

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 15.2-2201, 15.2-2241, 15.2-2245, 15.2-2254, 15.2-2258, 15.2-2259,*
 3 *15.2-2260, 15.2-2261, 15.2-2269, 15.2-2270, 15.2-2271, and 15.2-2307 of the Code of Virginia, relating*
 4 *to subdivision ordinance; plan review by designated agent.*

5 [S 974]

6 Approved

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

8 **1. That §§ 15.2-2201, 15.2-2241, 15.2-2245, 15.2-2254, 15.2-2258, 15.2-2259, 15.2-2260, 15.2-2261,**
 9 **15.2-2269, 15.2-2270, 15.2-2271, and 15.2-2307 of the Code of Virginia are amended and reenacted as**
 10 **follows:**

11 **§ 15.2-2201. Definitions.**

12 As used in this chapter, unless the context requires a different meaning:

13 "Affordable housing" means, as a guideline, housing that is affordable to households with incomes at or
 14 below the area median income, provided that the occupant pays no more than thirty percent of his gross
 15 income for gross housing costs, including utilities. For the purpose of administering affordable dwelling unit
 16 ordinances authorized by this chapter, local governments may establish individual definitions of affordable
 17 housing and affordable dwelling units including determination of the appropriate percent of area median
 18 income and percent of gross income.

19 "Conditional zoning" means, as part of classifying land within a locality into areas and districts by
 20 legislative action, the allowing of reasonable conditions governing the use of such property, such conditions
 21 being in addition to, or modification of the regulations provided for a particular zoning district or zone by the
 22 overall zoning ordinance.

23 "*Designated agent*" means any agent employed or authorized by a locality and designated by the
 24 governing body to review and act on subdivision plats, site plans, and plans of development. "*Designated*
 25 *agent*" does not include the local planning commission. However, the local planning commission may serve
 26 as the designated agent of any locality with a population of 5,000 or less.

27 "Development" means a tract of land developed or to be developed as a unit under single ownership or
 28 unified control which is to be used for any business or industrial purpose or is to contain three or more
 29 residential dwelling units. The term "development" shall not be construed to include any tract of land which
 30 will be principally devoted to agricultural production.

31 "Historic area" means an area containing one or more buildings or places in which historic events
 32 occurred or having special public value because of notable architectural, archaeological or other features
 33 relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation
 34 and preservation.

35 "Incentive zoning" means the use of bonuses in the form of increased project density or other benefits to a
 36 developer in return for the developer providing certain features, design elements, uses, services, or amenities
 37 desired by the locality, including but not limited to, site design incorporating principles of new urbanism and
 38 traditional neighborhood development, environmentally sustainable and energy-efficient building design,
 39 affordable housing creation and preservation, and historical preservation, as part of the development.

40 "Local planning commission" means a municipal planning commission or a county planning commission.

41 "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or
 42 other activity under jurisdiction of the U.S. Department of Defense, including any leased facility, or any land
 43 or interest in land owned by the Commonwealth and administered by the Adjutant General of Virginia or the
 44 Virginia Department of Military Affairs. "Military installation" does not include any facility used primarily
 45 for civil works, rivers and harbors projects, or flood control projects.

46 "Mixed use development" means property that incorporates two or more different uses, and may include a
 47 variety of housing types, within a single development.

48 "Official map" means a map of legally established and proposed public streets, waterways, and public
 49 areas adopted by a locality in accordance with the provisions of Article 4 (§ 15.2-2233 et seq.) hereof.

50 "Planned unit development" means a form of development characterized by unified site design for a
 51 variety of housing types and densities, clustering of buildings, common open space, and a mix of building
 52 types and land uses in which project planning and density calculation are performed for the entire
 53 development rather than on an individual lot basis.

54 "Planning district commission" means a regional planning agency chartered under the provisions of
 55 Chapter 42 (§ 15.2-4200 et seq.) of this title.

56 "Plat" or "plat of subdivision" means the schematic representation of land divided or to be divided and

57 information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and
58 15.2-2264, and other applicable statutes.

59 "Preliminary subdivision plat" means the proposed schematic representation of development or
60 subdivision that establishes how the provisions of §§ 15.2-2241 and 15.2-2242, and other applicable statutes
61 will be achieved.

62 "Resident curator" means a person, firm, or corporation that leases or otherwise contracts to manage,
63 preserve, maintain, operate, or reside in a historic property in accordance with the provisions of § 15.2-2306
64 and other applicable statutes.

65 "Site plan" means the proposal for a development or a subdivision including all covenants, grants or
66 easements and other conditions relating to use, location and bulk of buildings, density of development,
67 common open space, public facilities and such other information as required by the subdivision ordinance to
68 which the proposed development or subdivision is subject.

69 "Special exception" means a special use that is a use not permitted in a particular district except by a
70 special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

71 "Street" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

72 "Subdivision," unless otherwise defined in an ordinance adopted pursuant to § 15.2-2240, means the
73 division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of
74 transfer of ownership or building development, or, if a new street is involved in such division, any division of
75 a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the
76 process of subdividing or to the land subdivided and solely for the purpose of recordation of any single
77 division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance
78 with § 15.2-2258. Nothing in this definition, section, nor any ordinance adopted pursuant to § 15.2-2240 shall
79 preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line
80 agreement with one another so long as such agreement is only used to resolve a bona fide property line
81 dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted
82 line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and such
83 agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater
84 street frontage, or interfere with a recorded easement, and such agreement shall not result in any
85 nonconformity with local ordinances and health department regulations. Notice shall be provided to the
86 zoning administrator of the locality in which the parcels are located for review. For any property affected by
87 this definition, any division of land subject to a partition suit by virtue of order or decree by a court of
88 competent jurisdiction shall take precedence over the requirements of Article 6 (§ 15.2-2240 et seq.) and the
89 minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel
90 resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by
91 more than 20 percent. A copy of the final decree shall be provided to the zoning administrator of the locality
92 in which the property is located.

93 "Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions
94 regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a
95 building or structure when the strict application of the ordinance would unreasonably restrict the utilization of
96 the property, and such need for a variance would not be shared generally by other properties, and provided
97 such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which
98 change shall be accomplished by a rezoning or by a conditional zoning.

99 "Working waterfront" means an area or structure on, over, or adjacent to navigable waters that provides
100 access to the water and is used for water-dependent commercial, industrial, or governmental activities,
101 including commercial and recreational fishing; tourism; aquaculture; boat and ship building, repair, and
102 services; seafood processing and sales; transportation; shipping; marine construction; and military activities.

103 "Working waterfront development area" means an area containing one or more working waterfronts
104 having economic, cultural, or historic public value of such significance as to warrant development and
105 reparation.

106 "Zoning" or "to zone" means the process of classifying land within a locality into areas and districts, such
107 areas and districts being generally referred to as "zones," by legislative action and the prescribing and
108 application in each area and district of regulations concerning building and structure designs, building and
109 structure placement and uses to which land, buildings and structures within such designated areas and
110 districts may be put.

111 **§ 15.2-2241. Mandatory provisions of a subdivision ordinance.**

112 A. A subdivision ordinance shall include reasonable regulations and provisions that apply to or provide:

113 1. For plat details which shall meet the standard for plats as adopted under § 42.1-82 of the Virginia
114 Public Records Act (§ 42.1-76 et seq.);

115 2. For the coordination of streets within and contiguous to the subdivision with other existing or planned
116 streets within the general area as to location, widths, grades and drainage, including, for ordinances and
117 amendments thereto adopted on or after January 1, 1990, for the coordination of such streets with existing or
118 planned streets in existing or future adjacent or contiguous to adjacent subdivisions;

119 3. For adequate provisions for drainage and flood control, for adequate provisions related to the failure of
120 impounding structures and impacts within dam break inundation zones, and other public purposes, and for
121 light and air, and for identifying soil characteristics;

122 4. For the extent to which and the manner in which streets shall be graded, graveled or otherwise
123 improved and water and storm and sanitary sewer and other public utilities or other community facilities are
124 to be installed;

125 5. For the acceptance of dedication for public use of any right-of-way located within any subdivision or
126 section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof,
127 any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public
128 system or other improvement dedicated for public use, and maintained by the locality, the Commonwealth, or
129 other public agency, and for the provision of other site-related improvements required by local ordinances for
130 vehicular ingress and egress, including traffic signalization and control, for public access streets, for
131 structures necessary to ensure stability of critical slopes, and for storm water management facilities, financed
132 or to be financed in whole or in part by private funds only if the owner or developer (i) certifies to the
133 governing body that the construction costs have been paid to the person constructing such facilities or, at the
134 option of the local governing body, presents evidence satisfactory to the governing body that the time for
135 recordation of any mechanics lien has expired or evidence that any debt for said construction that may be due
136 and owing is contested and further provides indemnity with adequate surety in an amount deemed sufficient
137 by the governing body or its designated administrative agency agent; (ii) furnishes to the governing body a
138 certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or
139 property bond, with surety satisfactory to the governing body or its designated administrative agency agent,
140 in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the
141 construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned;
142 or (iii) furnishes to the governing body a bank or savings institution's letter of credit on certain designated
143 funds satisfactory to the governing body or its designated administrative agency agent as to the bank or
144 savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter
145 of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or
146 private sector construction in the locality and a reasonable allowance for estimated administrative costs,
147 inflation, and potential damage to existing roads or utilities, which shall not exceed 10 percent of the
148 estimated construction costs. If the owner or developer defaults on construction of such facilities, and such
149 facilities are constructed by the surety or with funding from the aforesaid check, cash escrow, bond or letter
150 of credit, the locality shall be entitled to retain or collect the allowance for administrative costs to the extent
151 the costs of such construction do not exceed the total of the originally estimated costs of construction and the
152 allowance for administrative costs. "Such facilities," as used in this section, means those facilities specifically
153 provided for in this section.

154 If a developer records a final plat which may be a section of a subdivision as shown on an approved
155 preliminary subdivision plat and furnishes to the governing body a certified check, cash escrow, bond, or
156 letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said
157 section for public use and maintained by the locality, the Commonwealth, or other public agency, the
158 developer shall have the right to record the remaining sections shown on the preliminary subdivision plat for
159 a period of five years from the recordation date of any section, or for such longer period as the local
160 commission or other agent may, at the approval, determine to be reasonable, taking into consideration the size
161 and phasing of the proposed development, subject to the terms and conditions of this subsection and subject
162 to engineering and construction standards and zoning requirements in effect at the time that each remaining
163 section is recorded. In the event a governing body of a county, wherein the highway system is maintained by
164 the Department of Transportation, has accepted the dedication of a road for public use and such road due to
165 factors other than its quality of construction is not acceptable into the secondary system of state highways,
166 then such governing body may, if so provided by its subdivision ordinance, require the subdivider or
167 developer to furnish the county with a maintenance and indemnifying bond, with surety satisfactory to the
168 governing body or its designated administrative agency agent, in an amount sufficient for and conditioned
169 upon the maintenance of such road until such time as it is accepted into the secondary system of state
170 highways. In lieu of such bond, the governing body or its designated administrative agency agent may accept
171 a bank or savings institution's letter of credit on certain designated funds satisfactory to the governing body or
172 its designated administrative agency agent as to the bank or savings institution, the amount and the form, or
173 accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such
174 road until such time as it is accepted into the secondary system of state highways and assume the subdivider's
175 or developer's liability for maintenance of such road. "Maintenance of such road" as used in this section,
176 means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements,
177 including the correction of defects or damages and the removal of snow, water or debris, so as to keep such
178 road reasonably open for public usage;

179 As used in this section, "designated administrative agency" means the planning commission of the locality
180 or an agent designated by the governing body of the locality for such purpose as set forth in §§ 15.2-2258

181 through 15.2-2261;

182 6. For conveyance of common or shared easements to franchised cable television operators furnishing
 183 cable television and public service corporations furnishing cable television, gas, telephone and electric
 184 service to the proposed subdivision. Once a developer conveys an easement that will permit electric, cable or
 185 telephone service to be furnished to a subdivision, the developer shall, within 30 days after written request by
 186 a cable television operator or telephone service provider, grant an easement to that cable television operator
 187 or telephone service provider for the purpose of providing cable television and communications services to
 188 that subdivision, which easement shall be geographically coextensive with the electric service easement, or if
 189 only a telephone or cable service easement has been granted, then geographically coextensive with that
 190 telephone or cable service easement; however, the developer and franchised cable television operator or
 191 telephone service provider may mutually agree on an alternate location for an easement. If the final
 192 subdivision plat is recorded and does not include conveyance of a common or shared easement as provided
 193 herein, the ~~local planning commission or agent designated by the governing body to review and act on~~
 194 ~~submitted subdivision plats~~ *designated agent* shall not be responsible to enforce the requirements of this
 195 subdivision;

196 7. For monuments of specific types to be installed establishing street and property lines;

197 8. That unless a plat is filed for recordation within six months after final approval thereof or such longer
 198 period as may be approved by the governing body, such approval shall be withdrawn and the plat marked
 199 void and returned to the approving official; however, in any case where construction of facilities to be
 200 dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the
 201 ~~governing body or its designated administrative agency agent~~, or where the developer has furnished surety to
 202 the ~~governing body or its designated administrative agency agent~~ by certified check, cash escrow, bond, or
 203 letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat
 204 recordation shall be extended to one year after final approval or to the time limit specified in the surety
 205 agreement approved by the ~~governing body or its designated administrative agency~~, ~~whichever is greater~~
 206 ~~agent~~;

207 9. For the administration and enforcement of such ordinance, not inconsistent with provisions contained in
 208 this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and
 209 plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges
 210 shall in no instance exceed an amount commensurate with the services rendered taking into consideration the
 211 time, skill and administrator's expense involved. All such charges heretofore made are hereby validated;

212 10. For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift
 213 to a member of the immediate family of the property owner in accordance with the provisions of § 15.2-2244;
 214 ~~and~~

215 11. For the periodic partial and final complete release of any bond, escrow, letter of credit, or other
 216 performance guarantee required by the governing body under this section in accordance with the provisions
 217 of § 15.2-2245;

218 *12. For the review of plats, site plans, and plans of development solely involving parcels of commercial or*
 219 *residential real estate as set forth in §§ 15.2-2259 and 15.2-2260; and*

220 *13. For the identification of deficiencies, corrections, or modifications of proposed and resubmitted plats*
 221 *and plans as set forth in §§ 15.2-2259 and 15.2-2260.*

222 B. No locality shall require that any certified check, cash escrow, bond, letter of credit or other
 223 performance guarantee furnished pursuant to this chapter apply to, or include the cost of, any facility or
 224 improvement unless such facility or improvement is shown or described on the approved plat or plan of the
 225 project for which such guarantee is being furnished. Furthermore, the terms, conditions, and specifications
 226 contained in any agreement, contract, performance agreement, or similar document, however described or
 227 delineated, between a locality or its governing body and an owner or developer of property entered into
 228 pursuant to this chapter in conjunction with any performance guarantee, as described in this subsection, shall
 229 be limited to those items depicted or provided for in the approved plan, plat, permit application, or similar
 230 document for which such performance guarantee is applicable.

231 **§ 15.2-2245. Provisions for periodic partial and final release of certain performance guarantees.**

232 A. A subdivision ordinance shall provide for the periodic partial and final complete release of any bond,
 233 escrow, letter of credit, or other performance guarantee required by the governing body under this article
 234 within thirty days after receipt of written notice by the subdivider or developer of completion of part or all of
 235 any public facilities required to be constructed hereunder unless the ~~governing body or its designated~~
 236 ~~administrative agency agent~~ notifies the subdivider or developer in writing of nonreceipt of approval by an
 237 applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective
 238 measures prior to the expiration of the thirty-day period. Any inspection of such public facilities shall be
 239 based solely upon conformance with the terms and conditions of the performance agreement and the
 240 approved design plan and specifications for the facilities for which the performance guarantee is applicable,
 241 and shall not include the approval of any person other than an employee of the governing body, its
 242 administrative agency, the Virginia Department of Transportation or other political subdivision or a person

243 who has contracted with the governing body, its administrative agency, the Virginia Department of
244 Transportation or other political subdivision.

245 B. If no such action is taken by the ~~governing body or administrative agency~~ *designated agent* within the
246 time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or
247 developer. No final release shall be granted until after expiration of such thirty-day period and there is an
248 additional request in writing sent by certified mail return receipt to the chief administrative officer of such
249 governing body. The ~~governing body or its designated administrative agency~~ *agent* shall act within ten
250 working days of receipt of the request; then if no action is taken the request shall be deemed approved and
251 final release granted to the subdivider or developer.

252 C. After receipt of the written notices required above, if the governing body or administrative agency
253 takes no action within the times specified above and the subdivider or developer files suit in the local circuit
254 court to obtain partial or final release of a bond, escrow, letter of credit, or other performance guarantee, as
255 the case may be, the circuit court, upon finding the governing body or its administrative agency was without
256 good cause in failing to act, shall award such subdivider or developer his reasonable costs and attorneys' fees.

257 D. No ~~governing body or administrative agency~~ *designated agent* shall refuse to make a periodic partial or
258 final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly
259 related to the specified defects or deficiencies in construction of the public facilities covered by said bond,
260 escrow, letter of credit or other performance guarantee.

261 E. Upon written request by the subdivider or developer, the ~~governing body or its designated~~
262 ~~administrative agency~~ *agent* shall be required to make periodic partial releases of such bond, escrow, letter of
263 credit, or other performance guarantee in a cumulative amount equal to no less than ninety percent of the
264 original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, and
265 may make partial releases to such lower amounts as may be authorized by the ~~governing body or its~~
266 ~~designated administrative agency~~ *agent* based upon the percentage of public facilities completed and
267 approved by the governing body, local administrative agency, or state agency having jurisdiction. Periodic
268 partial releases may not occur before the completion of at least thirty percent of the public facilities covered
269 by any bond, escrow, letter of credit, or other performance guarantee. The ~~governing body or administrative~~
270 ~~agency~~ *designated agent* shall not be required to execute more than three periodic partial releases in any
271 twelve-month period. Upon final completion and acceptance of the public facilities, the ~~governing body or~~
272 ~~administrative agency~~ *designated agent* shall release any remaining bond, escrow, letter of credit, or other
273 performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance"
274 means: when the public facility is accepted by and taken over for operation and maintenance by the state
275 agency, local government department or agency, or other public authority which is responsible for
276 maintaining and operating such public facility upon acceptance.

277 F. For the purposes of this section, a certificate of partial or final completion of such public facilities from
278 either a duly licensed professional engineer or land surveyor, as defined in and limited to § 54.1-400, or from
279 a department or agency designated by the locality may be accepted without requiring further inspection of
280 such public facilities.

281 **§ 15.2-2254. Statutory provisions effective after ordinance adopted.**

282 After the adoption of a subdivision ordinance in accordance with this chapter, the following provisions
283 shall be effective in the territory to which the ordinance applies:

284 1. No person shall subdivide land without making and recording a plat of the subdivision and without
285 fully complying with the provisions of this article and of the subdivision ordinance.

286 2. No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by
287 the ~~local planning commission or by the governing body or its duly authorized~~ *designated agent*, of the
288 locality wherein the land to be subdivided is located; or by the ~~commissions, governing bodies or~~ *designated*
289 *agents*, as the case may be, of each locality having a subdivision ordinance, in which any part of the land lies.

290 3. No person shall sell or transfer any land of a subdivision, before a plat has been duly approved and
291 recorded as provided herein, unless the subdivision was lawfully created prior to the adoption of a
292 subdivision ordinance applicable thereto. However, nothing herein contained shall be construed as preventing
293 the recordation of the instrument by which such land is transferred or the passage of title as between the
294 parties to the instrument.

295 4. Any person violating the foregoing provisions of this section shall be subject to a fine of not more than
296 \$500 for each lot or parcel of land so subdivided, transferred or sold and shall be required to comply with all
297 provisions of this article and the subdivision ordinance. The description of the lot or parcel by metes and
298 bounds in the instrument of transfer or other document used in the process of selling or transferring shall not
299 exempt the transaction from the penalties or remedies herein provided.

300 5. No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded
301 until the plat has been approved as required herein. The penalties provided by § 17.1-223 shall apply to any
302 failure to comply with the provisions of this subsection.

303 **§ 15.2-2258. Plat of proposed subdivision and site plans to be submitted for approval.**

304 Whenever the owner or proprietor of any tract of land located within any territory to which a subdivision

ordinance applies desires to subdivide the tract, he shall submit a plat of the proposed subdivision to the ~~planning commission of the locality, or an agent designated by the governing body~~ *designated agent* thereof for such purpose. When any part of the land proposed for subdivision lies in a drainage district such fact shall be set forth on the plat of the proposed subdivision. When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision. When any grave, object or structure marking a place of burial is located on the land proposed for subdivision, such grave, object or structure shall be identified on any plans or site plans required by this article. When the land involved lies wholly or partly within an area subject to the joint control of more than one locality, the plat shall be submitted to the ~~planning commission or other~~ designated agent of the locality in which the tract of land is located. Site plans or plans of development required by subdivision A 8 of § 15.2-2286 shall also be subject to the provisions of §§ 15.2-2258 through 15.2-2261, mutatis mutandis.

§ 15.2-2259. Designated agent to act on proposed final plat.

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

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

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

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

The ~~local planning commission or other~~ *designated agent* shall act on any proposed plat, site plan or plan of development that it has previously disapproved within 45 days after the plat or plan has been modified, corrected and resubmitted for approval. The failure of a ~~local planning commission or other~~ *designated agent* to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall

367 cause the plat or plan to be deemed approved.

368 Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development,
 369 any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law,
 370 regulations, mandatory Department of Transportation engineering and safety requirements, and other
 371 mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been
 372 approved by the ~~local planning commission or other~~ *designated* agent. Should any resubmission include a
 373 material revision of infrastructure or physical improvements from the earlier submission or if a material
 374 revision in the resubmission creates a new required review by the Virginia Department of Transportation or
 375 by a state agency or public authority authorized by state law, then the ~~local planning commission or other~~
 376 *designated* agent's review shall not be limited to only the previously identified deficiencies identified in the
 377 prior submittals and may consider deficiencies initially appearing in the resubmission because of such
 378 material revision.

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

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

400 D. If a ~~commission or other~~ *the designated* agent disapproves a plat and the ~~subdivider~~ *applicant* contends
 401 that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or
 402 capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and
 403 determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of
 404 the written disapproval by the ~~commission or other~~ *designated* agent.

405 **§ 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid.**

406 A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its
 407 ordinance for the mandatory submission of preliminary subdivision plats for tentative approval for plats
 408 involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary
 409 subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots. The
 410 ~~local planning commission, or an~~ *designated* agent ~~designated by the commission or by the governing body to~~
 411 ~~review preliminary subdivision plats~~ shall complete action on the preliminary subdivision plats within 60
 412 days of submission. However, if approval of a feature or features of the preliminary subdivision plat by a
 413 state agency or public authority authorized by state law is necessary, the ~~commission or~~ *designated* agent
 414 shall forward the preliminary subdivision plat to the appropriate state agency or ~~agencies~~ *authority* for review
 415 within ~~40~~ *five* business days of receipt of such preliminary subdivision plat.

416 B. Any state agency or public authority authorized by state law making a review of a preliminary
 417 subdivision plat forwarded to it under this section, including, without limitation, the Virginia Department of
 418 Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review
 419 within 45 days of receipt of the preliminary subdivision plat upon first submission and within 45 days for any
 420 proposed plat that has previously been disapproved, provided, however, that the time period set forth in §
 421 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of
 422 Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public
 423 rights-of-way for public street purposes for placement of utilities by permit when practical and shall not
 424 unreasonably deny plat approval. If a state agency or public authority authorized by state law does not
 425 approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in
 426 subsection A of § 15.2-2259 with the exception of the time period therein specified. Upon receipt of the
 427 approvals from all state agencies, the ~~local~~ *designated* agent shall act upon a preliminary subdivision plat
 428 within 35 days.

429 C. If a ~~commission~~ has the responsibility of review of preliminary subdivision plats and conducts a public
 430 hearing, ~~it~~ *The designated agent* shall act on the plat within 45 days after receiving approval from all state
 431 agencies. If the ~~local designated agent or commission~~ does not approve the preliminary subdivision plat, the
 432 ~~local designated agent or commission~~ shall set forth in writing the reasons for such denial and shall state what
 433 corrections or modifications will permit approval by ~~such~~ *the designated agent or commission*. With regard to
 434 plats involving commercial or residential property, as those terms are defined in subdivision A 2 of §
 435 15.2-2259, the review process for such plats shall be the same as provided in subdivisions A 2 and A 3 of §
 436 15.2-2259. However, no ~~commission or designated agent~~ shall be required to approve a preliminary
 437 subdivision plat in less than 60 days from the date of its original submission to the ~~commission or designated~~
 438 agent, and all actions on preliminary subdivision plats shall be completed by the ~~designated agent or~~
 439 ~~commission~~ and, if necessary, state agencies, within a total of 90 days of submission to the ~~local designated~~
 440 agent ~~or commission~~.

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

446 E. If a ~~commission or other designated agent~~ disapproves a preliminary subdivision plat and the
 447 subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was
 448 arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall
 449 hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within
 450 60 days of the written disapproval by the ~~commission or other designated agent~~.

451 F. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the
 452 subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such
 453 approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues
 454 approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred
 455 extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications
 456 thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon
 457 90 days' written notice by certified mail to the subdivider, the ~~commission or other designated agent~~ may
 458 revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval
 459 of the final subdivision plat.

460 G. Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to §
 461 15.2-2261, the underlying preliminary plat shall remain valid for a period of five years from the date of the
 462 latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date
 463 of the last recorded plat.

464 **§ 15.2-2261. Recorded plats or final site plans to be valid for not less than five years.**

465 A. An approved final subdivision plat which has been recorded or an approved final site plan, hereinafter
 466 referred to as "recorded plat or final site plan," shall be valid for a period of not less than five years from the
 467 date of approval thereof or for such longer period as the ~~local planning commission or other designated agent~~
 468 may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the
 469 proposed development. A site plan shall be deemed final once it has been reviewed and approved by the
 470 locality if the only requirements remaining to be satisfied in order to obtain a building permit are the posting
 471 of any bonds and escrows or the submission of any other administrative documents, agreements, deposits, or
 472 fees required by the locality in order to obtain the permit. However, any fees that are customarily due and
 473 owing at the time of the agency review of the site plan shall be paid in a timely manner.

474 B. 1. Upon application of the subdivider or developer filed prior to expiration of a recorded plat or final
 475 site plan, the ~~local planning commission or other designated agent~~ may grant one or more extensions of such
 476 approval for additional periods as the ~~commission or other designated agent~~ may, at the time the extension is
 477 granted, determine to be reasonable, taking into consideration the size and phasing of the proposed
 478 development, the laws, ordinances and regulations in effect at the time of the request for an extension.

479 2. If the ~~commission or other designated agent~~ denies an extension requested as provided herein and the
 480 subdivider or developer contends that such denial was not properly based on the ordinance applicable thereto,
 481 the foregoing considerations for granting an extension, or was arbitrary or capricious, he may appeal to the
 482 circuit court having jurisdiction of land subject to the recorded plat or final site plan, provided that such
 483 appeal is filed with the circuit court within sixty days of the written denial by the commission or other
 484 agency.

485 C. For so long as the final site plan remains valid in accordance with the provisions of this section, or in
 486 the case of a recorded plat for five years after approval, no change or amendment to any local ordinance, map,
 487 resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the recorded plat or
 488 final site plan shall adversely affect the right of the subdivider or developer or his successor in interest to
 489 commence and complete an approved development in accordance with the lawful terms of the recorded plat
 490 or site plan unless the change or amendment is required to comply with state law or there has been a mistake,

491 fraud or a change in circumstances substantially affecting the public health, safety or welfare.

492 D. Application for minor modifications to recorded plats or final site plans made during the periods of
493 validity of such plats or plans established in accordance with this section shall not constitute a waiver of the
494 provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats or
495 plans.

496 E. The provisions of this section shall be applicable to all recorded plats and final site plans valid on or
497 after January 1, 1992. Nothing contained in this section shall be construed to affect (i) any litigation
498 concerning the validity of a site plan pending prior to January 1, 1992, or any such litigation nonsuited and
499 thereafter refiled; (ii) the authority of a governing body to impose valid conditions upon approval of any
500 special use permit, conditional use permit or special exception; (iii) the application to individual lots on
501 recorded plats or parcels of land subject to final site plans, to the greatest extent possible, of the provisions of
502 any local ordinance adopted pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.); or
503 (iv) the application to individual lots on recorded plats or parcels of land subject to final site plans of the
504 provisions of any local ordinance adopted to comply with the requirements of the federal Clean Water Act,
505 Section 402 (p.) of the Stormwater Program and regulations promulgated thereunder by the Environmental
506 Protection Agency.

507 F. An approved final subdivision plat that has been recorded, from which any part of the property
508 subdivided has been conveyed to third parties (other than to the developer or local jurisdiction), or a recorded
509 plat dedicating real property to the local jurisdiction or public body that has been accepted by such grantee,
510 shall remain valid for an indefinite period of time unless and until any portion of the property is subject to a
511 vacation action as set forth in §§ 15.2-2270 through 15.2-2278.

512 **§ 15.2-2269. Plans and specifications for utility fixtures and systems to be submitted for approval.**

513 A. If the owners of any such subdivision desire to construct in, on, under, or adjacent to any streets or
514 alleys located in such subdivision any gas, water, sewer or electric light or power works, pipes, wires, fixtures
515 or systems, they shall present plans or specifications therefor to the ~~governing body of the locality in which~~
516 ~~the subdivision is located or its authorized~~ *designated* agent, for approval. If the subdivision is located
517 beyond the corporate limits of a municipality but within the limits set forth in § 15.2-2248, such plans and
518 specifications shall be presented for approval to the ~~governing body of such municipality, or its authorized~~
519 ~~designated~~ agent, if the county has not adopted a subdivision ordinance. The ~~governing body, or designated~~
520 agent, shall have 45 days in which to approve or disapprove the same. In event of the failure of any ~~governing~~
521 ~~body, or its designated~~ agent, to act within such period, such plans and specifications may be submitted, after
522 ten days' notice to the locality, to the circuit court for such locality for its approval or disapproval, and its
523 approval thereof shall, for all purposes of this article be treated and considered as approval by the ~~locality or~~
524 ~~its authorized~~ *designated* agent.

525 B. Any state agency or public authority authorized by state law making a review of any plat forwarded to
526 it under this article, including, without limitation, the Virginia Department of Transportation and authorities
527 authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the
528 plans, provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the
529 applicability of said section. The Virginia Department of Transportation and authorities authorized by
530 Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes
531 for placement of utilities by permit when practical and shall not unreasonably deny plan approval. If a state
532 agency or public authority by state law does not approve the plan, it shall comply with the requirements, and
533 be subject to the restrictions, set forth in subsection A of § 15.2-2259, with respect to the exception of the
534 time period therein specified. Upon receipt of the approvals from all state agencies, the ~~local~~ *designated* agent
535 shall act upon a preliminary subdivision plat within 35 days.

536 **§ 15.2-2270. Vacation of interests granted to a locality as a condition of site plan approval.**

537 Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and
538 easements for a public utility granted to a locality as a condition of the approval of a site plan may be vacated
539 according to either of the following methods:

540 1. By a duly executed and acknowledged written instrument of the owner of the land which has been or is
541 to be developed in accordance with the site plan, declaring the interest or interests to be vacated, provided the
542 ~~governing body or authorized~~ *designated* agent of the locality where the land lies consents to the vacation.
543 The instrument shall be recorded in the same clerk's office wherein is recorded the written instrument
544 describing the interest in real property to be vacated. The execution and recordation of the instrument shall
545 operate to divest all public rights in, and to reinvest the owner with the title to the interests which formerly
546 were held by the governing body; or

547 2. By ordinance of the governing body in the locality in which the property which is the subject of an
548 approved site plan lies, provided that no interest shall be vacated in an area in which facilities, for which
549 bonding is required pursuant to §§ 15.2-2241 through 15.2-2245, have been constructed.

550 The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. Any
551 person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal
552 from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the

553 circuit court having jurisdiction of the land over which the governing body's interest is located. Upon appeal,
 554 the court may nullify the ordinance if it finds that the owner of the property, which has been developed or is
 555 to be developed in accordance with the approved site plan, will be irreparably damaged. If no appeal from the
 556 adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a
 557 certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the
 558 instrument creating the governing body's interest is recorded.

559 The execution and recordation of an ordinance of vacation shall operate to destroy the effect of the
 560 instrument which created the governing body's interest so vacated and to divest all public rights in and to the
 561 property and vest title in the streets, alleys, easements for public rights of passage, easements for drainage,
 562 and easements for a public utility as may be described in, and in accordance with, the ordinance of vacation.

563 **§ 15.2-2271. Vacation of plat before sale of lot therein; ordinance of vacation.**

564 Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the
 565 following methods:

566 1. With the consent of the ~~governing body, or its authorized~~ *designated* agent, of the locality where the
 567 land lies, by the owners, proprietors and trustees, if any, who signed the statement required by § 15.2-2264 at
 568 any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly
 569 executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is
 570 recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the
 571 recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and
 572 trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out
 573 or described in the plat; or

574 2. By ordinance of the governing body of the locality in which the property shown on the plat or part
 575 thereof to be vacated lies, provided that no facilities for which bonding is required pursuant to §§ 15.2-2241
 576 through 15.2-2245 have been constructed on the property and no facilities have been constructed on any
 577 related section of the property located in the subdivision within five years of the date on which the plat was
 578 first recorded.

579 The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. Any
 580 person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal
 581 from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the
 582 circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the
 583 court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably
 584 damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the
 585 ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's
 586 office of any court in which the plat is recorded.

587 The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of
 588 the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the
 589 property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and
 590 easements for public passage and other public areas laid out or described in the plat.

591 **§ 15.2-2307. Vested rights not impaired; nonconforming uses.**

592 A. Nothing in this article shall be construed to authorize the impairment of any vested right. Without
 593 limiting the time when rights might otherwise vest, a landowner's rights shall be deemed vested in a land use
 594 and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when the landowner
 595 (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing
 596 development of a specific project, (ii) relies in good faith on the significant affirmative governmental act, and
 597 (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance
 598 on the significant affirmative governmental act.

599 B. For purposes of this section and without limitation, the following are deemed to be significant
 600 affirmative governmental acts allowing development of a specific project: (i) the governing body has
 601 accepted proffers or proffered conditions which specify use related to a zoning amendment; (ii) the governing
 602 body has approved an application for a rezoning for a specific use or density; (iii) the governing body or
 603 board of zoning appeals has granted a special exception or use permit with conditions; (iv) the board of
 604 zoning appeals has approved a variance; (v) the ~~governing body or its~~ designated agent has approved a
 605 preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant
 606 diligently pursues approval of the final plat or plan within a reasonable period of time under the
 607 circumstances; (vi) the ~~governing body or its~~ designated agent has approved a final subdivision plat, site plan
 608 or plan of development for the landowner's property; or (vii) the zoning administrator or other administrative
 609 officer has issued a written order, requirement, decision or determination regarding the permissibility of a
 610 specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to
 611 change, modification or reversal under subsection C of § 15.2-2311.

612 C. A zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not
 613 conform to the zoning prescribed for the district in which they are situated may be continued only so long as
 614 the then existing or a more restricted use continues and such use is not discontinued for more than two years,

615 and so long as the buildings or structures are maintained in their then structural condition; and that the uses of
 616 such buildings or structures shall conform to such regulations whenever, with respect to the building or
 617 structure, the square footage of a building or structure is enlarged, or the building or structure is structurally
 618 altered as provided in the Uniform Statewide Building Code (§ 36-97 et seq.). If a use does not conform to
 619 the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by
 620 the locality for such use and (ii) the holder of such business license has operated continuously in the same
 621 location for at least 15 years and has paid all local taxes related to such use, the locality shall permit the
 622 holder of such business license to apply for a rezoning or a special use permit without charge by the locality
 623 or any agency affiliated with the locality for fees associated with such filing. Further, a zoning ordinance may
 624 provide that no nonconforming use may be expanded, or that no nonconforming building or structure may be
 625 moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.

626 D. Notwithstanding any local ordinance to the contrary, if (i) the local government has issued a building
 627 permit, the building or structure was thereafter constructed in accordance with the building permit, and upon
 628 completion of construction, the local government issued a certificate of occupancy or a use permit therefor,
 629 (ii) a property owner, relying in good faith on the issuance of a building permit, incurs extensive obligations
 630 or substantial expenses in diligent pursuit of a building project that is in conformance with the building
 631 permit and the Uniform Statewide Building Code (§ 36-97 et seq.), or (iii) the owner of the building or
 632 structure has paid taxes to the locality for such building or structure for a period of more than the previous 15
 633 years, a zoning ordinance shall not provide that such building or structure is illegal and subject to removal
 634 solely due to such nonconformity. Such building or structure shall be nonconforming. A zoning ordinance
 635 may provide that such building or structure be brought in compliance with the Uniform Statewide Building
 636 Code, provided that to do so shall not affect the nonconforming status of such building or structure. If the
 637 local government has issued a permit, other than a building permit, that authorized construction of an
 638 improvement to real property and the improvement was thereafter constructed in accordance with such
 639 permit, the ordinance may provide that the improvements are nonconforming, but not illegal. If the structure
 640 is one that requires no permit, and an authorized local government official informs the property owner that
 641 the structure will comply with the zoning ordinance, and the improvement was thereafter constructed, a
 642 zoning ordinance may provide that the structure is nonconforming but shall not provide that such structure is
 643 illegal and subject to removal solely due to such nonconformity. In any proceeding when the authorized
 644 government official is deceased or is otherwise unavailable to testify, uncorroborated testimony of the oral
 645 statement of such official shall not be sufficient evidence to prove that the authorized government official
 646 made such statement.

647 E. A zoning ordinance shall permit the owner of any residential or commercial building damaged or
 648 destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or
 649 reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in
 650 § 15.2-2310. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced
 651 except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner
 652 shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in
 653 compliance with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.) and any work done
 654 to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain
 655 regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such
 656 building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God,
 657 such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning
 658 ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster
 659 declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to
 660 the declaration, then the zoning ordinance shall provide for an additional two years for the building to be
 661 repaired, rebuilt or replaced as otherwise provided in this paragraph. For purposes of this section, "act of
 662 God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high
 663 water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this
 664 section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if
 665 it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit
 666 an arson under § 18.2-77 or 18.2-80, and obtain vested rights under this section.

667 F. Notwithstanding any local ordinance to the contrary, an owner of real property shall be permitted to
 668 replace an existing on-site sewage system for any existing building in the same general location on the
 669 property even if a new on-site sewage system would not otherwise be permitted in that location, unless access
 670 to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then
 671 the connection to such system shall be required. Any new on-site system shall be installed in compliance with
 672 applicable regulations of the Department of Health in effect at the time of the installation.

673 G. Nothing in this section shall be construed to prevent a locality, after making a reasonable attempt to
 674 notify such property owner, from ordering the removal of a nonconforming sign that has been abandoned. For
 675 purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected
 676 has not been in operation for a period of at least two years. Any locality may, by ordinance, provide that

677 following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the
678 owner of the property on which the sign is located, if notified by the locality to do so. If, following such two-
679 year period, the locality has made a reasonable attempt to notify the property owner, the locality through its
680 own agents or employees may enter the property upon which the sign is located and remove any such sign
681 whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the
682 property. Nothing herein shall prevent the locality from applying to a court of competent jurisdiction for an
683 order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or
684 other appropriate remedy.

685 H. Nothing in this section shall be construed to prevent the land owner or home owner from removing a
686 valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home
687 with another comparable manufactured home that meets the current HUD manufactured housing code. In
688 such mobile or manufactured home park, a single-section home may replace a single-section home and a
689 multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or
690 manufactured home not located in a mobile or manufactured home park may replace that home with a newer
691 manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code.
692 Any such replacement home shall retain the valid nonconforming status of the prior home.