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HOUSE BILL NO. 2410

Offered January 10, 2001

Prefiled January 10, 2001

A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 22 of Title 15.2 a section numbered 15.2-2239.1, relating to the issuance of building permits based on capital improvements.

Patrons—May; Senator: Mims

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 22 of Title 15.2 a section numbered 15.2-2239.1 as follows:

§ 15.2-2239.1. Issuance of building permits based on capital improvements.

Notwithstanding any contrary provision of law, any county that has an average annual growth rate of five percent or greater, as measured by the last five years of population estimates from the Weldon Cooper Center for Public Service, may by ordinance 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 ten percent of the capital improvements program with current revenues, exclusive of debt service or funds collected pursuant to proffered zoning conditions. The maximum number of new residential units in each upcoming calendar year is to be determined by analyzing the ability of the county to provide school capacity along with other local capital facilities as measured against the adopted maximum debt ratios and capital improvements program. The maximum number of new residential units for the upcoming calendar year may be established by an ordinance adopted no later than July 1 of each year. In no case shall the maximum number of new residential units in any one year be less than 2,000.

The ordinance may include reasonable provisions for the annual allocation of residential building permits by established planning areas. In addition, 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 under the authority of § 15.2-2303.

The local ordinance may provide that affordable dwelling units required pursuant to an ordinance under the authority of § 15.2-2304 or § 15.2-2305 are to be excluded from the limitations on the maximum number of residential building permits.

In the event that an applicant is denied a building permit solely due to the limitation on the number of permits to be issued as authorized herein, that application shall be given priority status in subsequent years based on the date of initial application.

INTRODUCED

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