

## **Commission on Growth and Economic Development**

HJR 671 (2001)

### **Related Legislation From 2001 Session (Failed)**

#### **Summaries**

##### **House Committee on Counties, Cities and Towns**

HB 649 Zoning ordinances; vested rights.  
HB 852 Issuance of building permits based on capital improvements.  
HB 1401 Rezoning of certain residential property.  
HB 1442 Omnibus Local Government Financing Powers Act of 2000.  
HB 1630 Preservation of historical sites and conservation areas.  
HB 1673 Clustering of single-family detached dwellings.  
HB 1794 Local government taxing authority.  
HB 1829 Impact fees for residential development.  
HB 1917 Loans for preservation of historical property.  
HB 1948 Clustering of dwellings.  
HB 2335 Support for adequate public facilities.  
HB 2410 Issuance of building permits based on capital improvements.  
HB 2702 Zoning amendments.  
SB 1300 Review of capital improvement program.  
SB 1302 Creation of special fund for capital projects.

##### **Senate Committee on Local Government**

HB 2314 Blighted structures in Richmond City.  
SB 433 Transfer of development rights.  
SB 959 Loans for preservation of historical property.  
SB 1111 Road impact fees in Mecklenburg County.  
SB 1381 Intent and purpose of zoning ordinances.

## Commission on Growth and Economic Development

### HJR 671 (2001)

- BILL NUMBER:** House Bill 649  
**PATRON:** Jones, C.  
**SUMMARY:** *Vested rights.* Provides that only acts occurring after July 1, 1998, shall be applicable when determining what qualifies as a significant affirmative governmental act.
- BILL NUMBER:** House Bill 852  
**PATRON:** May  
**SUMMARY:** *Issuance of building permits based on capital improvements.* Allows any county that has an average annual growth rate of five percent or greater to establish the maximum number of building permits for new residences to be issued in each calendar year. As a condition to the exercise of this authority, the county shall (i) establish reasonable, maximum debt ratios for the county after consultation with its financial advisors, (ii) adopt a capital improvements program and annually fund the program, and (iii) annually fund at least 10 percent of the capital improvements program with current revenues, exclusive of debt service or funds collected pursuant to proffered zoning conditions. The ordinance may provide for the issuance of building permits for new residential units beyond the established maximum upon the payment by the permit holder of a proportional cash contribution for school and other local capital facilities' costs. Any such payment shall be subject to a reasonable credit for actual contributions to local capital facilities' costs that have been made pursuant to a proffered zoning condition.
- BILL NUMBER:** House Bill 1401  
**PATRON:** Barlow  
**SUMMARY:** *Rezoning of certain residential property.* Permits high-growth localities to include provisions in a zoning ordinance allowing a locality to reduce the intensity or density of a residential zoning classification, including rezoning to a non-residential use, on a property that has not begun significant development within five years of being zoned for residential use.
- BILL NUMBER:** House Bill 1442  
**PATRON:** Hull  
**SUMMARY:** *Virginia Omnibus Local Government Financing Powers Act of 2000.* Reforms local government taxing authority, and the powers of counties, to allow high-growth localities, and localities with certain types of

conditional zoning power, to more adequately fund transportation improvements and public school operations in order to relieve intensive growth pressures by (i) conforming local taxing powers by granting counties the same powers of taxation that are now granted only to municipalities by the Uniform Charter Powers Act; (ii) expanding the applicability of optional local income tax authority by including all high-growth localities; (iii) requiring the referendum for approval of the local income tax to be held at the general election in November of 2000; (iv) allowing the revenues from such tax to be used for educational purposes, rather than for transportation facilities only; (v) deleting provisions which would prevent a locality that levies the local income tax from reducing the total amount of its annual general fund appropriations for transportation below the amount appropriated prior to levying the tax; and (v) repealing the five-year sunset clause.

**BILL NUMBER:** House Bill 1630

**PATRON:** Callahan

**SUMMARY:** *Preservation of historical sites and architectural areas.* States the policy and purpose for existing provisions that allow localities to adopt ordinances to protect historic landmarks and other areas. Adds architectural areas to those areas that may be included in such an ordinance and defines "architectural area" to include an area where the visual impact of buildings and development can be significant on the economic, cultural, or scenic attributes of the community. Localities that adopt an architectural area district are required to adopt standards to guide decision making within the district.

**BILL NUMBER:** House Bill 1673

**PATRON:** Albo

**SUMMARY:** *Clustering of single-family detached dwellings.* Provides that subdivision and zoning ordinances shall contain reasonable provisions allowing the clustering of single-family detached dwellings so as to preserve open space. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for the clustering of single-family detached dwellings on lots that are up to 20 percent smaller than otherwise required by local ordinance. There is a delayed effective date of July 1, 2002.

**BILL NUMBER:** House Bill 1794

**PATRON:** Hull

**SUMMARY:** *Local government taxing authority.* Equalizes city and county taxing authority by granting counties the same authority available to cities and towns through the uniform charter powers.

**BILL NUMBER:** House Bill 1829  
**PATRON:** Hargrove  
**SUMMARY:** *Impact fees for residential development.* Provides that a locality may adopt an ordinance providing for payment of impact fees for residential development. The impact fee shall be in an amount representing the proportional total or partial cost of capital improvements reasonably related to the transportation, education, emergency services, law enforcement, recreation, library or other needs for public facilities generated by the additional residential development. No impact fee shall be assessed unless the capital improvements related to the additional development have been included in the locality's capital improvement program. All impact fees collected shall be used by the locality for the purpose of completing capital improvements specified in the ordinance.

**BILL NUMBER:** House Bill 1917  
**PATRON:** Van Yahres  
**SUMMARY:** *Loans for preservation historical property.* Permits localities to make loans of money appropriated from public funds to owners of historically significant property for the purpose of preserving, rehabilitation or repairing such property.

**BILL NUMBER:** House Bill 1948  
**PATRON:** Hull  
**SUMMARY:** *Clustering of dwellings.* Requires localities to include in their subdivision and zoning ordinances provisions allowing the clustering of single-family detached dwellings on lots of lesser size so as to preserve open space. No ordinance shall require that a special use permit be obtained for such clustering.

**BILL NUMBER:** House Bill 2314  
**PATRON:** Baskerville  
**SUMMARY:** *Blighted structures in certain cities.* Allows the owner of blighted property in the City of Richmond (described by population) to request that the court waive certain civil penalties if (i) the property is sold to a third party who remains responsible for all violations under Title 36, or (ii) the property is donated to a local housing organization.

**BILL NUMBER:** House Bill 2335  
**PATRON:** Blevins  
**SUMMARY:** *Adequate public facilities.* Allows high-growth localities to adopt reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that will be required by a proposed subdivision, site plan or rezoning. Approval of a proposed subdivision, site plan or rezoning may be made contingent upon a finding by the governing body of adequate public facilities. Such provisions shall include reasonable exceptions for small developments or other categories of development as deemed appropriate by the governing body. A

proposed subdivision, site plan or rezoning shall be delayed for no more than five years under these provisions.

**BILL NUMBER:** House Bill 2410

**PATRON:** May

**SUMMARY:** *Issuance of building permits based on capital improvements.* Allows any county that has an average annual growth rate of five percent or greater to establish the maximum number of building permits for new residences to be issued in each calendar year. As a condition to the exercise of this authority, the county shall (i) establish reasonable, maximum debt ratios for the county after consultation with its financial advisors, (ii) adopt a capital improvements program and annually fund the program, and (iii) annually fund at least 10 percent of the capital improvements program with current revenues, exclusive of debt service or funds collected pursuant to proffered zoning conditions. The ordinance may provide for the issuance of building permits for new residential units beyond the established maximum upon the payment by the permit holder of a proportional cash contribution for school and other local capital facilities' costs. Any such payment shall be subject to a reasonable credit for actual contributions to local capital facilities' costs that have been made pursuant to a proffered zoning condition.

**BILL NUMBER:** House Bill 2702

**PATRON:** Black

**SUMMARY:** *Zoning amendments.* Provides that no amendment to the zoning map shall be instituted without the written consent of the landowner whose property is the subject of such amendment.

**BILL NUMBER:** Senate Bill 959

**PATRON:** Couric

**SUMMARY:** *Loans for preservation of historical property.* Permits localities to make loans of money appropriated from public funds to owners of historically significant property for the purpose of preserving, rehabilitation or repairing such property.

**BILL NUMBER:** Senate Bill 1111

**PATRON:** Ruff

**SUMMARY:** *Road impact fees.* Adds Mecklenburg County (described by population) to those localities with the authority to impose road impact fees against new development in order to generate revenue to fund or recover the costs of reasonable road improvements necessitated by and attributable to the new development.

**BILL NUMBER:** Senate Bill 1300

**PATRON:** Newman

**SUMMARY:** *Review of capital improvement program.* Provides that a governing body may order a review of any proposed capital project contained in the

capital improvements program and all expenses and cost estimates associated with the project. The review may include independent examinations of existing studies, reports and estimates, the authorization of additional studies or a request for additional proposals. The governing body may base any future appropriation for a proposed capital project upon the results of such review.

**BILL NUMBER:** Senate Bill 1302

**PATRON:** Newman

**SUMMARY:** **Creation of Special Fund for Capital Projects.** Allows the governing body of any locality to create by ordinance a special nonreverting fund to be used solely for construction, additions, renovations, infrastructure, and site acquisition for public buildings and facilities. The fund may be used as a mechanism to link specific capital projects with specific sources of revenue. Prior to approving an appropriation from the fund for a proposed capital project, the governing body may order a review of the proposed capital project and all expenses and cost estimates associated with the project. The review may include independent examinations of existing studies, reports and estimates, the authorization of additional studies or a request for additional proposals. The governing body may base its appropriation for a proposed capital project upon the results of such review.

**BILL NUMBER:** Senate Bill 1381

**PATRON:** Mims

**SUMMARY:** **Intent and purpose of zoning ordinances.** Provides that the provisions of Title 15.2 related to planning and zoning are to be liberally construed. The bill clarifies that local governing bodies have the responsibility of weighing and balancing the purposes of zoning.