

2006 SESSION

LEGISLATION NOT PREPARED BY DLS
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HOUSE BILL NO. 1521

Offered January 20, 2006

A *BILL to amend and reenact §§ 15.2-2223, 15.2-2224, and 15.2-2233 of the Code of Virginia, relating to comprehensive plans.*

Patrons—Marshall, R.G., Albo, Athey, Bell, Callahan, Cole, Cosgrove, Frederick, Gear, Gilbert, Hugo, Jones, S.C., Lingamfelter, May, McQuigg, Morgan, Peace, Purkey, Rust, Sherwood, Tata and Wardrup

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2223, 15.2-2224, and 15.2-2233 of the Code of Virginia are amended and reenacted as follows:

§ 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 and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

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

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, *including any road improvement, as defined in § 15.2-2318, and any transportation improvement, as defined in § 33.1-430*, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

The comprehensive plan shall include a transportation element that designates a system of transportation infrastructure needs and recommendations that shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and public transportation facilities. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation element.

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

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; recreation; public service; flood plain and drainage; and other areas;

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

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

4. The designation of areas for the implementation of reasonable ground water protection measures;

5. ~~An official map,~~ a A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

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

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

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

The plan shall include: an official map that shall show road improvements, as defined in § 15.2-2318, and transportation improvements, as defined in § 33.1-430, including the cost of such road and transportation improvements, which are sufficient to meet the current and future needs of residents

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57 *in the locality while considering the current and future needs of the planning district within which the*
58 *locality is situated.*

59 § 15.2-2224. Surveys and studies to be made in preparation of plan; implementation of plan.

60 A. In the preparation of a comprehensive plan, the local planning commission shall survey and study
61 such matters as the following:

62 1. Use of land, preservation of agricultural and forestal land, production of food and fiber,
63 characteristics and conditions of existing development, trends of growth or changes, natural resources,
64 historic areas, ground water, surface water, geologic factors, population factors, employment,
65 environmental and economic factors, existing public facilities, drainage, flood control and flood damage
66 prevention measures, *road improvements, as defined in § 15.2-2318, and any cost thereof*, transportation
67 facilities, *transportation improvements, as defined in § 33.1-430, and any cost thereof*, the need for
68 affordable housing in both the locality and planning district within which it is situated, and any other
69 matters relating to the subject matter and general purposes of the comprehensive plan.

70 However, if a locality chooses not to survey and study historic areas, then the locality shall include
71 historic areas in the comprehensive plan, if such areas are identified and surveyed by the Department of
72 Historic Resources. Furthermore, if a locality chooses not to survey and study mineral resources, then
73 the locality shall include mineral resources in the comprehensive plan, if such areas are identified and
74 surveyed by the Department of Mines, Minerals and Energy. The requirement to study the production of
75 food and fiber shall apply only to those plans adopted on or after January 1, 1981.

76 2. Probable future economic and population growth of the territory and requirements therefor.

77 B. The comprehensive plan shall recommend methods of implementation and shall include a current
78 map of the area covered by the comprehensive plan. Unless otherwise required by this chapter, the
79 methods of implementation may include but need not be limited to:

- 80 1. An official map;
- 81 2. A capital improvements program;
- 82 3. A subdivision ordinance;
- 83 4. A zoning ordinance and zoning district maps; and
- 84 5. A mineral resource map.

85 § 15.2-2233. Maps to be prepared in localities; what map shall show.

86 In localities where no official map exists, or where an existing official map is incomplete, the local
87 planning commission may make, or cause to be made, a map showing the location of any:

- 88 1. Legally established public street, alley, walkway, waterway, and public area of the locality; and
- 89 2. Future or proposed public street, alley, walkway, waterway and public area.

90 No future or proposed street or street line, waterway, nor public area, shall be shown on an official
91 map unless and until the centerline of the street, the course of the waterway, or the metes and bounds of
92 the public area, have been fixed or determined in relation to known, fixed and permanent monuments by
93 a physical survey or aerial photographic survey thereof. In addition to the centerline of each street, the
94 map shall indicate the width of the right-of-way thereof. Local planning commissions are hereby
95 empowered to make or cause to be made the surveys required herein.

96 *In localities where no official map exists, or where an existing official map is incomplete, the local*
97 *planning commission shall make, or cause to be made, a map showing the location of every road*
98 *improvement, as defined in § 15.2-2318, and transportation improvement, as defined in § 33.1-430, and*
99 *any cost thereof.*

100 After adoption by the governing body of an official map, the local governing body may acquire in
101 any way permitted by law property which is or may be needed for the construction of any street, alley,
102 walkway, waterway or public area shown on the map. When an application for a building permit is
103 made to a locality for an area shown on the official map as a future or proposed right-of-way, the
104 locality shall have sixty days to either grant or deny the building permit. If the permit is denied for the
105 sole purpose of acquiring the property, the locality has 120 days from the date of denial to acquire the
106 property, either through negotiation or by filing condemnation proceedings. If the locality has not acted
107 within the 120 day period, the building permit shall be issued to the applicant provided all other
108 requirements of law have been met.