

# 2025 SESSION

INTRODUCED

25104251D

1 **HOUSE BILL NO. 2499**

2 Offered January 13, 2025

3 Prefiled January 8, 2025

4 *A BILL to amend and reenact §§ 15.2-2232, 15.2-2259, and 15.2-2260 of the Code of Virginia, relating to*  
5 *comprehensive plan; subdivision ordinance; local approvals.*

6 Patrons—Owen, Green and Phillips

7 Referred to Committee on Counties, Cities and Towns

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That §§ 15.2-2232, 15.2-2259, and 15.2-2260 of the Code of Virginia are amended and reenacted:**  
10 **§ 15.2-2232. Legal status of plan.**

11 A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the  
12 locality and such plan has been approved and adopted by the governing body, it shall control the general or  
13 approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is  
14 already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or  
15 connection to an existing street, park or other public area, public building or public structure, public utility  
16 facility or public service corporation facility other than a railroad facility or an underground natural gas or  
17 underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within  
18 its certificated service territory, whether publicly or privately owned, shall be constructed, established or  
19 authorized, unless and until the general location or approximate location, character, and extent thereof has  
20 been submitted to and approved by the commission as being substantially in accord with the adopted  
21 comprehensive plan or part thereof. In connection with any such determination, the commission may, and at  
22 the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204.  
23 Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board  
24 pursuant to § 33.2-353 and written notification to the affected local governments, each local government  
25 through which one or more of the designated corridors of statewide significance traverses, shall, at a  
26 minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan  
27 for information purposes at the next regular update of the transportation plan map. Prior to the next regular  
28 update of the transportation plan map, the local government shall acknowledge the existence of corridors of  
29 statewide significance within its boundaries.

30 B. The commission shall communicate its findings to the governing body, indicating its approval or  
31 disapproval with written reasons therefor. The governing body may overrule the action of the commission by  
32 a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission,  
33 unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their  
34 agents may appeal the decision of the commission to the governing body within 10 days after the decision of  
35 the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the  
36 appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the  
37 governing body shall overrule the commission.

38 C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall  
39 likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work  
40 and normal service extensions of public utilities or public service corporations shall not require approval  
41 unless such work involves a change in location or extent of a street or public area.

42 D. Any public area, facility, park or use as set forth in subsection A which is identified within, but not the  
43 entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A of § 15.2-2286 for  
44 development or both may be deemed a feature already shown on the adopted master plan, and, therefore,  
45 excepted from the requirement for submittal to and approval by the commission or the governing body,  
46 provided that the governing body has by ordinance or resolution defined standards governing the  
47 construction, establishment or authorization of such public area, facility, park or use or has approved it  
48 through acceptance of a proffer made pursuant to § 15.2-2303.

49 E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the  
50 Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or  
51 after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the  
52 requirements of this section and local zoning ordinances with respect to such facility with the exception of  
53 television and radio towers and structures not necessary to house electronic apparatus. The exemption  
54 provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public  
55 Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of  
56 the locality in advance of any meeting where approval of any such facility shall be acted upon.

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59 F. On any application for a telecommunications facility, the commission's decision shall comply with the  
60 requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such  
61 application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90  
62 days of such submission shall be deemed approval of the application by the commission unless the governing  
63 body has authorized an extension of time for consideration or the applicant has agreed to an extension of  
64 time. The governing body may extend the time required for action by the local commission by no more than  
65 60 additional days. If the commission has not acted on the application by the end of the extension, or by the  
66 end of such longer period as may be agreed to by the applicant, the application is deemed approved by the  
67 commission.

68 G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to  
69 Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the  
70 comprehensive plan and commission approval shall not be required if the proposed telecommunications  
71 tower or facility is located in a zoning district that allows such telecommunications towers or facilities by  
72 right.

73 H. A solar facility subject to subsection A shall be deemed to be substantially in accord with the  
74 comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar  
75 facilities by right; (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the  
76 property upon which such facility is located, or will be owned or operated by an eligible customer-generator  
77 or eligible agricultural customer-generator under § 56-594 or 56-594.01 or by a small agricultural generator  
78 under § 56-594.2; or (iii) the locality waives the requirement that solar facilities be reviewed for substantial  
79 accord with the comprehensive plan. All other solar facilities shall be reviewed for substantial accord with the  
80 comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord  
81 review for such solar facilities to be advertised and approved concurrently in a public hearing process with a  
82 rezoning, special exception, or other approval process.

83 *I. Notwithstanding any other provision of this section, a locality's comprehensive plan shall not constitute  
84 the basis, in whole or in part, whether directly or through incorporation into any zoning ordinance,  
85 subdivision ordinance, or other ordinance or manual, for the disapproval of a site plan, subdivision plat, or  
86 other administrative approval that is otherwise in conformity with duly adopted standards, ordinances, and  
87 statutes.*

**88 § 15.2-2259. Local planning commission to act on proposed plat.**

89 A. 1. Except as otherwise provided in subdivisions 2 and 3, the local planning commission or other agent  
90 shall act on any proposed plat within 60 days after it has been officially submitted for approval by either  
91 approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The  
92 Commission or agent shall thoroughly review the plat and shall make a good faith effort to identify all  
93 deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a  
94 state agency or public authority authorized by state law is necessary, the commission or agent shall forward  
95 the plat to the appropriate state agency or agencies for review within 40 business five days of receipt of such  
96 plat. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall  
97 extend the time for action by the local planning commission or other agent, as set forth in subsection B.  
98 Specific reasons for disapproval shall be ~~contained~~ provided to the applicant either in a separate document or  
99 on the plat itself. ~~The reasons for disapproval and shall (i) identify all deficiencies in the plat that cause~~  
100 ~~caused~~ the disapproval by ~~reference to~~ referencing specific duly adopted ordinances, regulations, or policies  
101 and shall (ii) identify all modifications or corrections as will permit approval of the plat. The local planning  
102 commission or other agent shall act on any proposed plat that it has previously disapproved within 45 days  
103 after the plat has been ~~modified, corrected and~~ resubmitted for approval.

104 2. The approval of plats, site plans, and plans of development solely involving parcels of commercial or  
105 residential real estate by a local planning commission or other agent shall be governed by subdivision 3 and  
106 subsections B, C, and D. For the purposes of this section, the term "commercial" means all real property used  
107 for commercial or industrial uses, and the term "residential" means all real property used for single-family or  
108 multifamily use.

109 3. The local planning commission or other agent shall act on any proposed plat, site plan or plan of  
110 development within 60 40 days after it has been officially submitted for approval by either approving or  
111 disapproving the plat in writing, and giving with the latter specific reasons therefor. The local planning  
112 commission or other agent shall not delay the official submission of any proposed plat, site plan, or plan of  
113 development by requiring presubmission conferences, meetings, or reviews. The Commission or agent shall  
114 thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all  
115 deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or  
116 plan by a state agency or public authority authorized by state law is necessary, the commission or agent shall  
117 forward the plat or plan to the appropriate state agency or agencies for review within 40 business five days of  
118 receipt of such plat or plan. The state agency shall respond in accord with the requirements set forth in §  
119 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set

120 forth in subsection B. Specific reasons for disapproval shall be contained provided to the applicant either in a  
 121 separate document or on the plat or plan itself. The reasons for disapproval and shall (i) identify all  
 122 deficiencies in the plat or plan that caused the disapproval by reference to referencing specific duly adopted  
 123 ordinances, regulations, or policies and shall (ii) identify, to the greatest extent practicable, modifications or  
 124 corrections that will permit approval of the plat or plan.

125 In the review of a resubmitted proposed plat, site plan or plan of development that has been previously  
 126 disapproved, the local planning commission or other agent shall consider only deficiencies it had identified in  
 127 its review of the initial submission of the plat or plan that have not been corrected in such resubmission and  
 128 any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial  
 129 submission. In the review of the resubmission of a plat or plan, the local planning commission or other agent  
 130 shall (i) identify all deficiencies with the proposed plat or plan that caused the disapproval by reference to  
 131 referencing specific duly adopted ordinances, regulations, or policies and shall (ii) identify all modifications  
 132 or corrections that will permit approval of the plat or plan. Upon the second resubmission of such  
 133 disapproved plat or plan, the local planning commission or other agent's review shall be limited solely to the  
 134 previously identified deficiencies that caused its disapproval.

135 All deficiencies identified during a third or subsequent resubmission of any plat, site plan, or plan of  
 136 development shall be provided concurrently to the applicant and the director of planning or the equivalent  
 137 official having supervisory authority over the agent. Within 14 days of receipt, such director or equivalent  
 138 official shall either:

139 1. Approve the plat, site plan, or plan of development as submitted;

140 2. Permit the applicant to address any deficiencies deemed minor by the director or equivalent official,  
 141 and resubmit the plat, site plan, or plan of development for administrative approval. The director or  
 142 equivalent official shall complete the administrative approval within seven days of receipt of the  
 143 resubmission; or

144 3. Disapprove the resubmission, and identify all deficiencies that caused the disapproval by referencing  
 145 specific duly adopted ordinances, regulations, or policies and identify all modifications or corrections that  
 146 will permit approval of the plat, site plan, or plan of development.

147 The local planning commission or other agent shall act on any proposed plat, site plan or plan of  
 148 development that it has previously disapproved within 45 30 days after the plat or plan has been modified,  
 149 corrected and resubmitted for approval. The failure of a local planning commission or other agent to approve  
 150 or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or  
 151 plan to be deemed approved. Notwithstanding any other provision of this section, the locality's designated  
 152 agent, with the concurrence of all applicable local reviewing agencies, may administratively approve any  
 153 resubmitted site plan or subdivision plat that the designated agent deems to be in compliance with local  
 154 ordinances and state law.

155 Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development,  
 156 any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law,  
 157 regulations, mandatory Department of Transportation engineering and safety requirements, and other  
 158 mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been  
 159 approved by the local planning commission or other agent. Should any resubmission include a material  
 160 revision of infrastructure or physical improvements from the earlier submission or if a material revision in the  
 161 resubmission creates a new required review by the Virginia Department of Transportation or by a state  
 162 agency or public authority authorized by state law, then the local planning commission or other agent's  
 163 review shall not be limited to only the previously identified deficiencies identified in the prior submittals and  
 164 may consider deficiencies initially appearing in the resubmission because of such material revision.

165 B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it  
 166 under this article, including, without limitation, the Virginia Department of Transportation and authorities  
 167 authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 30 days of receipt of the  
 168 plat upon first submission and within 45 30 days for any proposed plat that has previously been disapproved,  
 169 provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the  
 170 applicability of said section. The Virginia Department of Transportation and authorities authorized by  
 171 Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes  
 172 for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state  
 173 agency or public authority authorized by state law does not approve the plat, it shall comply with the  
 174 requirements, and be subject to the restrictions, set forth in subsection A, with the exception of the time  
 175 period therein specified. Upon receipt of the approvals from all state agencies and other agencies, the local  
 176 agent shall act upon a plat within 35 20 days.

177 C. If the commission or other agent fails to approve or disapprove the plat within 60 days after it has been  
 178 officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous  
 179 disapproval or within 35 days of receipt of any agency response pursuant to subsection B the timeframes  
 180 prescribed in this section, the subdivider, after 10 days' 10 days' written notice to the commission, or agent,

181 may petition the circuit court for the locality in which the land involved, or the major part thereof, is located,  
182 to decide whether the plat should or should not be approved. The court shall give the petition priority on the  
183 civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§  
184 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems  
185 proper, which may include directing approval of the plat.

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

**191 § 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid.**

192 A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its  
193 ordinance for the mandatory submission of preliminary subdivision plats for tentative approval for plats  
194 involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary  
195 subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots. The  
196 local planning commission, or an agent designated by the commission or by the governing body to review  
197 preliminary subdivision plats shall complete action on the preliminary subdivision plats within 60 45 days of  
198 submission. However, if approval of a feature or features of the preliminary subdivision plat by a state agency  
199 or public authority authorized by state law is necessary, the commission or agent shall forward the  
200 preliminary subdivision plat to the appropriate state agency or agencies for review within 10 business five  
201 days of receipt of such preliminary subdivision plat.

202 B. Any state agency or public authority authorized by state law making a review of a preliminary  
203 subdivision plat forwarded to it under this section, including, without limitation, the Virginia Department of  
204 Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review  
205 within 45 30 days of receipt of the preliminary subdivision plat upon first submission and within 45 30 days  
206 for any proposed plat that has previously been disapproved, provided, however, that the time period set forth  
207 in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of  
208 Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public  
209 rights-of-way for public street purposes for placement of utilities by permit when practical and shall not  
210 unreasonably deny plat approval. If a state agency or public authority authorized by state law does not  
211 approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in  
212 subsection A of § 15.2-2259 with the exception of the time period therein specified. Upon receipt of the  
213 approvals from all state agencies, the local agent shall act upon a preliminary subdivision plat within 35 20  
214 days.

215 C. If a commission has the responsibility of review of preliminary subdivision plats and conducts a public  
216 hearing, it shall act on the plat within 45 30 days after receiving approval from all state agencies. If the local  
217 agent or commission does not approve the preliminary subdivision plat, the local agent or commission shall  
218 (i) set forth in writing the reasons for such denial and shall state what corrections or modifications will permit  
219 approval by such agent or commission all deficiencies in the plat that caused the disapproval by referencing  
220 to specific duly adopted ordinances, regulations, or policies and (ii) identify modifications or corrections that  
221 will permit approval of the plat. With regard to plats involving commercial or residential property, as those  
222 terms are defined in subdivision A 2 of § 15.2-2259, the review process for such plats shall be the same as  
223 provided in subdivisions A 2 and A 3 of § 15.2-2259. However, no commission or agent shall be required to  
224 approve a preliminary subdivision plat in less than 60 days from the date of its original submission to the  
225 commission or agent, and all All actions on preliminary subdivision plats shall be completed by the agent or  
226 commission and, if necessary, state agencies, within a total of 90 days of submission to the local agent or  
227 commission.

228 D. If the commission or other agent fails to approve or disapprove the preliminary subdivision plat within  
229 90 days after it has been officially submitted for approval, the subdivider after 10 days' written notice to the  
230 commission, or agent, may petition the circuit court for the locality in which the land involved, or the major  
231 part thereof, is located to enter an order with respect thereto as it deems proper, which may include directing  
232 approval of the plat.

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

238 F. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the  
239 subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such  
240 approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues  
241 approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred

242 extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications  
243 thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon  
244 90 days' written notice by certified mail to the subdivider, the commission or other agent may revoke such  
245 approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final  
246 subdivision plat.

247 G. Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to §  
248 15.2-2261, the underlying preliminary plat shall remain valid for a period of five years from the date of the  
249 latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date  
250 of the last recorded plat.

251 **2. That the Virginia Code Commission shall convene a work group to review existing provisions of the**  
252 **Code of Virginia related to the submission, review, and approval of subdivision plats and site plans,**  
253 **including any amendments adopted during the 2025 Session of the General Assembly. The work group**  
254 **shall consist of representatives from the Home Builders Association of Virginia, Virginia Association**  
255 **for Commercial Real Estate, Virginia REALTORS, Virginia Municipal League, Virginia Association**  
256 **of Counties, and other relevant stakeholders. The work group shall develop recommendations to (i)**  
257 **organize procedural steps in a clear, logical, and sequential order to enhance ease of reference; (ii)**  
258 **clarify the processes, requirements, and timelines applicable to each type of plat or plan; (iii)**  
259 **standardize terminology to ensure consistency, reduce ambiguity, and minimize misinterpretation; and**  
260 **(iv) identify and eliminate redundant or duplicative provisions to streamline the Code and improve its**  
261 **usability. The Virginia Code Commission shall submit a report to the Chairs of the House Committee**  
262 **on Counties, Cities and Towns and the Senate Committee on Local Government detailing any**  
263 **recommendations of the work group by November 1, 2025.**