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HOUSE BILL NO. 2533

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns
on January 24, 2025)

(Patrons Prior to Substitute—Delegates Sewell and Simonds [HB 1832])

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

Be it enacted by the General Assembly of Virginia:

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

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

A. 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~~ *that* 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 and any transportation improvement, 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.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, ~~but not be limited to,~~ roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, freight corridors, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. In developing the plan, the locality shall take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services that are located within the territory ~~in order~~ to facilitate community integration of the elderly and persons with disabilities. The ~~Virginia~~ Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

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

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

4. Prior to the adoption of the transportation plan or any amendment ~~to the transportation~~ *such plan*, the locality shall submit such plan or amendment to the Department of Transportation for review and comment. The Department of Transportation shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department of Transportation shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department of Transportation and the locality.

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

6. If the adopted transportation plan designates corridors planned to be served by mass transit, as defined

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in § 33.2-100, a portion of its allocation from (i) the Northern Virginia Transportation Authority distribution specified in subdivision B 1 of § 33.2-2510, (ii) the commercial and industrial real property tax revenue specified in § 58.1-3221.3, and (iii) the secondary system road construction program, as described in Article 5 (§ 33.2-351 et seq.) of Chapter 3 of Title 33.2, may be used for the purpose of utility undergrounding in the planned corridor, if the locality matches 100 percent of the state allocation.

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

C. The comprehensive 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 *or the use of accessory dwelling units*; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; and flood plain and drainage. *For purposes of this subdivision, the term "accessory dwelling unit" means an independent dwelling unit on a single-family dwelling lot with its own living, bathroom, and kitchen space. An accessory dwelling unit may be within or attached to a single-family dwelling unit or in a detached structure on a lot containing a single-family dwelling; and other areas;*

2. The designation of a system of community service facilities such as parks, sports playing fields, 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 measures to provide for the continued availability, quality, and sustainability of groundwater and surface water;

5. 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;

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

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

D. The comprehensive 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.

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

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