

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 15.2-2259 and 15.2-2260 of the Code of Virginia, relating to subdivision*
 3 *ordinance; local approvals.*

4 [H 2660]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 15.2-2259 and 15.2-2260 of the Code of Virginia are amended and reenacted:**8 **§ 15.2-2259. Local planning commission to act on proposed plat.**

9 A. 1. Except as otherwise provided in subdivisions 2 and 3, the local planning commission or other agent
 10 shall act on any proposed plat within 60 days after it has been officially submitted for approval by either
 11 approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The
 12 Commission or agent shall thoroughly review the plat and shall make a good faith effort to identify all
 13 deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a
 14 state agency or public authority authorized by state law is necessary, the commission or agent shall forward
 15 the plat to the appropriate state agency or agencies for review within ~~10 business~~ *five business* days of receipt
 16 of such plat. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which
 17 shall extend the time for action by the local planning commission or other agent, as set forth in subsection B.
 18 Specific reasons for disapproval shall be ~~contained~~ *provided to the applicant* either in a separate document or
 19 on the plat itself. ~~The reasons for disapproval and shall~~ *(i) identify all deficiencies in the plat that cause*
 20 *caused* the disapproval by ~~reference to~~ *referencing* specific duly adopted ordinances, regulations, or policies
 21 and ~~shall~~ *(ii) identify all modifications or corrections as will permit approval of the plat.* The local planning
 22 commission or other agent shall act on any proposed plat that it has previously disapproved within 45 days
 23 after the plat has been ~~modified, corrected and~~ resubmitted for approval.

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

29 3. The local planning commission or other agent shall act on any proposed plat, site plan or plan of
 30 development within ~~60~~ *40* days after it has been officially submitted for approval by either approving or
 31 disapproving the plat in writing, and giving with the latter specific reasons therefor. The local planning
 32 commission or other agent shall not delay the official submission of any proposed plat, site plan, or plan of
 33 development by requiring presubmission conferences, meetings, or reviews. The Commission or agent shall
 34 thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all
 35 deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or
 36 plan by a state agency or public authority authorized by state law is necessary, the commission or agent shall
 37 forward the plat or plan to the appropriate state agency or agencies for review within ~~10 business~~ *five*
 38 *business* days of receipt of such plat or plan. The state agency shall respond in accord with the requirements
 39 set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other
 40 agent, as set forth in subsection B. Specific reasons for disapproval shall be ~~contained~~ *provided to the*
 41 *applicant* either in a separate document or on the plat or plan itself. ~~The reasons for disapproval and shall~~ *(i)*
 42 *identify all deficiencies in the plat or plan that caused the disapproval by* ~~reference to~~ *referencing* specific
 43 duly adopted ordinances, regulations, or policies and ~~shall~~ *(ii) identify, to the greatest extent practicable,*
 44 *modifications or corrections that will permit approval of the plat or plan.*

45 In the review of a resubmitted proposed plat, site plan or plan of development that has been previously
 46 disapproved, the local planning commission or other agent shall consider only deficiencies ~~it had~~ identified in
 47 its review of the initial submission of the plat or plan that have not been corrected in such resubmission and
 48 any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial
 49 submission. In the review of the resubmission of a plat or plan, the local planning commission or other agent
 50 shall *(i) identify all deficiencies with the proposed plat or plan that caused the disapproval by* ~~reference to~~
 51 *referencing* specific duly adopted ordinances, regulations, or policies and ~~shall~~ *(ii) identify all modifications*
 52 *or corrections that will permit approval of the plat or plan.* Upon the second resubmission of such
 53 disapproved plat or plan, the local planning commission or other agent's review shall be limited solely to the
 54 previously identified deficiencies that caused its disapproval.

55 *All deficiencies identified during a third or subsequent resubmission of any plat, site plan, or plan of*
 56 *development shall be provided concurrently to the applicant and the director of planning or the equivalent*

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HB2660ER

57 official having supervisory authority over the agent. Within 14 days of receipt, such director or equivalent
58 official shall either:

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

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

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

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

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

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

97 C. If the commission or other agent fails to approve or disapprove the plat within ~~60 days after it has been~~
98 ~~officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous~~
99 ~~disapproval or within 35 days of receipt of any agency response pursuant to subsection B~~ *the timeframes*
100 *prescribed in this section*, the subdivider, after ~~40 days'~~ 10 days' written notice to the commission, or agent,
101 may petition the circuit court for the locality in which the land involved, or the major part thereof, is located,
102 to decide whether the plat should or should not be approved. The court shall give the petition priority on the
103 civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§
104 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems
105 proper, which may include directing approval of the plat.

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

111 **§ 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid.**

112 A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its
113 ordinance for the mandatory submission of preliminary subdivision plats for tentative approval for plats
114 involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary
115 subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots. The
116 local planning commission, or an agent designated by the commission or by the governing body to review
117 preliminary subdivision plats shall complete action on the preliminary subdivision plats within ~~60~~ 45 days of
118 submission. However, if approval of a feature or features of the preliminary subdivision plat by a state agency

119 or public authority authorized by state law is necessary, the commission or agent shall forward the
120 preliminary subdivision plat to the appropriate state agency or agencies for review within ~~10~~ *business five*
121 *business* days of receipt of such preliminary subdivision plat.

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

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

148 D. If the commission or other agent fails to approve or disapprove the preliminary subdivision plat within
149 90 days after it has been officially submitted for approval, the subdivider after 10 days' written notice to the
150 commission, or agent, may petition the circuit court for the locality in which the land involved, or the major
151 part thereof, is located to enter an order with respect thereto as it deems proper, which may include directing
152 approval of the plat.

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

158 F. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the
159 subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such
160 approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues
161 approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred
162 extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications
163 thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon
164 90 days' written notice by certified mail to the subdivider, the commission or other agent may revoke such
165 approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final
166 subdivision plat.

167 G. Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to §
168 15.2-2261, the underlying preliminary plat shall remain valid for a period of five years from the date of the
169 latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date
170 of the last recorded plat.

171 **2. That the Virginia Code Commission shall convene a work group to review existing provisions of the**
172 **Code of Virginia related to the submission, review, and approval of subdivision plats and site plans,**
173 **including any amendments adopted during the 2025 Session of the General Assembly. The work group**
174 **shall consist of representatives from the Home Builders Association of Virginia, Virginia Association**
175 **for Commercial Real Estate, Virginia REALTORS, Virginia Municipal League, Virginia Association**
176 **of Counties, Virginia Chapter of the American Planning Association, and other relevant stakeholders.**
177 **The work group shall develop recommendations to (i) organize procedural steps in a clear, logical, and**
178 **sequential order to enhance ease of reference; (ii) clarify the processes, requirements, and timelines**
179 **applicable to each type of plat or plan; (iii) standardize terminology to ensure consistency, reduce**
180 **ambiguity, and minimize misinterpretation; and (iv) identify and eliminate redundant or duplicative**

181 provisions to streamline the Code and improve its usability. The Virginia Code Commission shall
182 submit a report to the Chairs of the House Committee on Counties, Cities and Towns and the Senate
183 Committee on Local Government detailing any recommendations of the work group by November 1,
184 2025.