

**AGENDA**  
**KING & QUEEN COUNTY PLANNING COMMISSION**  
**TUESDAY, MARCH 3, 2026**  
**6:00 P.M.**  
**COURT ROOM**

1. **Call to Order**
2. **Roll Call/Determination of Quorum**
3. **Welcome Newly Appointed Member, William Thomas of Shanghai**
4. **Approval of 2026 Meeting Schedule - *Revision***
5. **Approval of Minutes**
  - a. **December 1, 2025 – Regular Monthly Meeting**  
*\*Note there was no January and February meeting*
6. **Citizens Comment Period – Planning Related Issues Only (other than items on the agenda)**
7. **New Business**
  - a. **Planning Commission By-Laws – *Revision***  
Update Article VI, Meetings and Article IX, Public Hearings
8. **Old Business**
  - a. **Upcoming Zoning Text Amendments Update – *Discussion of Site Plan Requirements***
9. **Staff's Comments**
  - a. **Upcoming Application(s) (*if any*)**
  - b. **Other Comments/Updates (*if any*)**
10. **Commissioner's Comments**
11. **Meeting Schedule**

The next meeting will be on **Tuesday, April 7, 2026** at 6:00 p.m. in the 2<sup>nd</sup> Floor Conference Room A&B of the Courts & Administrative Building.
12. **Adjournment**

**AGENDA:**      *Tuesday, March 3, 2026, PC Meeting*

**ITEM #1:**

**Chairman calls the March 3rd, 2026, Planning Commission meeting to order.**

**Note: In the absence of the Chairman, the Vice-chair will lead the meeting. In the absence of both the Chairman and Vice-chair, the Secretary will call the meeting to order.**

**AGENDA:**      *Tuesday, March 3, 2026, PC Meeting*

**ITEM #2:**

**Chairman asks the Secretary to call the roll to determine if there is a Quorum.**

**AGENDA:**      *Tuesday, March 3, 2026, PC Meeting*

**ITEM #3:**

**Welcome William Thomas, newly appointed Shanghai District Planning Commission Member.**

**AGENDA:**      *Tuesday, March 3, 2026, PC Meeting*

**ITEM #4:**

**Approval of Revised 2026 Meeting Schedule:**

**Need a motion and a second to accept, or accept with changes, the 2026 Planning Commission meeting schedule, specifically the November meeting date.**

**Roll call vote or signify approval by stating “Aye”**

**KING & QUEEN COUNTY  
PUBLIC NOTICE**

Pursuant to Section 15.2-2214 of the Code of Virginia, the King & Queen County Planning Commission has set the following dates for their monthly meetings for the 2026 calendar year:

- Tuesday, January 6, 2026
- Tuesday, February 3, 2026
- Tuesday, March 3, 2026
- Tuesday, April 7, 2026
- Tuesday, May 5, 2026
- Tuesday, June 2, 2026
- Tuesday, July 7, 2026
- Tuesday, August 4, 2026
- Tuesday, September 1, 2026
- Tuesday, October 6, 2026
- ~~Tuesday, November 3, 2026~~ This is a holiday (Election Day)
- Tuesday, December 1, 2026

Planning Commission meetings are held at 6:00 p.m. at the King and Queen County Courts and Administrative Building, 2<sup>nd</sup> floor conference room (A&B), 242 Allens Circle, King & Queen CH, VA 23085, unless otherwise noted.

**Board of Supervisors Representative Schedule**

January, June & November –Sherrin Alsop

February, July & December –Carolyn Billups

March & August –Marie Norman

April & September –Mark Berry

May & October –James Lawrence Simpkins

**AGENDA:**      *Tuesday, March 3, 2026, PC Meeting*

**ITEM #5:**

**Approval of Minutes:**

**Chairman will ask for a motion and a second to accept or not accept the December 1, 2025, minutes as presented.**

*Note: If you did not attend the meeting, when taking a roll call vote, you abstain.*

*If you have any corrections or additions, this is the time to note such and include in your motion.*

**King & Queen County  
Planning Commission Minutes  
December 1<sup>st</sup>, 2025**

The King & Queen County Planning Commission met on Monday, December 1, 2025, at 6:00 p.m. in the King & Queen County Courts and Administrations Building in the Second Floor Conference Rooms A & B for their regular monthly meeting.

**Planning Commission Members Present:**

Barry Allen	Edmond Wilson, Jr.
Mac Bradley	Comer Jackson
Hunter Richardson	Jonathan Massey
Robbie Shackelford	

**Also in Attendance:**

Vivan Seay, County Administrator/County Attorney  
Donna Elliott Sprouse, Director of Community Development  
Kelly Evko, Economic Development Director  
Resa Wilson, Multifunction Coordinator

**Call to Order**

Chairman, Mr. Richardson, called the meeting to order.

**Roll Call/Determination of Quorum**

Mr. Jackson took roll call and determined that a quorum was present.

**Welcome Newly Appointed Member, Robert Shackelford of Newtown**

Mr. Richardson welcomed Mr. Robert "Robbie" Shackelford to the Planning Commission. He asked Mr. Shackelford to introduce himself and give a little background. Mr. Shackelford introduced himself and his ties to the Newtown area. Mr. Shackelford says he looks forward to being a part of the Planning Commission.

**Election of Officers for 2026**

Mr. Richardson asked if there were any nominations for Clerk. Mr. Jackson nominated Mrs. Sprouse as Clerk.

Voting For: Allen, Bradley, Richardson, Shackelford, Wilson, Jackson, Massey  
Voting Against: None  
Abstain: None

Mr. Richardson asked if there were any nominations for Secretary. A nomination was made by Mr. Bradley to have Mr. Jackson serve as Secretary.

Voting For: Allen, Bradley, Richardson, Shackelford, Wilson, Jackson, Massey  
Voting Against: None  
Abstain: None

Mr. Richardson asked if there were any nominations for Vice-Chair. Mr. Richardson mentioned he had spoken with Mr. Coleman earlier in the day and had confirmed with Mr. Coleman that if reappointed, he would be willing to continue to serve as Vice-Chair. A nomination was made by Mr. Massey to have Mr. Coleman serve as Vice-Chair.

Voting For: Allen, Bradley, Richardson, Shackelford, Wilson, Jackson, Massey  
Voting Against: None  
Abstain: None

Mr. Richardson asked if there were any nominations for Chair. A nomination was made by Mr. Allen to have Mr. Richardson serve as Chair.

Voting For: Allen, Bradley, Shackelford, Wilson, Jackson, Massey  
Voting Against: None  
Abstain: Richardson

### **Approval of 2026 Meeting Schedule**

There was general discussion among the Planning Commission on changing the standing date of 1<sup>st</sup> Mondays of each month to the 1<sup>st</sup> Tuesdays of each month to help with conflicts in members schedules. Ms. Seay also made the suggestion of changing the meeting location from the Courtroom to the Second Floor Conference Rooms A & B unless a larger space is needed then can move the meeting to the Courtroom. Planning Commission members were in agreeance with the new changes.

Pursuant to Section 15.2-2214 of the Code of Virginia, the King & Queen County Planning Commission has set the following dates for their monthly meetings for the 2026 calendar year:

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- February 3, 2026
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- April 7, 2026
- May 5, 2026
- June 2, 2026

- July 7, 2026
- August 4, 2026
- September 8, 2026
- October 6, 2026
- November 3, 2026
- December 1, 2026

Planning Commission meetings are held at 6:00 p.m. at the King and Queen County Courts and Administrative Building, Second Floor Conference Rooms A & B, 242 Allens Circle, King & Queen CH, VA 23085, unless otherwise noted.

A motion was made by Mr. Richardson to approve of the 2026 Planning Commission meeting schedule as amended. All members present stated “Aye” during a roll call vote.

Voting For: Allen, Bradley, Richardson, Shackelford, Wilson, Jackson, Massey  
 Voting Against: None  
 Abstain: None

**Approval of Minutes  
 October 6, 2025**

After review of the October 6, 2025 minutes, a motion was made by Mr. Wilson to accept the minutes as presented, seconded by Mr. Massey.

Voting For: Bradley, Richardson, Wilson, Massey  
 Voting Against: None  
 Abstain: Allen, Jackson, Shackelford

**Citizens Comment Period**

Mr. Richardson opened the floor for citizens comment period.

Hearing none, citizens comment period was closed.

**New Business**

**A. New GIS Map Demo**

A representative from the Timmons Group provided a demo on the new GIS Map showcasing the new features and functionality of the tool. Currently, the GIS Map is being hosted through WebLogistics which will be going away on December 31<sup>st</sup>, 2025. The new GIS Map is called MapInsights and is available online for all to use now. Mrs. Sprouse thanked Brock Ryan with Timmons Group for providing the demo to the Planning Commission.

## **B. Freedom of Information Act (FOIA) Training**

Ms. Seay provided FOIA training to the Commission along with highlighting the updates and changes that came into effect July 2025.

## **Old Business**

### **A. Upcoming Zoning Text Amendments Update**

Mrs. Sprouse noted and she and Ms. Seay are still working on the updates to ordinances. They wanted to provide the Commission a complete package at one time along with a summary of all the changes to the ordinances. Mr. Richardson inquired about a rough timeline of when to expect the update of the ordinances for review. Mrs. Sprouse is hoping for the February or March meeting.

## **Staff's Comments**

### **A. Upcoming Applications (if any)**

Mrs. Sprouse informed the Planning Commission that Fulcrum plans to build two additional hangars. She advised this application would not be coming forth to the Planning Commission due to the recent changes in legislation, but wanted to keep the Planning Commission informed.

### **B. Other Comments/ Updates (if any)**

Mrs. Sprouse mentioned the by-laws for the Public Comment section needs to be updated due to changes in the code. She recommended to include the Va State code section by reference to encompass future changes. Mr. Richardson asked for it to be placed on next month's meeting agenda for the Planning Commission to review.

## **Commissioner's Comments**

Mr. Shackelford no comment.

Mr. Wilson stated he has been receiving phone calls from citizens about different issues specifically about a data center. He reached out to Mrs. Sprouse for some guidance and she was able to help by pointing him to the website which is full of information. He gives props to Mrs. Sprouse in providing help in using the website to fulfil inquiries from the public. With a little bit of practice, he has been able to point citizens to areas on the website to look-up, investigate and get answers on different issues.

Mr. Bradley no comment.

Mr. Allen welcomed the new member to the commission.

Mr. Jackson welcomed Mr. Shackelford to the commission.

Mr. Richardson thanked everyone for the vote of confidence in being chairman for the next 12 months. He is looking forward to working with Mr. Shackelford.

### **Adjournment**

Mr. Richardson noted that the next meeting is set for Tuesday, January 6, 2026, at 6 p.m.

There being no further business, motion was made by Mr. Jackson to adjourn. The motion was ratified by all present members stating "Aye".

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Hunter Richardson, Chairman

**AGENDA:**      *Tuesday, March 3, 2026, PC Meeting*

**ITEM #6:**

**Citizen Comment Period:**

**Before opening the floor, advise the public that this is an opportunity to come before the Commission with comments that are not pertaining to the action items listed on the agenda.**

**Open the floor for citizen comment, ask that citizens state their name, address, the voting district in which they reside. If there's a full agenda, consider asking that they try to limit their time to 3-5 minutes so that everyone has an opportunity to speak.**

**After hearing all comments or if there are no comments, close citizen comment period.**

**AGENDA: Tuesday, March 3, 2026, PC Meeting**

**ITEM #7:**

**New Business:**

**A. Planning Commission By-Laws - Revision**

- **Update Article VI, Meetings**
- **Update Article IX, Public Hearings**

**BYLAWS OF THE  
KING AND QUEEN COUNTY, VIRGINIA  
PLANNING COMMISSION**

**Article I – Authorization**

- 1.1 The Planning Commission is established in conformance to a resolution adopted by the King and Queen County Board of Supervisors (“Board”), on January 11, 1984, and in accordance with the provisions of section 15.2-2210, Code of Virginia (1950) as amended.
- 1.2 The official title of this body shall be the King and Queen County Planning Commission, hereinafter referred to as the “Commission”.

**Article II – Purpose**

- 2.1 The Commission is to prepare plans (including the County’s Comprehensive Plan), regulations, ordinances, and other documents that deal with land development and use. The Commission also reviews zoning changes, capital improvement plans, special land use districts, site plan requirements, and other matters as outlined in the Unified Land Use Regulations, Title II, Code of King and Queen County, Virginia. In addition, the Commission will recommend and/or approve changes in land use and development as outlined in the Unified Land Use Regulations. The Commission also serves in an advisory capacity to the Board.
- 2.2 In the case of any conflict between these by-laws and Virginia state law, Virginia state law shall supersede these by-laws.

**Article III – Membership**

- 3.1 The Commission shall consist of ten members with at least one-half of the members owning real estate in the County. All members shall be qualified voters in the County. Each of the five Board members shall appoint two Commission members to represent both their District and the County at-large.
- 3.2 Each Commission member shall attend the Virginia Certified Planning Commissioners Program and receive a certificate of completion within one (1) year of their appointment date to the Planning Commission. Any expenses for the class registration, mileage and lodging (if necessary) shall be reimbursed by the County.
- 3.3 The terms of the original Commission members shall be one, two, three, and four years. The successors shall be appointed for terms of four years. Thus, the terms of the members should always be staggered.
- 3.4 Vacancies shall be filled by appointment made by the Board and shall be for an unexpired term only.
- 3.5 Members of the Commission may be eligible for reappointment.

- 3.6 Commission members shall be expected to attend the majority of meetings. Commissioners will be allowed no more than three absences from regular monthly meetings per calendar year, January to December. In the event that a commissioner misses more than three regular meetings in a calendar year, the Commission will investigate the case and may recommend removal of that Commissioner to the Board.
- 3.7 Members of the Commission may be removed by the Board for malfeasance in office, and as noted in State Code of Virginia 15.2-2212.
- 3.8 The Board will provide for the payment of expenses incurred by Commission members in the performance of their official duties and reasonable costs in training for their office.

#### **Article IV – Selection of Officers**

- 4.1 Officers of the Commission shall consist of Chair, Vice-Chair, and Secretary. The Chair, Vice-Chair, and Secretary shall be elected by the membership. The Secretary will serve at the request of the Commission and may be a member of the Commission or an employee of the County or a citizen volunteer.
- 4.2 Nomination of officers shall be made from the floor during their December meeting or the first meeting each calendar year. Election of officers shall follow immediately. A candidate receiving a majority vote of the entire membership shall be declared elected.
- 4.3 Officers' terms shall be for one (1) year.
- 4.4 Any vacancies in office shall be filled within sixty (60) days for the un-expired portion of the term in the same manner as the officers are originally chosen.

#### **Article V – Duties of Officers**

- 5.1 The Chair shall:
  - 5.1-1 Preside at meetings.
  - 5.1-2 Appoint committees  
(Committees may include the Comprehensive Plan, Land Use, Zoning, Capital Improvements, Subdivision, or other such special committee as needed.)
  - 5.1-3 Rule on procedural questions (subject to reversal by a two-thirds majority vote of the members present).
  - 5.1-4 Certify minutes as true and correct copies.
  - 5.1-5 Report official communications at the next regular meeting.
  - 5.1-6 Carry out other duties as assigned by the Commission.
- 5.2 The Vice-Chair shall assume the full powers of the Chair in the absence of the Chair.
- 5.3 The Secretary shall record attendance at all meetings, coordinate and record the voting process, and other duties as designated by the Chair.

5.4 The Clerk shall be annually appointed by a majority of the Commission:

- 5.4-1 Record attendance at all meetings.
- 5.4-2 Record minutes of all Commission meetings, and provide each Commission with a copy of such minutes (and amended minutes) in a timely manner.
- 5.4-3 Notify members of all meetings and mail the agenda and supporting information prior to regular meetings (known as the Planning Commission Packets).
- 5.4-4 Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.
- 5.4-5 Attend to the correspondence necessary for the execution of the duties and functions of the Commission.

## Article VI – Meetings

- 6.1 Regular meetings of the Commission shall typically be held monthly, on the first **Monday Tuesday** of each month at 6:00 P.M. unless otherwise decided by the Commission. When a meeting date falls on a legal holiday, the meeting shall be scheduled by the Commission for an alternate day.
- 6.2 In the case of severe inclement weather, the meeting may be canceled or held on a day later in the month as designated by the Commission.
- 6.3 Special meetings may be called by the Chair or by two members upon written request to the Secretary as needed. The Secretary shall mail a written notice to all members, at least five days before a special meeting, stating the time, place and purpose of the meeting.
- 6.4 All meetings of the Commission shall be open to the public. The Commission may go in to Executive Session as permitted by law.
- 6.5 The Commission shall meet at least every two months. However, per State Code of Virginia 15.2-2214, in any locality with a population of not more than 7,500, the Commission shall be required to meet at least once each year.

## Article VII – Voting

- 7.1 A majority of the members shall constitute a quorum.
- 7.2 No action of the Commission shall be valid unless authorized by a majority vote of those present and voting. A tie vote on any motion means the defeat of the motion for a lack of a majority vote.
- 7.3 The State Conflict of Interest Act applies.

## Article VIII – Order of Business

- 8.1 The order of business for a regular meeting will generally be:
  - 8.1-1 Call to order

- 8.1-2 Establishment of quorum by chairman
- 8.1-3 Approval of minutes
- 8.1-4 Public Comment Period
- 8.1-5 Public Hearings
- 8.1-6 New Business
- 8.1-7 Unfinished Business
- 8.1-8 Commissioner's Comments
- 8.1-9 Meeting Schedule
- 8.1-10 Adjournment or such other order as the Chairman may decide.

## **Article IX – Public Hearings**

- 9.1 Notice of public hearing shall be in compliance with the Code of Virginia.
- 9.2 In addition to those required by law, the Commission may hold public hearings on any matter, which it deems to be in the public interest.
- 9.3 Notice of a public hearing shall be published in accordance with 15.2-2204 of the Code of Virginia. ~~once a week for two successive weeks, in a newspaper of general circulation in the area, at least ten days before the day of the public hearing.~~ Such notice shall specify the time and place of the hearing.
- 9.4 The Chair, or designee, shall summarize the matter before the Commission, allow interested parties to speak, and accept written statements and other documentation pertinent to the matter being addressed. Minutes shall be recorded.

## **Article X – Amendments**

- 10.1 These bylaws may be amended by a majority vote of the entire membership at any scheduled meeting upon thirty days' written notice to commission membership.

These Bylaws were unanimously approved by the Planning Commission.

Signed: Hunter Richardson  
Commission Chair

Date: December 6, 2021

Created & Adopted February 1997  
Amended & Adopted October 6, 2008  
Amended & Adopted February 2, 2009  
Amended & Adopted December 6, 2021

**AGENDA: Tuesday, March 3, 2026, PC Meeting**

**ITEM #8:**

**Old Business:**

**1. Upcoming Zoning Text Amendments Update**

*Discuss new state law regarding site plan review requirements*

# VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

## CHAPTER 594

*An Act to amend and reenact §§ 15.2-2201, 15.2-2241, 15.2-2245, 15.2-2254, 15.2-2258, 15.2-2259, 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 to subdivision ordinance; plan review by designated agent.*

[S 974]

Approved March 24, 2025

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

**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, 15.2-2269, 15.2-2270, 15.2-2271, and 15.2-2307 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-2201. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

"Plat" or "plat of subdivision" means the schematic representation of land divided or to be divided and information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and

15.2-2264, and other applicable statutes.

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

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

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

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

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

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

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

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

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

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

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

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

1. For plat details which shall meet the standard for plats as adopted under § 42.1-82 of the Virginia Public Records Act (§ 42.1-76 et seq.);
2. For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage, including, for ordinances and amendments thereto adopted on or after January 1, 1990, for the coordination of such streets with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions;
3. For adequate provisions for drainage and flood control, for adequate provisions related to the failure of

impounding structures and impacts within dam break inundation zones, and other public purposes, and for light and air, and for identifying soil characteristics;

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

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

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

As used in this section, "designated administrative agency" means the planning commission of the locality or an agent designated by the governing body of the locality for such purpose as set forth in §§ 15.2-2258 through 15.2-2264;

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

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

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

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

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

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

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

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

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

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

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

Transportation or other political subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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 ~~40~~ *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 ~~40~~ *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 cause the plat or plan to be deemed approved.

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

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

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

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

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

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

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

C. If a ~~commission~~ has the responsibility of review of preliminary subdivision plats and conducts a public

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land over which the governing body's interest is located. Upon appeal,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**AGENDA:**      *Tuesday, March 3, 2026, PC Meeting*

**ITEM #9:**

**Staff's Comments:**

**A. Upcoming Applications (if any)**

**B. Other Comments/Updates (if any)**

**AGENDA:**      *Tuesday, March 3, 2026, PC Meeting*

**ITEM #10:**

**Commissioner's Comments:**

**Planning Commission will provide comments, if any, other than items already discussed during the meeting/public hearing.**

**AGENDA:      *Tuesday, March 3, 2026, PC Meeting***

**ITEM #11 & #12:**

**Meeting Schedule/Adjournment:**

**The next Planning Commission meeting is scheduled for Tuesday, April 7, 2026, at 6:00 p.m.**

**Ask the Commission for a motion to adjourn the meeting.**

**Ask is there a second.**

**All in favor say “Aye”**

*Note that meetings may be cancelled due to lack of agenda items or for other reasons as noted in the Planning Commission By-Laws.*