

**AMENDMENTS TO UDA DRAFT BILL PRESENTED AT 06-18-09 MEETING
PREPARED FOR 07-30-09 WORKGROUP MEETING - (VERSION 3)**

1 § 15.2-2223.1. Comprehensive plan to include urban development areas.

2 A. For purposes of this section:

3 "Population growth" means the difference in population from the next-to-latest to the
4 latest decennial census year, based on population reported by the United States Bureau of
5 the Census.

6 "Urban development area" means an area designated by a locality that is appropriate for
7 higher density development in which the locality will direct future residential and
8 commercial growth due to opportunities for redevelopment and redevelopment, its
9 proximity to transportation facilities, the availability of a public or community water and
10 sewer system, or its proximity to a developed area. Such designated area may be referred
11 to, by a locality, by a term other than "urban development area."

12 B. Every county, city, or town locality that has adopted zoning within its entire
13 jurisdiction pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 this
14 chapter and that (i) has a population of at least 20,000 and population growth of at least
15 5% or (ii) has population growth of 15% or more, shall, and any county, city or town
16 locality may, amend its comprehensive plan to incorporate one or more urban
17 development areas. For purposes of this section, population growth shall be the difference
18 in population from the next to latest to the latest decennial census year, based on
19 population reported by the United States Bureau of the Census. For purposes of this
20 section, an urban development area is an area designated by a locality that is appropriate
21 for higher density development due to proximity to transportation facilities, the
22 availability of a public or community water and sewer system, or proximity to a city,
23 town, or other developed area. The comprehensive plan shall provide for commercial and
24 residential densities within urban development areas that are appropriate for reasonably
25 compact development at a density of at least four residential units per gross acre and a
26 minimum floor area ratio of 0.4 per gross acre for commercial development. The urban
27 development areas may provide for a mix of residential housing types, including
28 affordable housing, to meet the projected family income distributions of future residential
29 growth.

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30 C. The boundaries of the urban development areas shall be identified in local
31 comprehensive plans and shall be shown on future land use maps contained in such
32 comprehensive plans. The boundaries of the urban development areas may also be
33 identified on local zoning maps.

34 D. The comprehensive plan shall designate one or more urban development areas
35 designated by the locality shall include residential and commercial areas and densities
36 sufficient to accommodate the expected population growth in the locality for at least 20
37 years, subtracting a reasonable estimate of the percentage of that growth that is likely to
38 occur outside the urban development areas during that time. Future population growth
39 shall be based on official projections of the Virginia Employment Commission, the
40 United States Bureau of the Census or other official government sources. The calculation
41 of the density of the urban development areas shall not include special flood hazard areas
42 as shown on the community Flood Insurance Maps published by the National Flood
43 Insurance Program, Chesapeake Bay Resource Protection Areas, parks and other public
44 opens spaces, rights-of-way of arterial and collector streets, railways, and public utilities,
45 and other public lands and facilities.

46 E. The boundaries and size of each urban development area shall be reexamined and, if
47 necessary, revised every five years in conjunction with the update of the comprehensive
48 plan and in accordance with the most recent available population growth estimates and
49 projections. Such districts may be areas designated for redevelopment or infill
50 development.

51 F. A locality may use policies, zoning provisions, and other mechanisms and ordinances
52 to protect open space, farmland, and sensitive environmental habitat among other features
53 and uses within the designated growth area.

54 B. The comprehensive plan shall further incorporate principles of new urbanism and
55 traditional neighborhood development, which may include but need not be limited to (i)
56 pedestrian friendly road design, (ii) interconnection of new local streets with existing
57 local streets and roads, (iii) connectivity of road and pedestrian networks, (iv)

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58 ~~preservation of natural areas, (v) satisfaction of requirements for stormwater~~
59 ~~management, (vi) mixed use neighborhoods, including mixed housing types, (vii)~~
60 ~~reduction of front and side yard building setbacks, and (viii) reduction of subdivision~~
61 ~~street widths and turning radii at subdivision street intersections.~~

62 G. Each urban development area shall be designed and developed in accordance with the
63 following principles; to the extent the locality deems practicable:

- 64 1. Mixed-use neighborhoods, including mixed housing types and values potentially
65 accommodating all income levels of residents and workers in the community;
- 66 2. Integration of residential, retail, office, and commercial development with recreation
67 facilities, public spaces, parks, and open spaces;
- 68 3. A built environment that encourages and accommodates people living, shopping,
69 visiting, enjoying, or spending time in the core area;
- 70 4. Bicycle and pedestrian-friendly road design;
- 71 5. Interconnection of new local streets with existing local streets and roads;
- 72 6. Design features that accommodate and prepare for an aging population within the
73 community;
- 74 7. Accommodation of alternative transportation options reducing the dependency on
75 automobiles, and ultimately reducing vehicle trips and/or vehicle miles traveled per day;
- 76 8. Interconnectivity of neighborhoods with safe road and pedestrian networks;
- 77 9. Preservation of environmentally sensitive areas;
- 78 10. Satisfaction of requirements for stormwater management, especially through the use
79 of innovative and low impact techniques such as bioretention areas, rain gardens, gravel
80 wetlands, and pervious pavements;
- 81 11. Use of high performance building design that incorporates sustainable energy sources
82 such as solar, wind, or thermal energy;
- 83 12. Buildings, spaces, and infrastructure of human scale;
- 84 13. Encouragement of opportunities to redevelop existing unused and underutilized
85 development;
- 86 14. Vehicular parking accommodated without dominating the streetscape or landscape;
- 87 15. Reduced front and side yard building setbacks; and

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88 16. Reduced subdivision street widths and turning radii at subdivision street intersections.

89 ~~C. The comprehensive plan shall describe any financial and other incentives for~~
90 ~~development in the urban development areas.~~

91 ~~D. H.~~ No county, city, or town locality that has amended its comprehensive plan in
92 accordance with this section shall limit or prohibit development pursuant to ~~existing~~ any
93 zoning ordinance or shall refuse to consider any application for rezoning based solely on
94 the fact that the property is located outside the urban development area.

95 ~~E. I.~~ Any county, city, or town locality that would be required to amend its plan pursuant
96 to ~~this section~~ subsection B that determines that its plan accommodates growth in a
97 manner consistent with ~~this section~~ subsection B, upon adoption of a resolution certifying
98 such compliance, shall not be required to further amend its plan subsection B.

99 ~~F. J.~~ Any county that amends its comprehensive plan pursuant to subsection B may, by
100 agreement, establish one or more urban growth areas in any incorporated town within
101 such county, if the council of the town has also amended its comprehensive plan to
102 establish the same areas as urban growth areas with at least the same characteristics
103 established by the county. The agreement between the county and the town shall comply
104 with Chapter 34 of Title 15.2 (§ 15.2-3400 et seq.). However, if a town has established an
105 urban growth area within its corporate boundaries, the county within which that town is
106 located shall not include the town's projected population increase when initially
107 determining or reexamining the size and boundary of any other urban growth area within
108 the county.

109 K. Localities may use proffers, impact fees, or other land use mechanisms to encourage
110 future residential and commercial growth within the urban development areas.

111 ~~G. L.~~ To the extent possible, state and local transportation, housing, water and sewer
112 facilities and economic development and other public infrastructure funding shall be
113 directed to the urban development area.

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114 M. The provision of this section may be modified or waive, in whole or in part, by the
115 Commission on Local Government pursuant to subsection 5 of § 15.2-2903.

116 That localities shall have until July 1, 2013, to amend their comprehensive plans in
117 accordance with the provisions of § 15.2-2223.1 of the Code of Virginia pursuant to this
118 act.
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