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HOUSE BILL NO. 1224

Offered January 22, 1996

A BILL to amend and reenact § 15.1-430 of the Code of Virginia, relating to zoning.

Patrons—Reid, Albo, Cooper, Hull, Jackson, McClure, Spruill, Stump and Tate

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That § 15.1-430 of the Code of Virginia is amended and reenacted as follows:**

§ 15.1-430. Definitions.

As used in this chapter the words listed below shall have the meaning given:

(a) "Governing body" means the board of supervisors of a county or the council of a city or town.

(b) "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.

(c) "Local planning commission" or "local commission" means a municipal planning commission or a county planning commission.

(d) "Municipality" means a city or town incorporated under the laws of Virginia.

(e) "Official map" means a map of legally established and proposed public streets, waterways, and public areas adopted by the governing body of a county or municipality in accordance with the provisions of Article 5 (§ 15.1-458 et seq.) hereof.

(f) "Person" means individual, firm, corporation or association.

(g) [Repealed.]

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

(i) "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.

(j) "Planning district commission" means a regional planning agency chartered under the provisions of Chapter 34 (§ 15.1-1400 et seq.) of this title.

(k) "Zoning" or "to zone" means the process of classifying land within a governmental entity 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.

(l) "Subdivision," unless otherwise defined in a local ordinance adopted pursuant to § 15.1-465, 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 § 15.1-475.

(m) "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 property which will be principally devoted to agricultural production.

(n) "Plat of subdivision" means the schematic representation of land divided or to be divided.

(o) "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.

(p) "Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.

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60 (q) "Conditional zoning" means, as part of classifying land within a governmental entity into areas
61 and districts by legislative action, the allowing of reasonable conditions governing the use of such
62 property, such conditions being in addition to, or modification of the regulations provided for a
63 particular zoning district or zone by the overall zoning ordinance. *Such reasonable conditions shall not*
64 *include residential house size, architectural standards and specifications and construction techniques*
65 *permitted by the Virginia Uniform Statewide Building Code.*

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

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

72 (t) "Incentive zoning" means the use of bonuses in the form of increased project density or other
73 benefits to a developer in return for the developer providing certain features or amenities desired by the
74 locality within the development.

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