

2 27 July 2009

3 *[offered in the nature of a substitute for the current section]*

4 **§15.2-2223.1. Designated growth areas.** In order to fulfill the intent of this Chapter, as
5 specifically declared in § 15.2-2200 and § 15.2-2223 and as otherwise set forth in this Chapter,
6 the following provisions shall be incorporated into the comprehensive plans of localities
7 specified herein and supported by other policies, provisions, plans and ordinances.

- 8 A. Every locality that has adopted zoning pursuant to Article 7 (§ 15.2-2280 et seq.) of this chapter
9 and that (i) has a population of at least 20,000 and population growth of at least 5% or (ii) has
10 population growth of 15% or more, shall, and any other locality may, amend its comprehensive
11 plan to establish one or more designated growth areas. For purposes of this subsection,
12 population growth shall be the difference in population from the next-to-latest to the latest
13 decennial census year, based on population reported by the United States Bureau of the Census.
14 “Designated growth area” is defined as that area or areas of the locality in which the locality will
15 focus the bulk of its foreseeable growth in order to reduce the negative impacts of sprawling
16 development on the environment, infrastructure, community facilities and state and local public
17 investments, and which incorporate the requirements and applicable planning considerations
18 set forth in this section 15.2-2223.1. Localities may refer to designated growth areas in any
19 manner and with any terminology as long as the purposes set forth in this section are achieved.
- 20 B. Designated growth areas shall be located so as to maximize the opportunities afforded by
21 existing transportation, utility and other public infrastructure and minimize the need to develop
22 infrastructure in locations distant from the designated growth areas.
- 23 C. Counties shall consult with: (i) adjacent cities and (ii) any incorporated towns within the county
24 in establishing the appropriate size and location of designated growth areas.
- 25 D. The boundaries of designated growth areas shall be identified in local Comprehensive Plans and
26 shall be shown on future land use maps contained in such Comprehensive Plans.
- 27 E. Designated growth areas shall be designated as receiving areas for any transfer of development
28 rights program in the locality. Towns and cities may by agreement accept development rights

29 from adjoining counties; such agreements may contain provisions for sharing revenues and
30 infrastructure and other fiscal and physical considerations between the parties.

31 F. The designated growth area(s) shall be planned to accommodate within the developable
32 acreage in the designated area the bulk of projected population and commercial growth in the
33 locality through the planning horizon used in the local comprehensive plan, but in no case shall
34 this planning horizon be less than 10 years. Population growth shall be estimated using source
35 information from federal, state and/or local agencies and must be verified and validated by the
36 local metropolitan planning organization or planning district commission as constituting a
37 reasonable and expected share of the region's growth; likewise, commercial, retail and office
38 growth within the locality shall be estimated in the same manner as population growth and
39 must also be verified and validated by the local metropolitan planning organization or planning
40 district commission as constituting a reasonable and expected share of the region's growth. The
41 plan for the designated growth area(s) shall include phasing of development in 5-year intervals
42 from the adoption of the comprehensive plan through the planning horizon of the plan that
43 provides for the rational extension of infrastructure necessary to serve the area(s) in a manner
44 that maintains the compact development form over time. For purposes of this section 15.2-
45 2223.1, developable acreage shall not include special flood hazard areas as shown on the
46 community Flood Insurance Rate Maps published by the National Flood Insurance Program of
47 the Federal Emergency Management Agency, Chesapeake Bay Resource Protection Areas,
48 existing parks and other public open spaces, arterial and collector streets, schools, libraries and
49 other public lands and facilities, although such facilities may be included within designated
50 growth areas.

51 G. Designated growth areas shall be complimented by policies, zoning provisions and other
52 mechanisms and ordinances that serve to protect open space, farmland and sensitive
53 environmental habitat among other features and uses. Designated growth areas shall be located
54 so as to minimize the impact of growth on public water supply watersheds, core and connected
55 wildlife habitat areas, scenic vistas, agricultural areas and such other areas and features as may
56 be deemed worthy and appropriate of protection from development or for special consideration
57 by a locality. Development within designated growth areas shall be designed so as not to
58 adversely impact historic and cultural resources of local, state and national significance.

- 59 H. The following characteristics shall be considered in designing and designating growth areas with
60 form-based zoning being one tool to achieve these characteristics:
- 61 a. mixed-use neighborhoods including mixed housing types and values accommodating all
62 income levels of residents and workers in the community;
 - 63 b. integration of residential, retail, office and commercial development with recreation
64 facilities, public spaces, parks and open spaces;
 - 65 c. a built environment that encourages and accommodates people living, shopping,
66 visiting, enjoying and spending time in the core area;
 - 67 d. densities that improve rates of walking, bicycling and transit use;
 - 68 e. proximity to public infrastructure including utilities, services, schools, parks and similar
69 facilities;
 - 70 f. bicycle and pedestrian-friendly street and road design;
 - 71 g. interconnection of new local streets with existing local streets and roads in a logical
72 network;
 - 73 h. design features that accommodate and prepare for an aging population within the
74 community;
 - 75 i. accommodation of transportation options including transit, walking, bicycling, and
76 transportation demand management that reduce the dependency on automobiles, and
77 ultimately reduce vehicle trips and/or vehicle miles traveled per day;
 - 78 j. preservation of environmentally sensitive areas;
 - 79 k. satisfaction of requirements for stormwater management, especially through the use of
80 innovative and low impact techniques such as bioretention areas, rain gardens, gravel
81 wetlands, and pervious pavements;
 - 82 l. use of high performance building design that incorporates sustainable energy sources
83 such as solar, wind, or thermal energy;
 - 84 m. opportunities to redevelop existing underutilized and previously developed land ;
 - 85 n. vehicular parking accommodated without dominating the streetscape or landscape, and
86 parking management policies that support traffic reduction goals;
 - 87 o. reduced front and side yard building setbacks; and
 - 88 p. narrowed street widths and shorter turning radii at street intersections.

- 89 I. Designated growth area shall be planned to accommodate compact centers supported by
90 sufficient density within approximately one-half mile to permit each center generally to be
91 walkable in its entirety by residents and employees when considering topography and other
92 constraints. For purposes of this section, "compact centers" are efficiently arranged, walkable,
93 mixed-use areas of retail, commercial, and housing, with multiple pathways and multiple modal
94 options to, from and within the center. Whenever possible, centers should be connected by
95 bikeways, sidewalks and trails as well as with transit options to nearby adjacent communities
96 and centers, enabling residents to walk or bike to shopping, recreation, transit stations, school
97 and work.
- 98 J. Each locality establishing a designated growth area shall establish community level of service
99 standards for the provision of public services within the designated growth area and may also
100 choose to set standards for one or more areas outside of the designated growth area. The level
101 of service standards that may be established within designated growth areas include
102 percentage of school children who can safely walk to school, public safety and law enforcement
103 response times, proximity of library facilities to residents, percentage of residents and
104 employees who can safely walk to an active recreation facility, walking proximity of commercial
105 enterprises and medical and professional services to residents and employees, and similar
106 spatial and temporal standards related to the community characteristics noted in paragraph H
107 above. The established level of service standards shall be reflected in the locality comprehensive
108 plan.
- 109 K. Localities that are required to establish a designated growth area, in lieu of performing the
110 analyses and policy and ordinance development required by paragraphs F-J of this section prior
111 to establishing the designated growth area(s), may establish an interim compact designated
112 growth area of no less than 0.15 square mile in area that is located in proximity to necessary
113 public infrastructure of existing or planned sufficient capacity. Within this compact area shall be
114 permitted as a matter of right a mixture of housing types at a minimum density of 4 dwelling
115 units per developable acre that are fully integrated with retail, office and commercial
116 development. Development within the interim compact designated growth area shall include
117 pedestrian-friendly road design, interconnection of new local streets with existing local streets
118 and roads, connectivity of road and pedestrian networks, preservation of natural areas, use of
119 low-impact or regional stormwater management techniques, mixed-use neighborhoods,

120 including mixed housing, reduction of front and side yard building setbacks, reduction of
121 subdivision street widths and turning radii at subdivision street intersections, and reduction of
122 off-street parking requirements. The interim compact designated growth area shall be reviewed
123 within 5 years of establishment and by that time, all of the requirements of this section shall be
124 met.

125 L. The Commonwealth Transportation Board shall give priority to the funding of new and
126 expanded transportation and transit infrastructure from state and federal programs to projects
127 and needs within the locality-designated growth areas.

128 M. The extent and boundary of the designated growth areas shall be reviewed at least once every 5
129 years and adjusted as needed in accordance with the most recent available population growth
130 estimates and projections; establishing an additional designated growth area in lieu of
131 expanding an existing growth area may be considered if community conditions warrant.

132 N. Localities that use proffers, impact fees or other development exactions may tailor their systems
133 such that development within designated growth areas is strongly favored over development
134 outside of designated growth areas through such mechanisms as differential rates and preferred
135 public investment in these areas.

136 O. Documents describing all adopted growth area designations together with associated written
137 policies, zoning provisions and other mechanisms and ordinances and Capital Improvement
138 Programs shall be forwarded by the locality to the Virginia Department of Housing and
139 Community Development within sixty days of the adoption or amendment of comprehensive
140 plans and other written policies, zoning provisions and other mechanisms and ordinances. The
141 Virginia Department of Housing and Community Development shall annually report to the
142 General Assembly the overall compliance of the localities in the Commonwealth, including
143 densities achieved within each designated growth area as calculated based on developable
144 acreage. Before preparing the initial annual report, the Virginia Department of Housing and
145 Community Development shall develop an appropriate format and establish relevant metrics for
146 the report in concert with the Planning District Commissions of the Commonwealth. The
147 Virginia Department of Housing and Community Development and the Planning District
148 Commissions shall not impose additional administrative burdens on the localities in preparing
149 the annual report.