completion of the event related to the stage or level of development has already occurred.

D. The extension of validity provided in subsection A and the extension of deadlines as provided in subsection B will be effective only if any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force. However, if the locality has enacted a bonding moratorium or deferral program, the performance bonds and agreements or other financial guarantees of completion may be waived or modified by the locality, in which case the provisions of subsections A and B apply. The landowner or developer must comply with the terms of any bonding moratorium or deferral agreement with the locality in order for the extensions referred to in this subsection to be effective.

2. That nothing in this act shall be construed to extend any provision of § 15.2-2209.1 of the Code of Virginia; however, any time limits for validity for any subdivision plat or any recorded plat or final site plan that expired June 30, 2020, pursuant to § 15.2-2209.1 or otherwise, may be extended by the terms of the locality's approval, local ordinance, resolution, or regulation, or by agreement of the locality.

3. That any extension of approvals outstanding as of July 1, 2020, shall apply to any such approvals granted subsequent to July 1, 2020, that expire prior to July 1, 2025. This provision is declarative of existing law.