

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 15.2-2223 of the Code of Virginia, relating to counties, cities, and
2 towns; comprehensive plan; accessory dwelling units.

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

4 **1. That § 15.2-2223 of the Code of Virginia is amended and reenacted as follows:**

5 **§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.**

6 A. The local planning commission shall prepare and recommend a comprehensive plan for the
7 physical development of the territory within its jurisdiction and every governing body shall adopt a
8 comprehensive plan for the territory under its jurisdiction.

9 In the preparation of a comprehensive plan, the commission shall make careful and
10 comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable
11 future requirements of its territory and inhabitants. The comprehensive plan shall be made with the
12 purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the
13 territory ~~which~~ that will, in accordance with present and probable future needs and resources, best
14 promote the health, safety, morals, order, convenience, prosperity, and general welfare of the
15 inhabitants, including the elderly and persons with disabilities.

16 The comprehensive plan shall be general in nature, in that it shall designate the general or
17 approximate location, character, and extent of each feature, including any road improvement and any
18 transportation improvement, shown on the plan and shall indicate where existing lands or facilities are
19 proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use
20 as the case may be.

21 B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that
22 designates a system of transportation infrastructure needs and recommendations that include the
23 designation of new and expanded transportation facilities and that support the planned development of
24 the territory covered by the plan and shall include, as appropriate, ~~but not be limited to~~, roadways,

25 bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports,
26 freight corridors, and public transportation facilities. The plan shall recognize and differentiate among a
27 hierarchy of roads such as expressways, arterials, and collectors. In developing the plan, the locality
28 shall take into consideration how to align transportation infrastructure and facilities with affordable,
29 accessible housing and community services that are located within the territory ~~in order~~ to facilitate
30 community integration of the elderly and persons with disabilities. The ~~Virginia~~ Department of
31 Transportation shall, upon request, provide localities with technical assistance in preparing such
32 transportation plan.

33 2. The transportation plan shall include a map that ~~shall show~~ shows road and transportation
34 improvements, including the cost estimates of such road and transportation improvements from the
35 ~~Virginia~~ Department of Transportation, taking into account the current and future needs of residents in
36 the locality while considering the current and future needs of the planning district within which the
37 locality is situated.

38 3. The transportation plan; and any amendment ~~thereto~~ to such plan pursuant to § 15.2-2229;
39 shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan
40 developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B
41 of § 33.2-214, and the location of routes to be followed by roads comprising systems of state highways
42 pursuant to subsection A of § 33.2-208. The locality shall consult with the ~~Virginia~~ Department of
43 Transportation to assure such consistency is achieved. The transportation plan need reflect only those
44 changes in the annual update of the Six-Year Improvement Program that are deemed to be significant,
45 new, expanded, or relocated roadways.

46 4. Prior to the adoption of the transportation plan or any amendment ~~to the transportation~~ such
47 plan, the locality shall submit such plan or amendment to the Department of Transportation for review
48 and comment. The Department of Transportation shall conduct its review and provide written comments
49 to the locality on the consistency of the transportation plan or any amendment to the provisions of
50 subdivision 1. The Department of Transportation shall provide such written comments to the locality

51 within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be
52 otherwise agreed upon by the Department of Transportation and the locality.

53 5. The locality shall submit a copy of the adopted transportation plan or any amendment to ~~the~~
54 ~~transportation~~ such plan to the Department of Transportation for informational purposes. If the
55 Department of Transportation determines that ~~the transportation~~ such plan or amendment is not
56 consistent with the provisions of subdivision 1, the Department of Transportation shall notify the
57 Commonwealth Transportation Board so that the Board may take appropriate action in accordance with
58 subsection F of § 33.2-214.

59 6. If the adopted transportation plan designates corridors planned to be served by mass transit, as
60 defined in § 33.2-100, a portion of its allocation from (i) the Northern Virginia Transportation Authority
61 distribution specified in subdivision B 1 of § 33.2-2510, (ii) the commercial and industrial real property
62 tax revenue specified in § 58.1-3221.3, and (iii) the secondary system road construction program, as
63 described in Article 5 (§ 33.2-351 et seq.) of Chapter 3 of Title 33.2, may be used for the purpose of
64 utility undergrounding in the planned corridor, if the locality matches 100 percent of the state allocation.

65 7. Each locality's amendments or updates to its transportation plan ~~as required by subdivisions 2~~
66 ~~through 5~~ shall be made on or before its ongoing scheduled date for updating its transportation plan.

67 C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter,
68 shall show the locality's long-range recommendations for the general development of the territory
69 covered by the plan. It may include, ~~but need not be limited to:~~

70 1. The designation of areas for various types of public and private development and use, such as
71 ~~different kinds of~~ residential, including age-restricted; housing or the use of accessory dwelling units;
72 business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public
73 service; and flood plain and drainage. For purposes of this subdivision, the term "accessory dwelling
74 unit" means an independent dwelling unit on a single-family dwelling lot with its own living, bathroom,
75 and kitchen space. An accessory dwelling unit may be within or attached to a single-family dwelling unit
76 or in a detached structure on a lot containing a single-family dwelling; ~~and other areas;~~

77 2. The designation of a system of community service facilities such as parks, sports playing
78 fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted
79 living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

80 3. The designation of historical areas and areas for urban renewal or other treatment;

81 4. The designation of areas for the implementation of reasonable measures to provide for the
82 continued availability, quality, and sustainability of groundwater and surface water;

83 5. A capital improvements program, a subdivision ordinance, a zoning ordinance, and zoning
84 district maps, mineral resource district maps, and agricultural and forestal district maps, where
85 applicable;

86 6. The location of existing or proposed recycling centers;

87 7. The location of military bases, military installations, and military airports and their adjacent
88 safety areas; and

89 8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

90 D. The comprehensive plan shall include the designation of areas and implementation of
91 measures for the construction, rehabilitation, and maintenance of affordable housing, which is sufficient
92 to meet the current and future needs of residents of all levels of income in the locality while considering
93 the current and future needs of the planning district within which the locality is situated.

94 E. The comprehensive plan shall consider strategies to provide broadband infrastructure that is
95 sufficient to meet the current and future needs of residents and businesses in the locality. To this end,
96 local planning commissions may consult with and receive technical assistance from the Center for
97 Innovative Technology, among other resources.

98 F. The comprehensive plan is encouraged to consider strategies to address resilience. As used in
99 this subsection, "resilience" means the capability to anticipate, prepare for, respond to, and recover from
100 significant multi-hazard threats with minimum damage to social well-being, health, the economy, and
101 the environment.

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