



# Albemarle County

## Legislation Details (With Text)

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3/6/2019	1	Board of Supervisors		

**AGENDA DATE:** 2/20/2019

**TITLE:**

Summary of Enabling Authority to Promote Active and Vibrant Development Areas

**SUBJECT/PROPOSAL/REQUEST:** Review the State enabling authority available to promote active and vibrant Development Areas

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Kamptner

**PRESENTER (S):** Greg Kamptner

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** At its January 9, 2019 meeting, the Board of Supervisors received the Community Field Survey Phase I Pilot, and provided direction to staff to proceed to Phase II. The Phase I Survey identified and evaluated the existing conditions of public infrastructure, including pedestrian and bicycle facilities, as well as parks and public spaces; housing; and land uses in Neighborhood 7. The next step for staff will be to work with the Thomas District Planning District Commission to develop the scope of work for Phase 2. Staff expects that, when it is completed, the Survey will allow the County to target revitalization efforts, strengthen its applications for Federal Community Development Block Grants, and to support the County's work on addressing the appearance of highly visible urban public spaces and improving the physical conditions in the County's aging urban core.

The purpose of this work session is to provide the Board a preview of the State enabling authority to address the issues identified in the Survey when it is completed.

**STRATEGIC PLAN:** Thriving Development Areas: Attract quality employment, commercial, and high density residential uses into Development Areas by providing services and infrastructure that encourage

redevelopment and private investment while protecting the quality of neighborhoods

**DISCUSSION:** Attachment A provides an inventory of the State enabling authority that the Board has already implemented (Section 2), and that which it may implement (Section 3), to promote active and vibrant Development Areas in the County. The enabling authority can be classified in various ways. Section 3 classifies the enabling authority into by 11 general subjects (e.g., “infrastructure,” “the condition of buildings and other structures,” but it could just as easily be classified by the nature of the regulation or program (e.g., “infrastructure,” “incentives,” and “behavioral”).

With one exception regarding incentive zoning, Attachment A focuses on State enabling authority other than that provided for zoning, subdivisions, site plans, and water protection. The reason for this focus is that zoning in the Development Areas may be informed by the new regulations that will soon be developed to implement the Rio/29 Small Area Plan. In contrast, the County’s subdivision, site plan, and water protection regulations are, to a large extent, dictated by State law, and work is underway in those areas where the County can exercise local control, such as regulating stream buffers.

Attachment B is an updated summary of the State enabling authority for service districts, a targeted taxing tool to provide qualifying facilities and services. The Board has considered service districts over the years, but has never established one.

Some sources of the State enabling authority identified in Attachment A are staples of localities that have mature urban areas; other State enabling authority is either new or not commonly implemented by localities. Before any regulation is implemented or any program is established after the Phase II Survey is completed, its strengths and weaknesses, its advantages and disadvantages, will be analyzed.

**BUDGET IMPACT:** There is no budget impact at this time. Future recommendations and decisions regarding the regulations and programs that may be pursued to enhance the Development Areas could have significant budget impacts resulting from capital improvements, economic incentives, and increased staffing.

**RECOMMENDATION:**

Staff recommends that the Board discuss the State enabling authority and provide general direction to staff to continue evaluating all potentially applicable State laws that may provide regulations and programs to address the issues that may be identified in the Phase II Survey.

**ATTACHMENTS:**

Attachment A - Memorandum Providing an Inventory of State Enabling Authority  
Attachment B - Memorandum Providing Information About Service Districts