

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 435

An Act to amend and reenact § 15.2-4603 of the Code of Virginia, relating to creation and extension of certain transportation improvement districts.

[H 1287]

Approved April 4, 2000

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-4603 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-4603. Creation of district; extension of term of district.

A. A transportation improvement district shall be created under this chapter only by the resolutions of the boards of supervisors of the adjoining counties, as defined in § 15.2-4602, upon the joint petition to each board of supervisors in which the proposed district is located of the owners of at least fifty-one percent of either the land area or the assessed value of land in each county which is within the boundaries of the proposed district and which has been zoned for commercial or industrial use or is used for such purposes. Any proposed district shall include land in each county and may include any land within a town located within such county. Such petitions should:

1. Set forth the name and describe the boundaries of the proposed district;
2. Describe the transportation facilities proposed within the district;
3. Describe a proposed plan for providing such transportation facilities within the district and describe specific terms and conditions with respect to all commercial and industrial zoning classifications and uses, densities, and criteria related thereto which the petitioners request for the proposed district;
4. Describe the benefits which can be expected from the provision of such transportation facilities within the district; and

5. Request each board to establish the proposed district for the purposes set forth in the petition.

B. Upon the filing of such a petition, each local board of supervisors shall fix a day for a hearing on the question of whether the proposed district shall be created. The hearing shall consider whether the residents and owners of real property within the proposed district would benefit from the establishment of the proposed district. All interested persons who either reside in or who own taxable real property within the boundaries of the proposed district may appear and show cause why any property or properties should not be included in the proposed district. If real property situated within a town is included in the proposed district, the board of supervisors shall deliver a copy of the petition and notice of the public hearing thereon to the town council at least thirty days prior to the public hearing, and the town council may, by resolution, determine if it wishes such property to be included within the proposed district, and shall deliver a copy of any such resolution to the board of supervisors at the public hearing required hereunder; the resolution shall be binding upon the board of supervisors with respect to the inclusion or exclusion of such properties within the proposed district. The petition shall comply with the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation within the county. At least ten days shall intervene between the third publication and the date set for the hearing.

C. If each board of supervisors finds the creation of the proposed district would be in furtherance of the applicable county comprehensive plan for the development of the area, in the best interests of the residents and owners of real property within the proposed district, and in furtherance of the public health, safety and general welfare, each board of supervisors shall pass a resolution, which shall be reasonably consistent with the petition, creating the district and providing for the appointment of an advisory board in accordance with § 15.2-4605. Each resolution shall provide a description with specific terms and conditions of all commercial and industrial zoning classifications which shall be in force in the district upon its creation, together with any related criteria, and a term of years, not to exceed twenty years, as to which each such zoning classification and each related criterion set forth therein shall not be eliminated, reduced, or restricted if a special tax is imposed as provided in § 15.2-4607. However, this commitment shall not limit the legislative prerogative of the board of supervisors in any county in which a district is wholly or partly located with respect to land use approvals of any kind arising from requests initiated by an owner of property therein, or as specifically required to comply with the provisions of the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.) or the regulations adopted pursuant thereto, or other state law, or the requirements of the federal Clean Water Act (33 U.S.C. § 1342 (p)) and regulations promulgated thereunder by the federal Environmental Protection Agency or applicable state regulations.

In the case of any district created under this section prior to July 1, 1992, all commercial and industrial zoning classifications, and all zoning ordinance text and regulations relating thereto regarding

allowable uses, densities, setbacks, building heights, required parking, and open space in force in the district on the date of the district's creation shall be deemed to have been a part of the ordinance creating the district, and shall remain at least as permissive without limitation, reduction, or restriction, except as provided hereinabove with respect to land use approvals of any kind or nature arising from requests initiated by landowners or as required to comply with the Chesapeake Bay Preservation Act or regulations adopted pursuant thereto, other state law or the requirements of the federal Clean Water Act (33 U.S.C. § 1342 (p)) and regulations promulgated thereunder by the federal Environmental Protection Agency or applicable state regulations, for a period of fifteen years from the date the district was created. Any rezonings, with respect to individual parcels of land in a district which have been duly approved by a board of supervisors prior to July 1, 1992, shall remain in effect, regardless of who initiated such rezonings. Each resolution shall also provide that the district shall expire either thirty-five years from the date upon which the resolution is passed or when the district is abolished in accordance with § 15.2-4616; *however, the term of any district created under this chapter is extended for a period of fifteen years beyond any such thirty-five-year term.*

After the public hearing, each board of supervisors shall deliver a true copy of its proposed resolution creating the district to the petitioning landowners or their attorney-in-fact. Any petitioning landowner may then withdraw his signature on the petition in writing at any time prior to the vote of the board of supervisors. If any signatures on the petition are withdrawn as provided herein, the board of supervisors may pass the proposed resolution in conformance herewith only upon certification that the petition continues to meet the provisions of subsection A of this section with respect to minimum acreage or assessed value as the case may be. After the boards of supervisors have adopted resolutions creating the district, the district shall be established and the name of the district shall be "The Transportation Improvement District."