

2006 SPECIAL SESSION I

INTRODUCED

069774396

HOUSE BILL NO. 5041

Offered September 14, 2006

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-2286.2, relating to certain permitted provisions in a zoning ordinance.*

Patrons—Marshall, R.G. and Frederick

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 a section numbered 15.2-2286.2 as follows:

§ 15.2-2286.2. Adequacy of transportation network.

A. *Consistent with the authority of localities to adopt zoning ordinances to regulate, restrict, permit, prohibit, and otherwise classify the territory under its jurisdiction for the purpose of promoting the health, safety of citizens pursuant to §§ 15.2-2280 and 15.2-2283; and in furtherance of the authority of a locality to implement zoning ordinances which shall be designed to give reasonable consideration to reduce or prevent congestion in the public streets, to protect against overcrowding of land, undue density of population in relation to community facilities existing or available, and congestion in travel and transportation, pursuant to § 15.2-2283; a locality may consider in a zoning ordinance governing any application for or modification of rezoning whether the existing and future transportation network, which will serve the proposed development, is inadequate to handle the anticipated transportation impact of the proposed development.*

B. *In determining whether the transportation network, which will serve the proposed development is inadequate, the locality shall provide in its zoning ordinance for the consideration of the following:*

1. *The locality's comprehensive plan, the current and projected level of service of its roads and availability of mass transit, if any, the Department of Transportation's Six Year Improvement Program, any adopted regional or statewide transportation plans, or such other available information regarding the transportation network which will serve the proposed development;*

2. *Whether within three years of the completion of the development, the proposed development significantly reduces the level of service in the area affected by the development determined by the locality in consultation with appropriate transportation agencies and by specific reference to the local comprehensive plan and any quantitative level-of-service standards established therein, the adopted Six year Improvement Program, and any adopted regional or statewide transportation plans; and*

3. *Whether the design and phasing of the proposed development, the adopted Six Year Improvement Program or any adopted regional or statewide transportation plans, the funded capital improvements program, or other combination of public and private resources, including but not limited to proffers, will address the anticipated transportation impact of the proposed development.*

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