

Introduction

The City of Hopewell has enlisted the Berkley Group to perform a diagnostic of the Comprehensive Plan and the Zoning and Subdivision Ordinances. The diagnostics will:

- Identify *Code of Virginia* mandates to be incorporated into the Comprehensive Plan and Zoning and Subdivision Ordinances, including those of the Chesapeake Bay Preservation Act;
- Recommend planning best practices;
- Encourage alignment between regulatory tools and the Comprehensive Plan; and
- Address issues, opportunities, and priorities for future land use and development as identified by City staff, Planning Commission, and City Council.

Tonight's meeting is intended to introduce the project and collect feedback on key issues and concerns for the Zoning and Subdivision Ordinance regulations and processes, along with Comprehensive Plan elements and strategies. The information collected will be used to draft the Land Use Tools Report and can help guide future updates to the Zoning and Subdivision Ordinances and the Comprehensive Plan.

Agenda

1. Project Purpose
2. Project Schedule
3. Elements of a Diagnostic + Policy Report
4. Initial Findings
5. Questions & Discussion
6. Next Steps

Schedule & Progress to Date

The project kicked off on August 3, 2023, with a virtual meeting with City staff and the Berkley Group project team. During the meeting, City staff provided an overview of the current Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance, which included identification of key issues, opportunities, and priorities related to land use and development.

See **Page 3** for a full project schedule. Completion is slated for January 2024.

Policy Report & Initial Findings

The Berkley Group has begun review of the Ordinances and Comprehensive Plan as part of the first draft of the diagnostics. Review will continue through Fall 2023. Once the diagnostics are completed, a Land Use Tools Report will be prepared. This report will highlight the findings of the diagnostics, include recommendations for Ordinance and Comprehensive Plan updates, and discuss next steps for Hopewell. Diagnostic matrices will be included as appendices to the report.

Initial findings will be shared during tonight's worksession to help inform discussion.

Questions & Discussion

Comprehensive Plan

- What do you feel are the strengths of your Comprehensive Plan?
- Where do you feel your Comprehensive Plan could be strengthened or improved?
- Do you feel like there has been progress on implementing the goals and vision of the Comprehensive Plan in recent years? If so, what items, and what progress has been made? If not, why do you think that may be?

Zoning & Subdivision Ordinances

- What are your key priorities for the Zoning and Subdivision Ordinances?
- Which parts of the Zoning and Subdivision Ordinances receive the most positive feedback? The most negative feedback?
- How could community design standards (i.e., landscaping requirements, street trees, fencing, street lighting) be amended/improved?

Emerging Issues

- Are there any emerging issues/land uses that a future Zoning Ordinance update should address (e.g., newer uses such as Airbnbs & food trucks)?
- Are there any emerging issues or priorities that a future Comprehensive Plan update should explore further (e.g., diverse housing, hazard mitigation and emergency preparedness, parks and recreation)?

Next Steps

The Berkley Group will use the information provided during the worksession to help inform drafting of the Land Use Tools Report. Virtual staff checkpoints will be held in November and December 2023 to discuss project progress.

The next and final joint worksession between City Council and Planning Commission will be in January 2024. The purpose of this worksession will be to review and discuss the findings of the diagnostics and Land Use Tools Report.

Project Schedule & Progress to Date

PROJECT TIMELINE								
Project	#	Task Description	2023					
			August	September	October	November	December	January
Land Use Tools Diagnostic	1	Project Management / Meetings with Staff	V			V	V	
	2	Review Existing Ordinance & Related Documents						
	3	Diagnostic						
	4	Land Use Policy Report						
	5	Work Sessions			X			X
X = Anticipated In-person Attendance; V = Virtual Attendance								

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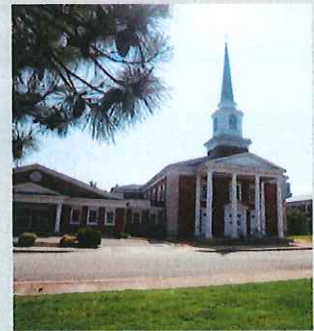
City of Hopewell Land Use Tools Diagnostic

City Council and Planning Commission
Joint Worksession #1
October 17, 2023



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01

Project

Purpose:

Comp. Plan

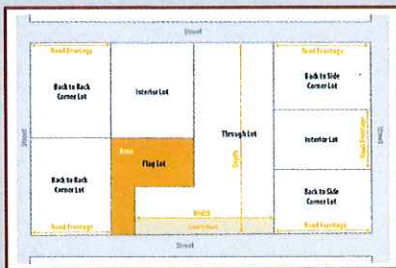
- A Comprehensive Plan is:
 - Hopewell's long-range planning document and decision-making guide.
 - A community-guided vision for the future
 - A showcase of assets and opportunities for improvement
 - Legally required by Code of Virginia Section 15.2-2223



The guiding framework for the Zoning Ordinance, Subdivision Ordinance, and other plans and studies

01

Project Purpose: ZO/SO



- Zoning and Subdivision Ordinances defines how land in Hopewell can be used and developed.
- Zoning is allowed by the Code of Virginia. Some flexibility is given to localities in determining regulations.
- The Zoning Ordinance typically regulates:
 - Lot dimensions
 - Building height
 - Distance between buildings
 - Location of uses
 - Community design standards
 - Signage

01

Project Purpose:

Why
Review &
Diagnose ?



Community Changes



New Land Uses



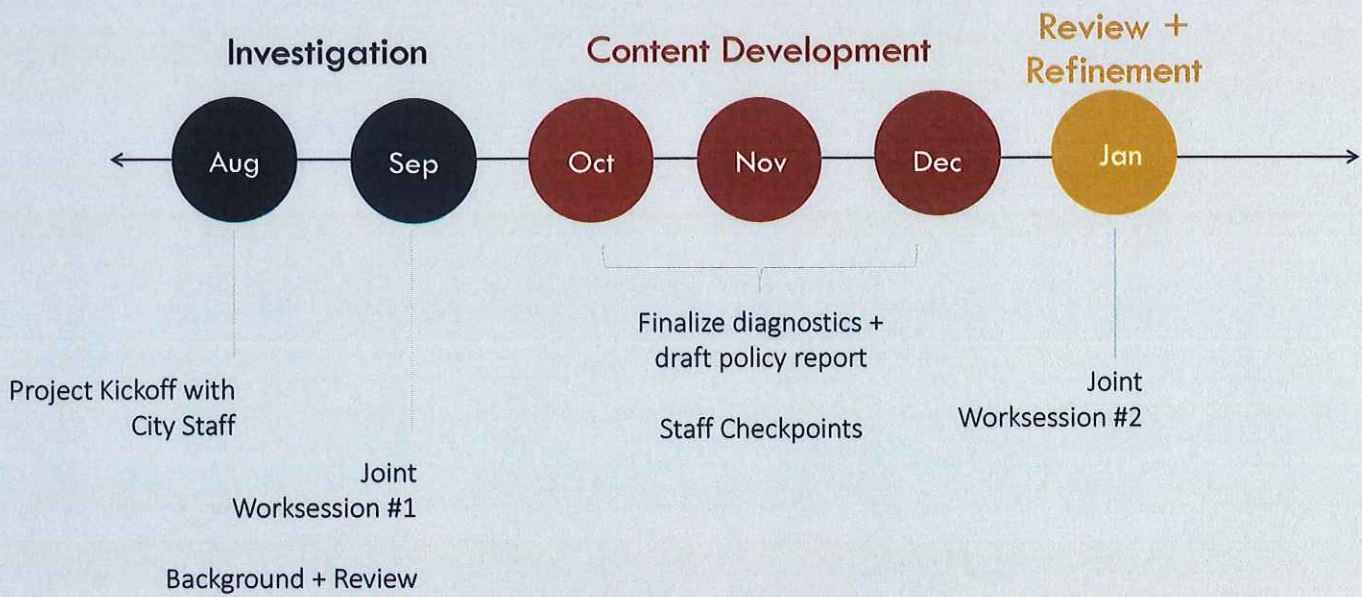
New State Regulations



General Improvements

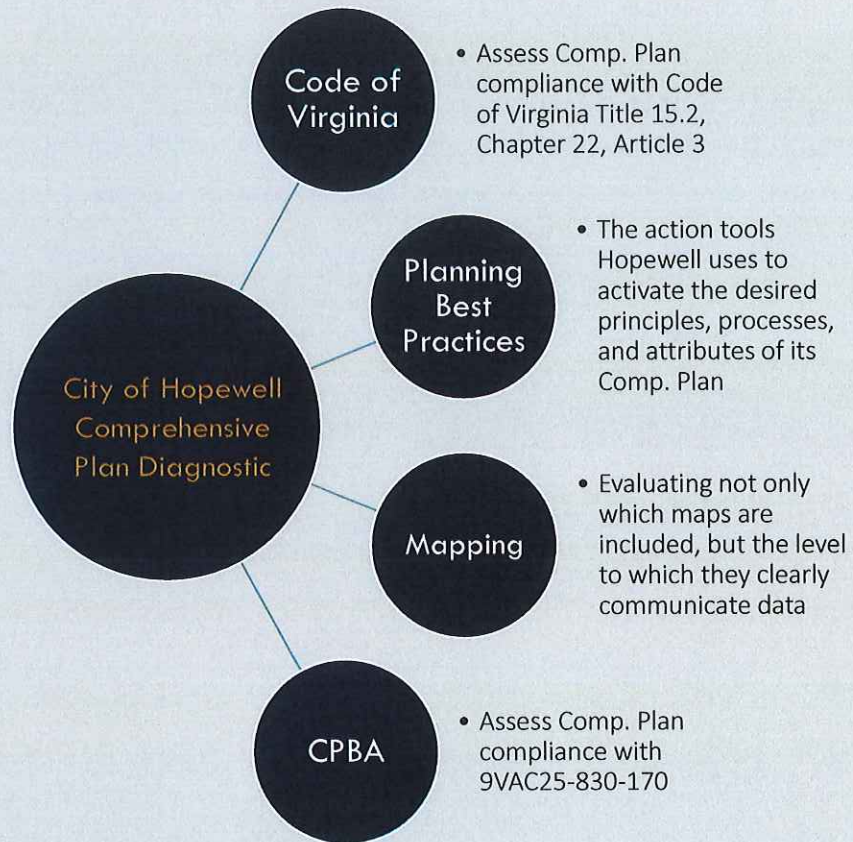
02

Project Schedule



03

Comp. Plan Diagnostic Elements

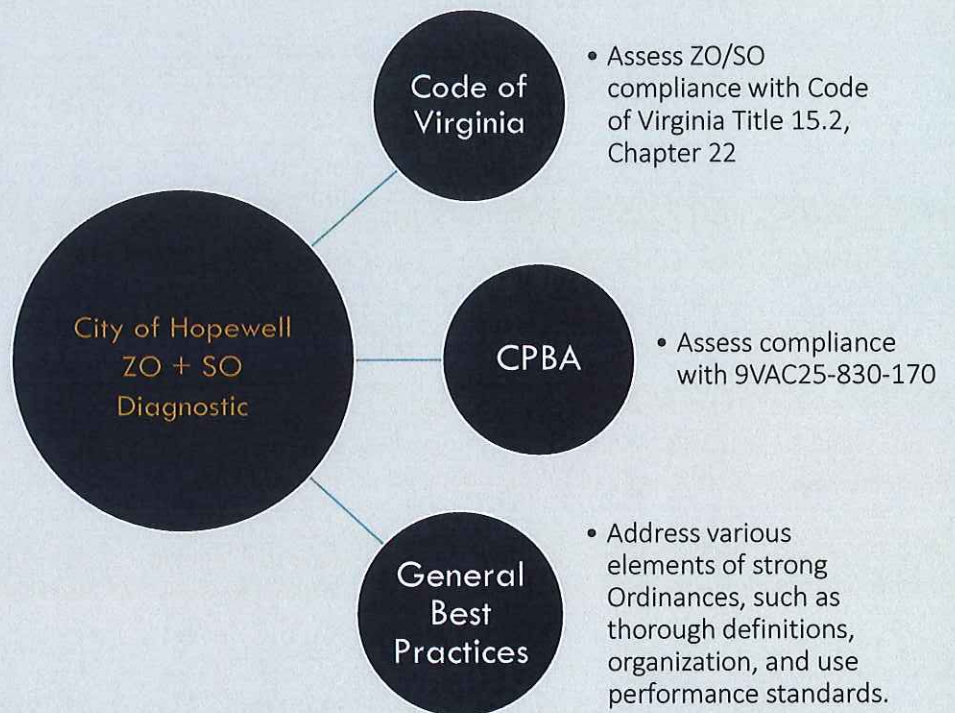


Principle		Description
1. Livable Built Environment		Ensure that all elements of the built environment, including land use, transportation, housing, energy, and infrastructure, work together to provide sustainable places for living, working, and recreation.
Included	Best Practices	Analysis / Recommendation
Yes	1.1 Plan for multi-modal transportation	<ul style="list-style-type: none"> Although one of the supporting strategies for a transportation goal is to promote transit supportive design for development within walking distance of existing and proposed transit routes, there is no discussion about transit-oriented development specifically. The plan does not address coordination of regional transportation investments with job clusters. The plan promotes responsible management of and development of lands adjacent to natural resources. One of the ways this plan promotes this is through minimizing development within 100-year floodplains and wetlands. However, the plan does not discourage development in hazard zones. Recommend discussing the designation of potential areas to encourage development of transit-oriented development. Recommend incorporating strategies to coordinate regional transportation investments with areas of high employment densities. This is important for creating and improving access to employment opportunities.
Partial	1.2 Plan for transit-oriented development	
No	1.3 Coordinate regional transportation investments with job clusters	
Yes	1.4 Provide complete streets serving multiple functions	
Yes	1.5 Plan for mixed land-use patterns that are walkable and bikeable	
Yes	1.6 Plan for infill development	
Yes	1.7 Encourage design standards appropriate to the community context	
Yes	1.8 Provide accessible public facilities and spaces	
Yes	1.9 Conserve and reuse historic resources	
Yes	1.10 Implement green building design and energy conservation	

*Comp Plan Matrix – Example Only.

03

ZO + SO Diagnostic Elements



	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
7.	2206	When locality may require applicant to give notice; how given	Optional, included	Article 11	<p>This section of the Code of Virginia allows for a locality to require the applicant of any application to the local governing body, local planning commission or Board of Zoning Appeals be responsible for all required notices.</p> <p>Article 11 -2 - Powers of the board of zoning appeals, Section 11-2-2 provides that for applications for variances the expense of legal advertisement shall be borne by the applicant.</p> <p>Recommend that all expenses be borne by the applicant, including the cost of mailing notification letters. The section does not reference state code. Reference to this section of State Code should be added.</p>
8.	2207	Public notice of juvenile residential care facilities in certain localities	N/A	N/A	<p>This section of the Code of Virginia allows a locality (which does not have an applicable zoning ordinance) to require public notice and hearing for any applicant who wishes to establish a public or private detention home, group home or other residential care facility for children in need of services or for delinquent youth.</p> <p>This section of State Code does not apply to the Town; the Zoning Ordinance will address these uses based on processes. This provision does not need to be included.</p>
9.	2208	Restraining violations of the chapter [Chapter 22 of the Code of Virginia]	Optional, included	Article 5	<p>This section of the Code of Virginia allows that any violation or attempted violation of this chapter [Zoning Ordinance] may be restrained, corrected, or abated by injunction or other appropriate proceeding.</p> <p>Article 5-8 – Administration, Section 5-8-1 provides for violation proceedings.</p>
10.	2208.1	Damages for unconstitutional grant or denial by locality of certain permits and approvals	Partial	No reference	<p>The Code of Virginia §15.2-2208.1 states that any applicant aggrieved by a grant or denial of any zoning-related approval or permit – when such grant or denial was unconstitutional pursuant to either federal or state law – shall be entitled to compensatory damages.</p> <p>The Zoning Ordinance does not include language addressing damages for an unconstitutional grant or denial; however, these determinations are likely occurring in practice. The Town should be aware of this section of the Code of Virginia and may add a direct reference to this section of the Code of Virginia.</p>

*Zoning Ordinance Matrix – Example Only.

amending fees, as well as annual review procedures during budgeting.

As a best practice, it is recommended that the County implement the optional provision within Code of Virginia §15.2-2286, which requires any delinquent taxes to be paid prior to submission of a zoning application. This is a tool that many Virginia localities have found useful in obtaining payment of delinquent taxes.

District Standards

The Zoning Ordinance provides district standards that address height, area, setbacks, and lot coverage. These standards should be evaluated to ensure they are promoting the desired type of development, with changes being made where necessary.

Setbacks

While setback standards are included in the Zoning Ordinance for all districts, they should be reviewed, revised, and reorganized for consistency. Both County staff and the public highlighted current setback regulations as a major challenge in interpreting and applying the Zoning Ordinance. For example, in some cases, side setbacks are determined as a percentage of the lot frontage on a public road; and front setbacks are measured from the centerline or the edge of the right-of-way, whichever is greater. The placement of accessory structures in rear setbacks, as well as all rear setbacks for parcels adjoining Smith Mountain Lake, are both unclear. Additionally, several districts allow uses to be built right up to the property

line, which can lead to challenges for utility placement and negative impacts on neighboring properties. The Berkley Group recommends closely reviewing setback requirements to ensure ease of administration, adequate siting of structures, and consistency in how setbacks are determined and applied. All dimensional standards should be reviewed to ensure consistency and that standards remain appropriate for modern uses.

Minimum Lot Size

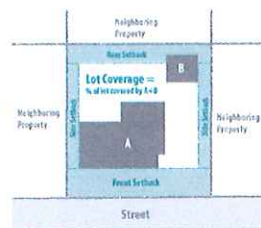
Minimum lot size standards are provided in the Zoning Ordinance for all districts; however, these standards should be reevaluated to ensure that the densities being facilitated by these minimum lot sizes correspond to the purpose and permitted uses within each zoning district. In particular, the minimum lot size in the A-1 district is less than a half-acre, which is not large enough for most types of agricultural activity. One implication of small minimum agricultural lot sizes is complications with establishing well and septic systems. However, increasing minimum lot size alone could potentially cause the deterioration of rural character due to the loss of productive farmland. Two potential solutions the County can explore are the addition of density or sliding scale requirements; these would still allow smaller agricultural lot sizes, but limit the proliferation of subdivisions where inappropriate.

Dimensional Standards

All other dimensional standards addressed in the Zoning Ordinance – such as maximum height, lot coverage requirements, and open space requirements – should be reviewed to ensure

consistency and that standards remain appropriate for modern uses. The Zoning Ordinance can also incorporate a "Setback and Site Dimensions Chart" that can include height limits, lot coverage, setbacks, etc. This provides one place for each district's dimensional regulations and increases readability.

Exhibit 1 on the following page shows some of the current district regulations of the Zoning Ordinance in chart form.



This graphic depicts the locations of setbacks on a property, as well as how lot coverage is calculated. Dimensional standards including setback and lot coverage requirements can be reviewed and amended for consistency and to ensure compatibility between uses.

Findings

Provides broad coverage of typical planning issues by the Code of Virginia as well as community, such as historic preservation. That work for the community, improve plan into compliance with the Code of ordinances. Improvements to address Code of ordinances information to reflect current data, plans, documenting recent and planned changes, analysis of transportation needs and strategies for changes based on public input and City Council, and developing a list of priorities. Key recommendations following:

that community conditions and data, using

updated information from the U.S. Census Bureau, the Weldon Cooper Center for Public Service, the Virginia Employment Commission, the Virginia Department of Transportation (VDOT), and other sources.

- Community engagement, such as forums and surveys, should be highlighted in the plan. Community engagement results and analysis should also be included in the plan to demonstrate how it influences the Plan.

Community Data & Analysis:

Comprehensive Plan data should be updated to reflect a current community profile. Profile elements should include such topics as regional and local population trends, general demographics, income, poverty, unemployment, housing vacancy, age of housing stock, and other applicable demographic, economic, and housing data. Maps and graphics will help in visualizing this information and to help create a more engaging plan.

04

Initial Findings: Comp. Plan



Internal inconsistencies with mapping and data analysis



Visual elements of the plan (photographs, charts, graphs) could be improved



Difficult to implement



Update demographic data to reflect most recent analysis from U.S. Census Bureau, Weldon Cooper Center for Public Service, VDOT



Does not include VDOT requirements for priority transportation projects

04

Initial Findings: ZO/SO



Needs further clarification on administration and application process



Update Code of Virginia references and ensure all provisions are compliant with the Code of Virginia



Review and build out design standards to promote community aesthetics, environmentally friendly development, and maintain historic character



Ensure that definitions are updated for user-friendly language and to include modern land uses



Inconsistencies between ZO/SO permissions and Comprehensive Plan vision and strategies



Needs improved guidance on nonconforming uses/lots/and structures as well as “irregular” lots

05

Questions and Discussion: Comprehensive Plan

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Next Steps

- ☒ Staff Kickoff Meeting
- ☒ Joint Worksession #1
- ☐ Draft Diagnostics and Finalize Land Use Report
- ☐ Staff Checkpoints – October & November 2023
- ☐ Joint Worksession #2 – January 2024

Contact



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