

VDOT INVOLVEMENT IN LAND USE ACTIVITIES

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What Will We Cover Today

- Background
- Comprehensive Plans
- Zoning (and Special Use Permits)
- Subdivisions, Plats, and Site Plans
- Permits
- Example

Background

- Control of land development rests with local governments (cities, counties, and towns)
 - 95 counties
 - 39 cities
 - 190 towns
- Localities exert control through
 - Comprehensive Plans
 - Zoning and Special Use Permits
 - Plat and Site Plan Approval
 - Building and Occupancy Permits
- VDOT maintains over 58,000 miles of roads - all publicly maintained highways in state except for those within
 - Cities and towns over 3,500 population
 - Counties of Arlington and Henrico (and parts of Buchanan)
 - Certain government facilities



Background (cont'd)

Why does VDOT get involved in land development?

- Because land use generates traffic and highways provide access to land
 - Safety
 - Convenience
 - Economic Development
- Because there are laws that require VDOT's involvement
 - Title 33.2 (Highways)
 - Title 15.2 (Counties, Cities, and Towns)
 - Federal laws (Highway Beautification Act)



Comprehensive Plans

- **§ 15.2-2223 Comprehensive Plan to be prepared and adopted; scope and purpose.**

The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction

- Guide development of territory
- Promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants
- Designate the general location, character, and extent of each feature
- Indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use



Comprehensive Plans (cont'd)

Required Elements

- Recommendations on implementation of plan
- Existing facilities proposed to be changed
 - Subdivisions assumed to be covered
 - Certain utility exemptions
- Transportation plan
 - Include map
 - Include Corridors of Statewide Significance within locality
 - Include transportation needs and recommendations
 - Include cost of improvements
 - Include hierarchy of roads
- Affordable housing
 - Designation of areas
 - Implementation measures
- Coastal resource management guidance (for Tidewater localities only)
- Current map of the area covered by plan

Comprehensive Plans – VDOT Involvement

- **Comprehensive Plan and Plan Amendment Reviews**
 - Chapter 527, 2006 (§ 15.2-2222.1 and 24 VAC 30-155)
 - VDOT focus: potential impact to state highway network
 - http://www.virginiadot.org/info/traffic_impact_analysis_regulations.asp
- **Transportation Plan Review for Consistency**
 - Chapter 729, 2012 (§ 15.2-2223 and § 33.2-214)
 - VDOT focus: consistency with SYIP, VTrans, location of routes
 - http://www.virginiadot.org/info/local-state_plan_and_program_consistency.asp
- **Comprehensive Plan Preparation Assistance**
 - Chapter 691, 2004 (§ 15.2-2223)
 - Generally accomplished through:
 - Grants to PDCs
 - Providing project cost estimates (district offices)

Zoning

- **§ 15.2-2283 Purpose of zoning ordinances.**

Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-2200. To these ends, such ordinances shall be designed to give reasonable consideration to each of the following...

- Convenience of access
- To reduce or prevent congestion in the public streets
- To facilitate the provision of...transportation
- To protect against...congestion in travel and transportation

- **§ 15.2-2284 Matters to be considered in drawing and applying zoning ordinances and districts.**

Zoning ordinances and districts shall be drawn and applied with reasonable consideration for...the transportation requirements of the community

Zoning – VDOT Involvement

- Traffic Impact Analysis of Rezoning Actions
 - As transportation consultant to locality (voluntary action)
or
 - Chapter 527, 2006 (§ 15.2-2222.1 and 24 VAC 30-155)
or
 - Section 10.1-1408.4 for landfills
 - VDOT focus: highway operation and safety
 - http://www.virginiadot.org/info/traffic_impact_analysis_regulations.asp
- Outdoor Advertising Control Ordinance Certification
 - 33.2-1220 and 24 VAC 30-120
 - Review submitted ordinances (if locality desires local ordinance to control size, spacing, and lighting of billboards in commercial and industrial areas)

Subdivisions, Plats, and Site Plans

- **§ 15.2-2240. Localities to adopt ordinances regulating subdivision and development of land.**

The governing body of every locality shall adopt an ordinance to assure the orderly subdivision of land and its development.

Among the required provisions are

- Coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage
- For adequate drainage and flood control
- Manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed
- For acceptance of dedication for public use of any right-of-way located within any subdivision
- For other site-related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities
- Fees and bonding requirements

Plats and Site Plans – VDOT Involvement

- Subdivision Development (acceptance into Secondary System of State Highways)
 - Chapter 382, 2007 (§ 33.2-334 and 24 VAC 30-92)
 - VDOT focus: eligibility for acceptance into state system
 - Connectivity
 - Must connect to publicly maintained highway system
 - At least two “connections” (more may be req’d depending upon trip gen)
 - Connect to adjoining stub outs
 - Pedestrian accommodation
 - Traffic volume/speed based
 - Conceptual plan
 - Construction plan
 - http://www.virginiadot.org/info/secondary_street_acceptance_requirements.asp

Plats and Site Plans – VDOT Involvement (cont'd)

- Managing Access to State Highways
 - Chapter 863, 2007 (§ § 33.2-240, -241, -245 and 24 VAC 30-73)
 - VDOT focus: safe access to highways & efficient flow of traffic
 - Minimize impact to highway traffic
 - Safety
 - Operation
 - Access spacing
 - Based upon speed, functional classification, intersection type
 - Internal elements that impact highway (throat length)
 - Exception process
 - http://www.virginiadot.org/info/access_management_regulations_and_standards.asp

Plats and Site Plans – VDOT Involvement (cont'd)

- Advisory Review
 - § § 15.2-2259 (Plats, etc), -2260 (Preliminary plats)
 - VDOT focus: safe access to highways, efficient flow of traffic, meeting regulatory requirements



Site Construction and Use

- **§ 15.2-1117. Light, ventilation, sanitation and use and occupancy of buildings. (also applies to counties under 15.2-1201)**

A municipal corporation may regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of premises surrounding the building.

- **§ 15.2-2279. Ordinances regulating the building of houses and establishing setback lines.**

Any locality may by ordinance regulate the building of houses in the locality including the adoption of off-street parking requirements, minimum setbacks and side yards and the establishment of minimum lot sizes.

- **§ 36-105. Enforcement of Code; appeals from decisions of local department; inspection of buildings; inspection warrants; inspection of elevators; issuance of permits.**

Enforcement of the provisions of the Building Code for construction and rehabilitation shall be the responsibility of the local building department. There shall be established within each local building department a local board of Building Code appeals whose composition, duties and responsibilities shall be prescribed in the Building Code.

Site Construction and Use – VDOT Involvement

- Permits for Work on State Highways
 - 24 VAC 30-151 (Land Use Permit Regulations)
 - VDOT focus: safety and maintenance
 - Covers activity by “others” on VDOT R/W
 - Utilities
 - Road and trail construction
 - Surveying
 - Entrances
 - Vegetation control
- Subdivision Street Construction
 - 24 VAC 30-92 (Secondary Street Acceptance Requirements)
 - VDOT focus: maintenance
 - Until taken into Secondary System, under locality control
 - Inspection Options
 - VDOT normal inspection
 - Locality certification

Site Construction and Use – VDOT Involvement (cont'd)

- Outdoor Advertising
 - Chapter 12 of Title 33.2 and 24 VAC 30-200
 - VDOT focus: highway beautification and safety
 - Applies to off-premise signs adjacent to highway R/W
 - Permit fees based on sign size
 - Licenses needed to be in the business of outdoor advertising
 - Nonconforming signs
 - “Grandfathered”
 - Repair and maintenance limited to 50% sign cost in any year
- Junkyards
 - § 33.2-804
 - VDOT focus: highway beautification
 - Screening of inoperable cars required

Example

County of Muhlenberg (a very obscure Virginia county)

- Designates UDA and associated transportation elements
 - This is a comprehensive plan change
- Developer decides to build major site in the UDA
 - Land currently zoned for low-density residential
 - Development is multi-use (mix of commercial, residential, service)
 - Expected gross trip generation 7200 VPD
- What and when does VDOT touch this?

Example (answer)

- What and when does VDOT touch this?
 - Comprehensive plan change
 - Assist with highway project estimates
 - Maybe assist with UDA planning
 - Review for consistency with state plans
 - Review under the TIA regulations
 - Rezoning
 - TIA regulations
 - Site Plan / Subdivision
 - SSAR for streets (assuming they will be in state system)
 - AM for internal intersections and connecting intersections
 - Construction
 - SSAR inspection
 - Permits for external connections to existing VDOT network

QUESTIONS?

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