

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

Conservation groups proposed edits 7/28/09

1 A BILL to amend and reenact §§ 15.2-2223.1 and 15.2-4208 of the Code of Virginia, relating to urban  
2 development areas.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That §§ 15.2-2223.1 and 15.2-4208 of the Code of Virginia are amended and reenacted as**  
5 **follows:**

6 § 15.2-2223.1. Comprehensive plan to include ~~urban development~~designated growth areas.

7 A. For purposes of this section:

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

10 "Designated growth area ~~Urban development area~~" means an area designated by a locality that is  
11 (i) appropriate for higher density development due to ~~opportunities for redevelopment and infill~~  
12 ~~development, its proximity to transportation facilities, the availability of a public or community water~~  
13 ~~and sewer system, or its proximity to a developed area, and (ii), to the extent feasible, to be used for~~  
14 ~~redevelopment or infill development.~~ Such designated area may be referred to, by a locality, by a term  
15 other than "~~urban development~~designated growth area."

16 B. Every ~~county, city, or town~~ locality that has adopted zoning pursuant to Article 7 (§ 15.2-2280  
17 et seq.) of ~~Chapter 22 of Title 15.2~~ this chapter and that (i) has a population of at least 20,000 and  
18 population growth of at least 5% or (ii) has population growth of 15% or more, shall, and any ~~county,~~  
19 ~~city or town~~ locality may, amend its comprehensive plan to incorporate one or more designated growth  
20 ~~areas~~urban development areas. ~~For purposes of this section, population growth shall be the difference in~~  
21 ~~population from the next to latest to the latest decennial census year, based on population reported by~~  
22 ~~the United States Bureau of the Census. For purposes of this section, an urban development area is an~~  
23 ~~area designated by a locality that is appropriate for higher density development due to proximity to~~

24 ~~transportation facilities, the availability of a public or community water and sewer system, or proximity~~  
25 ~~to a city, town, or other developed area.~~

26 1. The comprehensive plan of a locality having a population of less than 50,000 persons shall  
27 provide for commercial and residential densities within designated growth areasurban development  
28 areas that are appropriate for reasonably compact development at a density of at least three two family  
29 or three family residences, four residential units single family residences as defined in § 55-248.4, six  
30 townhouses, or 12 apartments as defined in § 55-79.2, condominium units as defined in § 55-79.41, or  
31 cooperative units per gross developable acre, or any proportional combination thereof, and a minimum  
32 floor area ratio of 0.4 per grossdevelopable acre for commercial development. For purposes of this  
33 section, developable acreage shall not include special flood hazard areas as shown on the community  
34 Flood Insurance Rate Maps published by the National Flood Insurance Program of the Federal  
35 Emergency Management Agency, Chesapeake Bay Resource Protection Areas, parks and other public  
36 open spaces, arterial and collector streets, schools, libraries and other public lands and facilities,  
37 although such features may be included within the boundaries of designated growth areas.

38 The comprehensive plan of a locality having a population between 50,000 and 100,000 persons  
39 shall provide for commercial and residential densities within urban development areas that are  
40 appropriate for reasonably compact development at a density of at least four two family or three family  
41 residences, eight single family residences as defined in § 55-248.4, 12 townhouses, or 24 apartments as  
42 defined in § 55-79.2, condominium units as defined in § 55-79.41, or cooperative units, per gross acre,  
43 or any proportional combination thereof, and a minimum floor area ratio of 0.8 per gross acre for  
44 commercial development.

45 The comprehensive plan of a locality having a population of greater than 100,000 persons shall  
46 provide for commercial and residential densities within urban development areas that are appropriate for  
47 reasonably compact development at a density of at least five two family or three family residences, 12  
48 single family residences as defined in § 55-248.4, 18 townhouses, or 36 apartments as defined in § 55-  
49 79.2, condominium units as defined in § 55-79.41, or cooperative units, per gross acre, or any

50 ~~proportional combination thereof, and a minimum floor area ratio of 1.2 per gross acre for commercial~~  
51 ~~development.~~

52 ~~The urban development areas may provide for a mix of residential housing types, including~~  
53 ~~affordable housing, to meet the projected family income distributions of future residential growth. The~~  
54 ~~comprehensive plan shall designate one or more~~

55 2. A locality's ~~The designated growth areas urban development areas designated by a locality~~  
56 shall be sufficient to meet projected residential and commercial growth in the locality for an ensuing  
57 period of at least 10 but not more than 20 years, ~~subtracting a reasonable estimate of the percentage of~~  
58 ~~residential growth that is likely to occur outside the designated growth areas on lots already in existence~~  
59 ~~at the time the designated growth area is first established. Development may be phased which may~~  
60 ~~include phasing of development~~ within the ~~urban development designated growth~~ areas. The designated  
61 growth areas ~~urban development areas~~ may provide for a mix of residential housing types, including  
62 affordable housing, to meet the projected family income distributions of future residential growth.  
63 Future residential and commercial growth shall be based on official estimates ~~and projections~~ of the  
64 Weldon Cooper Center for Public Service of the University of Virginia ~~or other official government~~  
65 ~~sources,~~ official projections of the Virginia Employment Commission or the United States Bureau of the  
66 Census, data collected and maintained by relevant planning district commissions, or any combination  
67 thereof.

68 3. The boundaries and size of each ~~urban development designated growth~~ area shall be  
69 reexamined and, if necessary, revised every five years in conjunction with the update of the  
70 comprehensive plan and in accordance with the most recent available population growth and distribution  
71 estimates and projections. ~~Such districts may be areas designated for redevelopment or infill~~  
72 ~~development.~~

73 ~~B. The comprehensive plan shall further incorporate~~ 4. Each ~~urban development designated~~  
74 growth area shall be designed and developed in accordance with principles of new urbanism and  
75 traditional neighborhood development, which ~~may shall, to the extent the locality deems practicable,~~  
76 include ~~but need not be limited to~~ (i) bicycle- and pedestrian-friendly road design and reduction of off-

77 street parking requirements, (ii) interconnection of new local streets with existing local streets and roads,  
78 (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) satisfaction of  
79 requirements for stormwater management, (vi) mixed-use neighborhoods, including mixed housing  
80 types, (vii) reduction of front and side yard building setbacks, ~~and~~ (viii) reduction of subdivision street  
81 widths and turning radii at subdivision street intersections; (iv) mixed-use centers integrating residential,  
82 retail and office space, and incorporating recreation facilities, public spaces, parks and open spaces.

83 E5. The comprehensive plan shall include and describe ~~any~~ financial ~~and/or~~ other incentives for  
84 development in the ~~urban development designated growth~~ areas.

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

89 ED. ~~Any county, city, or town locality~~ that would be required to amend its plan pursuant to ~~this~~  
90 ~~section subsection B~~ that determines that its plan accommodates growth in a manner consistent with ~~this~~  
91 ~~section subsection B~~, upon adoption of a resolution ~~certifying describing~~ such ~~compliance~~  
92 ~~accommodation and describing any financial and or other incentives for development in the areas that~~  
93 ~~accommodate such growth~~, shall not be required to further amend its plan pursuant to subsection B.

94 FE. Counties shall consult with: (i) adjacent cities and (ii) any incorporated towns within the  
95 county in establishing the appropriate size and location of designated growth areas. Any county that  
96 amends its comprehensive plan pursuant to ~~this section subsection B~~ may designate one or more ~~urban~~  
97 ~~development designated growth~~ areas in any incorporated town within such county, if the ~~governing~~  
98 ~~body council~~ of the town has also amended its comprehensive plan to designate the same areas as ~~urban~~  
99 ~~development designated growth~~ areas with at least the same density designated by the county.

100 GF. To the extent possible, state and local transportation, housing, and economic development  
101 funding shall be directed to the ~~urban development designated growth~~ area, or in the case of a locality  
102 that adopts a resolution pursuant to subsection D, to the area that accommodates growth in a manner  
103 consistent with this section.

104 G. Designated growth areas within a county shall be designated as receiving areas for any  
105 transfer of development rights program established by the county.

106 § 15.2-4208. General duties of planning district commissions.

107 Planning district commissions shall have the following duties and authority:

- 108 1. To conduct studies on issues and problems of regional significance;
- 109 2. To identify and study potential opportunities for state and local cost savings and staffing
- 110 efficiencies through coordinated governmental efforts;
- 111 3. To identify mechanisms for the coordination of state and local interests on a regional basis;
- 112 4. To implement services upon request of member localities;
- 113 5. To provide technical assistance to state government and member localities;
- 114 6. To serve as a liaison between localities and state agencies as requested;
- 115 7. To review local government aid applications as required by § 15.2-4213 and other state or
- 116 federal law or regulation;
- 117 8. To conduct strategic planning for the region as required by §§ 15.2-4209 through 15.2-4212;
- 118 9. To develop regional functional area plans as deemed necessary by the commission or as
- 119 requested by member localities;
- 120 10. To assist state agencies, as requested, in the development of substate plans;
- 121 11. To participate in a statewide geographic information system, the Virginia Geographic
- 122 Information Network, as directed by the Department of Planning and Budget; ~~and~~
- 123 12. To collect and maintain demographic, economic and other data concerning the region and
- 124 member localities, and act as a state data center affiliate in cooperation with the Virginia Employment
- 125 Commission; and
- 126 13. To provide planning assistance and data described in subdivision 12 to member localities as
- 127 is necessary for their designations of ~~urban development designated growth~~ areas, as defined in § 15.2-
- 128 2223.1.

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