



A Review of Land Use Planning Enabling Authority in Virginia

House Committee on Counties, Cities & Towns
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Presentation Order

- Fundamental Planning Authority
- Land Planning/Development Techniques
- Development Impact Analysis
- Open Space, Rural and Natural Areas Protection
- Historic and Cultural Resources Preservation
- Urban Area Revitalization Tools
- The Current Landscape
- Reference Guide

Fundamental Planning Authority – Legislative Intent

Title 15.2, Chapter 22 – Planning, Subdivision of Land and Zoning
Declaration of Legislative Intent: 15.2-2200

This chapter is intended to encourage localities to improve the public health, safety, convenience, and welfare of its citizens and to plan for the future development of communities to the end that:

1. transportation systems be carefully planned;
2. new community centers be developed with adequate highway, utility, health, educational, and recreational facilities;
3. the need for mineral resources and the needs of agriculture, industry, and business be recognized in future growth;
4. that residential areas be provided with healthy surroundings for family life;
5. that agricultural and forestal land be preserved; and,
6. that the growth of the community be consonant with the efficient and economical use of public funds.

Fundamental Planning Authority

- The Comprehensive Plan
 - Section 15.2-2223 et seq. (**mandatory**)
- The Official Map
 - Section 15.2-2233 et seq. (discretionary)
- Capital Improvement Programs
 - Section 15.2-2239 et seq. (discretionary)
- Land Subdivision and Development
 - Section 15.2–2240 et seq. (**subdivision ordinance mandatory**, other development ordinances discretionary)
- Zoning
 - Section 15.2-2280 et seq. (discretionary, but **mandatory for localities where Chesapeake Bay Preservation Act applies**)

Land Planning/Development Techniques

- Land Use Plans
- Development Patterns
 - Mixed Use Development
 - Traditional Neighborhood Development
“New Urbanism”
 - Cluster Pattern Development
- Density Bonuses to Encourage Development

Development Impact Analysis: Determining Costs and Benefits of Project Proposals

- Fiscal Impact Analysis
- Infrastructure Level of Service Standards
- Traffic Impact Analysis
- Road Impact Fees

Open Space, Rural and Natural Areas Protection

- Conservation Easements
- Purchase of Development Rights
- Transfer of Development Rights
- Land Use Value Taxation Program
- Agricultural & Forest Conservation Districts
- Chesapeake Bay Preservation Areas

Historic and Cultural Resources Preservation

- Comprehensive plan element
- Local Zoning – Historic and Cultural Conservation Districts
 - Design Review Authority

Urban Area Revitalization

- Business Improvement Districts
- Tax Increment Financing Districts
- Community Development Authorities
- Enterprise Zones
- Tax Credit Programs
 - Historic Rehabilitation
 - New Market
- Conservation and Redevelopment Plans
- Spot Blight Abatement

Growth and Development Challenges and Opportunities

- Information/Technical Assistance about growth
- Impacts of sprawling development patterns
- Rate of growth overwhelming ability to provide services
- Costs of development and local revenue delay
- Perception that growth problems are solely local
- Adequacy and timing of facilities for by-right development
- Authority to assess impact fees
- Tools and funding to address blight and brownfields
- Regional land use planning
- State leadership and technical assistance in planning for growth and development

The Current Landscape

- Public concern for unsustainable land use patterns
- Planning for affordable and workforce housing to sustain economic vitality – state/local partnership
- “Green Building” techniques
- Form-based coding
- Designing to preserve community character
- Consequences of zoning on minority populations
- Resourcing regulatory enforcement

Reference Guide

- “Virginia’s Growth Management Tools”
VAPA publication updated annually

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