



# CITY OF HOPEWELL

Hopewell, Virginia 23860

## AGENDA

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## CITY COUNCIL

John B. Partin, Jr., Mayor, Ward #3

Jasmine E. Gore, Vice Mayor, Ward #4

Rita Joyner, Councilor, Ward #1

Michael B. Harris, Councilor, Ward #2

Janice B. Denton, Councilor, Ward #5

Brenda S. Pelham, Councilor, Ward #6

Dominic R. Holloway, Sr., Councilor, Ward #7

Dr. Concetta Manker, City Manager

Danielle Smith, City Attorney

Brittani Williams, City Clerk

Bridetta Williams, Deputy Clerk

January 18, 2024

SPECIAL MEETING

Regular Meeting 6:00 pm

6:00 p.m.

Call to order, roll call, and welcome to visitors

## REGULAR MEETING

6:00 p.m.

Call to order, roll call, and welcome to visitors

### 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 share the findings of the diagnostic evaluation and receive feedback from the Planning

Commission and City Council.

### Agenda

1. Comprehensive Plan Diagnostic Findings
2. Zoning and Subdivision Ordinances Diagnostic Findings
3. Questions & Discussion
4. 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.

The first Joint Work session was held on October 17, 2023. This meeting was held to introduce the Land Use Tools Report

project and collect feedback on key issues and concerns for the Zoning and Subdivision Ordinances, along with feedback on

Comprehensive Plan elements and strategies. The Berkley Group also provided an overview of the project, including

discussion of the project purpose, schedule, and structure.

Staff checkpoints were held in November and December 2023 to evaluate progress and to share feedback.

### **Questions & Discussion**

- Are there any questions about the diagnostic report?
- Are there any other issues that are important to the community that were not already noted in the diagnostic?
- Are there any other recommended changes to the report or diagnostic matrices?

### **Adjournment**

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# Land Use Policy Evaluation

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City of Hopewell, Virginia  
January 2024





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# Overview

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*The recommendations included in this diagnostic report provide a framework for updating Hopewell's Zoning Ordinance, Subdivision Ordinance, and Comprehensive Plan in a manner that will improve the ability of City officials, community members, and stakeholders to build their envisioned community.*

## Purpose and Scope

The Comprehensive Plan and the Zoning and Subdivision Ordinances are the key tools localities use to oversee the use and development of the land in their jurisdiction. The City of Hopewell, Virginia commissioned a diagnostic study to examine the Comprehensive Plan and Zoning and Subdivision Ordinances for compliance with the Code of Virginia, Chesapeake Bay Preservation Act, and other land use and planning best practices. The information included in this report will provide Hopewell with a strong foundation for future updates to their land use tools.

The Berkley Group, a Virginia-based local government consulting firm, completed this assessment, which included the following tasks:

- Analyze the 2018 Comprehensive Plan (Appendices A-D).
- Analyze the Zoning Ordinance (Appendices E and G) and the Subdivision Ordinance (Appendices F and G), found in the Code of Ordinances for the City of Hopewell, Virginia.
- Provide best practice recommendations for the Ordinances and Plan, along with recommendations for alignment with the Code of Virginia and Chesapeake Bay Preservation Act.
- Incorporate known strengths and weaknesses as provided by City staff, Planning Commission, and City Council.

## Diagnostic Process

The diagnostic process began in August 2023 with a kick-off meeting with City of Hopewell staff to discuss broad community goals and specific challenges with the City's Comprehensive Plan and Zoning and Subdivision Ordinances. An initial meeting held in October 2023 with City Council and the Planning Commission also provided valuable insight into concerns, goals, and priorities related to the Plan, Ordinances, and general land use and development. The feedback received during these two meetings was considered in tandem with a comprehensive review of the Plan and Ordinances to assess compliance with applicable state regulations as well as adherence to general best practices.

The diagnostic process included a thorough review and evaluation of Hopewell's current Comprehensive Plan and Zoning and Subdivision Ordinances by the Berkley Group consulting team. The team assessed conformance with the Code of Virginia and Chesapeake Bay Preservation Act (CBPA), identifying each requirement by type (mandatory, optional, or not applicable) and summarizing the Plan's and Ordinances' effectiveness in meeting these requirements.

For the Comprehensive Plan, the team also assessed the Plan's effectiveness in meeting the American Planning Association (APA) Comprehensive Plan Standards for Sustaining Places. These best practices are the result of a four-year effort by the APA to define the role of Comprehensive Plans in addressing the sustainability of human settlements and provide a set of planning best practices to serve as a resource in the preparation of Comprehensive Plan updates. They are optional standards for creating livable, healthy, and sustainable communities.

Finally, this report summarizes considerations and general recommendations to make both the Comprehensive Plan and Ordinances more thorough and user-friendly documents that effectively advance Hopewell's land use and development goals. All recommended changes will be discussed with City staff, the Planning Commission, and City Council as a roadmap for an updated Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance that improves the ability of public officials, community members, and stakeholders to build their envisioned community. Each diagnostic matrix is included in the appendix of this report for easy reference and examination.

## Report Resources

*Click the linked pages below to explore the resources used in this report.*

[\*\*Chesapeake Bay Preservation Act\*\*](#)

&gt;&gt;

[\*\*The Code of Virginia\*\*](#)

&gt;&gt;

[\*\*APA's Comprehensive Plan  
Standards for Sustaining Places\*\*](#)

&gt;&gt;

[\*\*City of Hopewell 2018  
Comprehensive Plan\*\*](#)

&gt;&gt;

[\*\*City of Hopewell  
Code of Ordinances\*\*](#)

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# Comprehensive Plan

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## Key Findings

Overall, Hopewell's Comprehensive Plan is compliant with most mandatory items of the Code of Virginia and includes many of the optional provisions. The Plan includes a robust analysis of community engagement, including detailed findings, and addresses key planning elements for Hopewell. The most necessary improvements needed to both achieve full compliance with the Code and meet planning best practices include a more thorough analysis of transportation conditions and priorities; discussion of proceedings for Plan adoption and amendments; and discussion of modern land use considerations such as broadband infrastructure, resilience, and transit-oriented development. A thorough implementation plan with clear strategies and assignment of responsibility is also needed, as well as the need for a holistic discussion of key themes that are informed by a variety of Plan elements (e.g., public health, public safety, regional collaboration) and more detailed discussion of issues identified by the community as top priorities (e.g., public safety, community facilities and infrastructure).

Recommended improvements will build on the aspects of the Plan that work for the community, improve those in need of refinement, and bring the entire plan into compliance with the Code of Virginia, Chesapeake Bay Preservation Act (CBPA), and acknowledged planning best practices. Improvements to address Code of Virginia and CBPA requirements will focus on updating information to reflect current data, incorporating any applicable new studies or plans, documenting recent and planned capital improvements, conducting a more thorough analysis of transportation needs and priorities, and reviewing development plans and policy strategies for changes based on public engagement and direction from the Planning Commission and City Council.



*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, economic and housing data, and other applicable demographics. Clear and attractive tables, pictures, maps, and infographics will help visualize this information and create a Plan that is not only more engaging, but easier for the community to understand and use.*

## Code of Virginia

Under Section 15.2-2223 of the Code of Virginia, every locality is required to adopt and maintain a Comprehensive Plan for the territory that it governs. Once adopted, this plan must be reviewed at least once every five years. This ensures that local governments continue to evaluate changing community needs and actively work to achieve the goals identified in the plan.

The Code of Virginia establishes required and optional elements for adopted Comprehensive Plans. For example, the Code requires elements such as a description of future community trends, a transportation plan identifying priority projects, and recommendations to promote the development and maintenance of affordable housing, including manufactured housing. Some optional elements in the Code include description of future facilities development, identification of existing facilities (such as parks, sports fields, hospitals, schools, etc.), and the designation of historical or urban renewal areas.

This diagnostic includes a matrix (Appendix A) that categorizes each part of the Code by type (mandatory or optional) and includes an analysis and recommendation based on review of the existing plan.

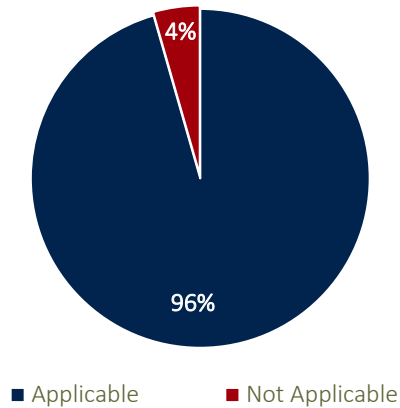
## Key Recommendations

Key recommendations from the Code of Virginia analysis include the following:

- The Plan should be updated to show current community conditions and data, using the most recent information from the U.S. Census Bureau, the Weldon Cooper Center for Public Service, the Virginia Department of Environmental Quality (DEQ), and Virginia Department of Transportation (VDOT), along with other reputable data sources.
- The transportation component of the Plan should be updated to meet current VDOT requirements. This includes integrating the statewide transportation plan (VTrans) and most recent Six-Year Improvement Plan (SYIP). Identification of priority transportation projects, along with a description and planning-level cost estimate for each, is currently not included and should be integrated. Additionally, to fully understand Hopewell's current transportation conditions, additional information is needed, such as crash data and bridge/culvert conditions.
- The Plan is incomplete in its discussion of a multi-modal transportation network. Analysis of a multi-modal transportation network should not only reflect street, bicycle, and pedestrian activity, but also include shared mobility, freight, aviation, public transportation, and passenger rail opportunities for Hopewell and regional residents.
- The Plan is missing discussion of resilience and broadband – two topics required for inclusion – and could expand its discussion of affordable housing to include modern housing solutions, such as tiny houses and detached Accessory Dwelling Units (ADUs).

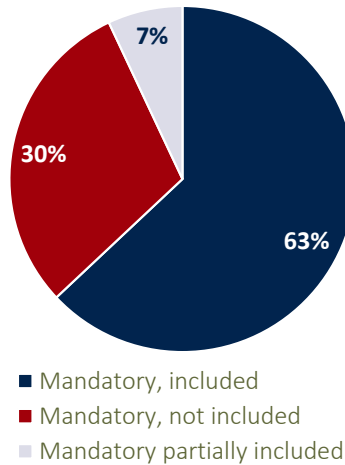


**Chart 1**  
Applicability of  
Code of Virginia Sections



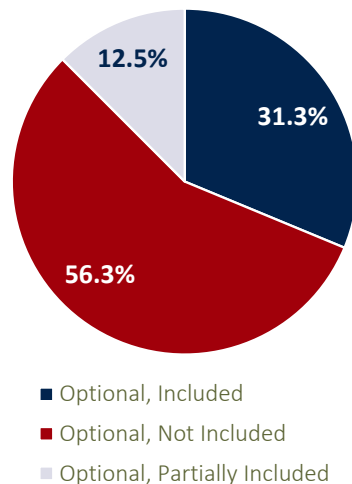
**Chart 2**  
Compliance with Mandatory\* Sections

\* Chart does not include Optional or Non-Applicable percentages



**Chart 3**  
Optional\* Provisions Usage

\* Total Optional Provisions: 35% of all provisions



*This set of diagrams showcases the Comprehensive Plan's overall applicability and compliance with the Code of Virginia's comprehensive planning regulations. A detailed analysis of each Code section is provided in Appendix A; these charts offer a broad look at the City of Hopewell's standing.*

*Chart 1 highlights the percentages of the Code of Virginia regulations that are and are not applicable to the Comprehensive Plan. The applicable percentage includes both mandatory and optional provisions.*

*Chart 2 highlights the collective percentage of the Comprehensive Plan that fully complies, does not comply, or partially complies with the mandatory provisions of the Code of Virginia. These figures do not include optional or non-applicable provision percentages.*

*Chart 3 highlights the percentage of optional provisions that are included, not included, or partially included in the Comprehensive Plan.*

*Hopewell's Comprehensive Plan recognizes the value of natural resources, and the impact growth and development activities have on water quality. The Plan includes many of the elements necessary for the protection of natural resources and thoroughly describes existing conditions and issues. However, it does not meet all Chesapeake Bay Preservation Act (CBPA) requirements.*

## Chesapeake Bay Preservation Act

The Chesapeake Bay Preservation Act (CBPA) was enacted by the Virginia General Assembly in 1988 as a critical element of Virginia's nonpoint pollution source management. The purpose of the CBPA is to protect and improve water quality in the qualifying areas by requiring effective land use management practices. Compliance with CBPA is mandatory for all Tidewater Virginia localities, which includes the City of Hopewell. The City's Comprehensive Plan was reviewed to determine compliance with the requirements of the CBPA. A thorough analysis is included in this report as a diagnostic matrix (Appendix B).

The CBPA (9VAC25-830-170) requires localities to include Comprehensive Plan elements that focus on minimizing land disturbance and protecting water quality. At a minimum, the Plan is required to include "(i) a summary of data collection, (ii) analysis and policy discussion(s); (iii) land use plan map(s); and (iv) implementing measures, including specific objectives and a time frame for accomplishment."

While the City's Comprehensive Plan addresses the protection of sensitive natural resources such as steep slopes, wetlands, and floodplains through discussion and relevant policy statements in Chapters 3 and 11, it does not fully meet all CBPA requirements. To meet CBPA

requirements, the Plan should be revised to include the following:

- A clear and well-labeled map depicting the boundaries of the City's Resource Protection Area (RPA) and Resource Management Area (RMA);
- A comprehensive list of existing and potential water pollution sources including location of aging or leaking sewer lines, brownfield sites, commercial or industrial sites, and other applicable point and non-point pollution sources;
- A clear and well-labeled map depicting pollution sources such as underground storage tanks and Virginia Pollutant Discharge Elimination System (VPDES) outfalls;
- An inventory of docks and piers within City limits, and a strategy reflecting support for developing marinas, docks, and piers in an environmentally sensitive manner;
- A policy statement addressing streambank erosion prevention; and
- Inclusion of all environmentally focused strategies in the Plan's implementation plan.



*“Best practices are the planning action tools used by communities to activate the desired principles, processes, and attributes of their comprehensive plans. They are analogous to the body’s muscles and tendons, linking and moving the components of the planning structure. Based on state-of-the-art practices found in leading plans and planning literature, they represent the best thinking of the planning profession on how to carry out the vision and goals of their plan.”*

*- American Planning Association*

## Best Practices

The best practices analyzed as part of this diagnostic process are the result of an extensive effort by the American Planning Association (APA) to define the role of comprehensive plans in addressing the sustainability of human settlements. Traditionally, comprehensive plans focus on land use and physical development. These best practices are established to respond to modern community needs and societal trends, such as an increased demand for citizen participation, a greater focus on implementation, and a heightened awareness of climate change and its impacts.

These are optional standards, included to score the 2018 Comprehensive Plan against characteristics of the most effective comprehensive plans across the country. They are added to provide a more complete analysis and facilitate discussion throughout the plan update process and should not be interpreted as requirements.

## APA’s Comprehensive Plan Standards for Sustaining Places:



Scan the QR code with your smart device to read an excerpt of  
APA’s Comprehensive Plan  
Standards for Sustaining Places.



The City of Hopewell's 2018 Comprehensive Plan is **most effective** in addressing interwoven equity and authentic participation, as well as including consistent and compelling content.

- The Plan includes a housing chapter, policies, and implementation steps to provide for a range of housing types. These elements include a multi-pronged approach to improve housing quality and affordability, attract new housing, and improve housing and neighborhood conditions for low-income households.
- The planning process included significant public engagement via a variety of methods, a detailed summary of which is included at the beginning of the Plan.
- The Plan thoroughly explains the existing conditions and challenges to Hopewell in the period the plan process was conducted for the major topics included. Existing conditions are directly informed by community engagement.
- The Plan develops a vision of the future, sets goals in support of the vision, and sets objectives to support the goals. Policies are also included to help guide future decision making.

The City of Hopewell's 2018 Comprehensive Plan is **least effective** at planning for a healthy community, committing to responsible regionalism, and outlining an accountable implementation plan.

- Planning for public safety through reduction of crime and injuries is minimally discussed in the Plan, despite the community stating it as a top concern. Recommend including an element on public safety and involving public safety personnel in the planning process to incorporate their plans, goals, and initiatives in the text and strategies.
- While the Plan includes a standalone health chapter, it is focused primarily on demographics and the provision of community facilities and fails to include a more holistic evaluation of how community health is directly influenced by housing, economic conditions, public safety, and land use decisions. The Health chapter should either be expanded further, or discussion dispersed throughout Plan chapters to make a compelling case for how land use decisions directly impact community health and wellness. This can also allow for greater discussion of complementary topics such as food

security, Crime Prevention through Environmental Design (CPTED), and trauma-informed planning.

- There is little discussion of regional conditions or of the shared benefits of regional planning. Recommend including discussion of, and strategies to address, regional planning efforts to address issues that are not isolated to Hopewell. Promoting regional cooperation, planning, and sharing of resources informs issues and opportunities – as well as strategies and solutions – while reducing time and financial burden for the City.
- All strategies identified in the body of the Comprehensive Plan should be included in the implementation plan. The implementation plan should be organized as a matrix that includes the strategies and, at a minimum, responsible parties, prioritization, and available resources for each. Other optional aspects of an implementation plan include timeframes, projected cost, metrics, and potential funding sources. The implementation plan is a critical tool for transparency and for ensuring the vision of the Comprehensive Plan is made reality.



Other recommendations to improve the 2018 Comprehensive Plan through inclusion of APA's best practices include the following:

- Annual status updates on Plan implementation should be provided to the Planning Commission and City Council.
- The tone of Hopewell's Plan is primarily negative and heavily focused on deficiencies. An updated Plan should have a positive tone, framing issues and deficiencies as opportunities for creative thinking and multi-dimensional solutions.
- The Plan should provide guidance for coordinating regional transportation investments such as expansion or modification of public transportation service, operational improvements to roadways, and provision of pedestrian/bicycle infrastructure with employment centers.
- While the Plan is strong at addressing environmental protection and encouraging water conservation, other elements of environmental protection are not included. These include resiliency, hazard mitigation, climate change and reducing Hopewell's carbon footprint, and planning for solid waste reduction.
- The Plan should be evaluated for opportunities to make the document understandable for the average reader. This could include, but not be limited to a glossary with key terms and definitions; the use of infographics to communicate complex data; clear visuals with captions; interactive graphics to allow readers to explore additional resources; and condensing the most important elements into an executive summary. Where possible, technical terms in the body of the Plan should be replaced with more common vocabulary.

# Zoning and Subdivision Ordinances

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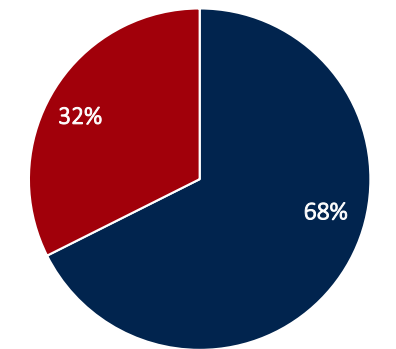
## Key Findings

The City of Hopewell's Zoning and Subdivision Ordinances should be revised to reflect current best practices in zoning and land use; to strengthen the ability to implement the strategies and priority items of the current Comprehensive Plan; and to improve clarity and ease of use with the following actions:

- The Zoning Ordinance and the Subdivision Ordinance should be restructured into a streamlined, clear, and user-friendly document. Combining both Ordinances into a single document would help achieve these objectives.
- The Zoning Ordinance largely complies with the Chesapeake Bay Preservation Act (CBPA), with partial compliance for only two provisions. Hopewell's included Chesapeake Bay Preservation Area Overlay District provides a comprehensive set of regulations, and this section should be given careful review during periodic updates to ensure consistent conformance with these Code of Virginia requirements for Tidewater localities.
- The Zoning and Subdivision Ordinances should be updated to meet the objectives and goals of Hopewell's current Comprehensive Plan, including establishing a clear definition and appropriate performance standards for Accessory Dwelling Units (ADUs) to diversify housing options; and granting the ability to approve final plats to City Staff or Planning Commission, rather than approval by City Council.
- Both Ordinances should be updated to achieve full compliance with the Code of Virginia, as detailed in the recommendations of the Zoning and Subdivision Diagnostic Matrices (Appendices E and F). Optional provisions of the Code should be incorporated as desired by the City.
- Uses and definitions within the Zoning Ordinance should be updated to include modern uses, while omitting outdated uses and definitions that may no longer comply with the Code of Virginia. Additionally, consideration can be given to organizing permitted uses for all zoning districts into a single matrix for clarity. All uses and use standards should be reviewed thoroughly and updated as needed to comply with the Code of Virginia and modern planning and zoning best practices.
- Regulations in the Zoning Ordinance that address nonconforming uses, lots, and structures should be clearer and more robust. All applicable provisions from the Code of Virginia should be incorporated. District regulations may also need to be amended to prevent recurring requests for approval of nonconformities.
- The Zoning and Subdivision Ordinances should be reviewed and updated annually with the Planning Commission and City Council. This is a best practice technique which ensures that the Ordinances remain both compliant with the Code of Virginia and relevant and responsive to community needs.



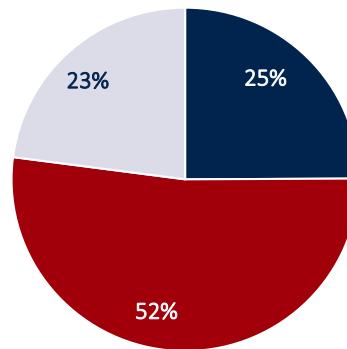
**Chart 1**  
Applicability of  
Code of Virginia Sections



■ Applicable ■ Not Applicable

**Chart 2**  
Compliance with Mandatory\* Sections

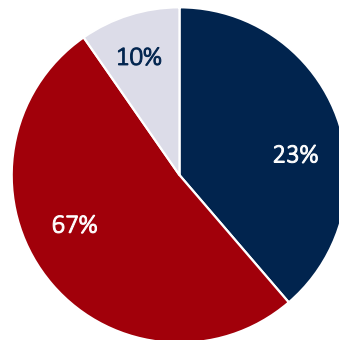
\* Chart does not include Optional or Non-Applicable percentages



■ Yes ■ No ■ Partial

**Chart 3**  
Optional\* Provisions Usage

\* Total Optional Provisions: 21% of all provisions



■ Optional, Included ■ Optional, Not Included  
■ Optional, Partially Included

*This set of diagrams showcases the Zoning Ordinance's overall applicability and compliance with the Code of Virginia's zoning regulations. A detailed analysis of each Code section is provided in Appendix E; these charts offer a broad look at the City of Hopewell's standing.*

*Chart 1 highlights the percentages of the Code of Virginia regulations that are and are not applicable to the Zoning Ordinance. The applicable percentage includes both mandatory and optional provisions.*

*Chart 2 highlights the collective percentage of the Zoning Ordinance that fully complies, does not comply, or partially complies with the mandatory provisions of the Code of Virginia. These figures do not include optional or non-applicable provision percentages.*

*Chart 3 highlights the percentage of optional provisions that are included, not included, or partially included in the Zoning Ordinance.*

*The Zoning Ordinance is the local code that provides regulations and requirements for the use and development of land. Zoning divides a locality into specific districts and establishes regulations concerning the use, placement, spacing, and size of land and buildings within the respective districts. The City of Hopewell's Zoning Ordinance can be updated and improved to set clear and organized standards for desired types of land uses and development, incorporate business-friendly language and procedures, and ensure compliance with the Code of Virginia (Appendices E and F).*

## Zoning Ordinance Analysis

### **State Regulations**

Any Zoning Ordinance update should incorporate current Code of Virginia references and address recent amendments to the Code of Virginia. The current Zoning Ordinance provides multiple references to outdated sections of the Code of Virginia; careful attention should be given to updating all references with the most up-to-date section numbers. Additionally, the Zoning Ordinance does not account for several recent updates to the Code of Virginia, including those related to resilience, telecommunications, and public noticing. The Zoning Ordinance diagnostic (Appendix E) itemizes each Code of Virginia section that must be addressed.

### **Administration**

The Zoning Ordinance should clearly articulate administration, application, and notice procedures and responsibilities in a logical structure. Restructuring the Zoning Ordinance to streamline content would ease administration and enhance readability. All general and administrative provisions (e.g., authority, effective date, severability, conflict) should be placed together at the beginning of the Ordinance. Another article should detail all

application processes and procedures, including those for text amendments, map amendments (i.e., rezonings), special exceptions, variances, site plans, and appeals. This should be followed by articles for district dimensional standards, uses, community design, and subdivision.

The current Zoning Ordinance lacks information regarding the powers and procedures of the Planning Commission. The Administration article of the Ordinance should include a section dedicated to codifying the Planning Commission powers, duties, and procedures as they are assigned in Hopewell and ultimately dictated by Code of Virginia. This should also be completed for the Board of Zoning Appeals; some information is currently included but needs to be reviewed and updated to fully comply with the most recent version of the Code of Virginia.

## ***Processes and Procedures***

The Zoning Ordinance would benefit from including detailed processes and standards for rezonings, as well as establishing clear information and processes related to conditional rezonings as required by the Code of Virginia. Processes and procedures for reviewing and appealing site plans is one aspect of administering the Ordinance that needs to be updated. Hopewell staff has specifically noted that the review time for landscaping plans provided by Article VIII, Section B of the Ordinance is different from the review time for site plans, even though landscaping plans are typically submitted at the same time. Furthermore, there is a different appeal process for site plans and landscape plans. As it is currently established in the Zoning Ordinance, appeals for landscaping plans are heard by the Board of Zoning Appeals (BZA) and then by City Council. To be in alignment with the appeal process for site plans, the Ordinance should be updated so appeals are heard by the BZA and then by the Circuit Court as needed. Similarly, Article XVI, Section L of the Ordinance provides that upon denial of a residential lot plan, the applicant may petition the matter to be heard by the Planning Commission. However, the Code does not grant the Planning Commission this authority, and the text should therefore be

updated to reflect an appeal being heard by the BZA.

Overall, the current Ordinance lacks much of the information needed to properly administer the Ordinance; fully clarify powers and duties of land use boards; and address land use processes. When text and processes are unclear or omitted, it can slow the process of receiving good development applications, as well as burden City staff due to the need to spend more time interpreting the intent of the Ordinance. Additional structure and detail would greatly benefit the City's ability to administer the Ordinance in an efficient manner, in turn making Hopewell a more business-friendly community.

## ***Civil Penalties***

Hopewell currently does not provide procedures for civil penalties for zoning violations. Misdemeanor penalties for violations of the Zoning Ordinance are utilized; however, as a best practice, the City should introduce civil penalties and use such penalties as a first line of defense, moving to misdemeanors as appropriate. Utilizing this more gradual approach will ease the burden of enforcement, saving the City time and money and allowing the most effort to be put towards repeat or serious violations. A uniform schedule and summons procedure should be applied for civil penalties as detailed in the Code of Virginia.

## **Recommended Ordinance Structure:**

- 1. General Provisions***
- 2. Administration***
- 3. Permits and Applications***
- 4. Primary Districts***
- 5. Overlay Districts***
- 6. Use Matrix***
- 7. Use Performance Standards***
- 8. Community Design Standards***
- 9. Nonconformities***
- 10. Subdivision***
- 11. Definitions***

## District Standards

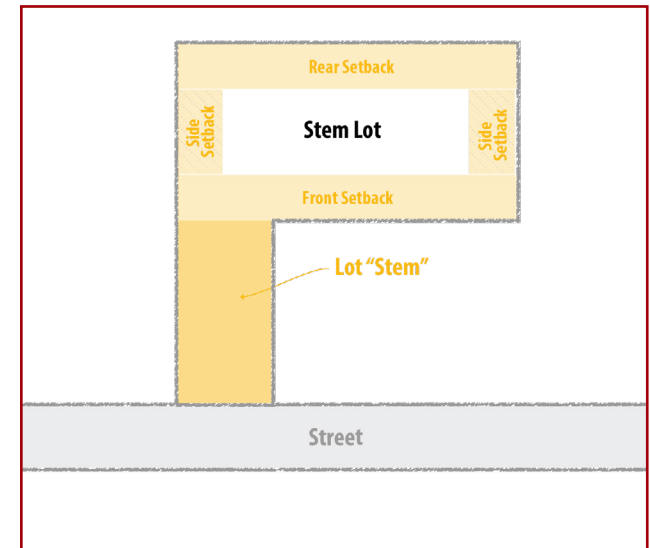
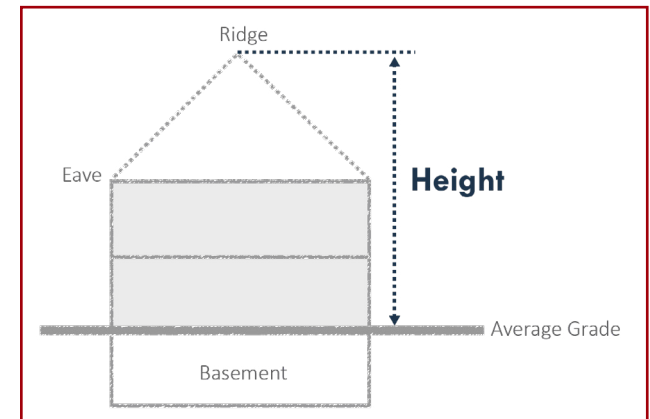
The Zoning Ordinance provides district standards that address height, area, setbacks, and lot coverage. These district standards should be evaluated to ensure consistency and that the standards are promoting the desired type of development, with changes being made where necessary.

Currently, district standards are listed in each zoning district's respective article. It is recommended to display district standards in a chart or matrix that clearly shows the minimum and maximum regulations (see page 16). A new matrix can streamline and simplify district standards; easily show minimum and maximum regulations; and include new standards while still being readable and easy to interpret and implement. Grouping these district requirements together will make it easy to evaluate and apply standards.

Overall, district standards need to be refined for clarity and to identify gaps in regulations. One example is district standards for irregular lots; there are currently no standards for how yards and setbacks are to be interpreted for lots that are irregular. Another example includes assessing lot width in all zoning districts, but especially in the Tourist/Historic District (TH-1).

Staff has noted that the lot width requirement for this zoning district (80 ft. minimum) is too large compared to the average lot width of the existing historic properties in the district. Adjusting dimensional standards such as lot width, maximum height, and minimum setbacks can help alleviate requests for nonconformities and ease administrative burdens. Additionally, the procedures for measuring setbacks should be clarified; Ordinance text currently states that setbacks can be measured from either the street/highway or the street/highway right-of-way line, which are often in different locations and therefore leads to inconsistent application of the Ordinance standards. Using a consistent measure and including a graphic illustration can greatly improve the ability to understand and apply the standard.

Hopewell could explore the option of establishing Floor Area Ratio (FAR) requirements in certain districts; these serve to address the form and design of the building while allowing some flexibility in how the building is oriented on the lot. If desired, FAR requirements could promote sustainable growth while preserving the character of Hopewell. FAR requirements can also support public transportation due to compact development patterns and the associated reduction of needed service area expansions.



**Dimensional standards can be easily communicated through the use of graphics.**

**Top Image: Height**

**Bottom Image: Stem Lots**



The below example from the City of Emporia, Virginia's draft Zoning Ordinance demonstrates how district standards for commercial districts are easily organized in a table format, serving to ease the burden of staff administration and providing clear direction to the community.

	DT	C-1	C-2
Minimum Lot Area:			
All lots	No minimum; if structures/uses on the lot utilize private well and/or septic system(s), the minimum area shall be determined by the Health Official.		
Minimum Lot Width:			
All lots	No minimum		
Maximum Lot Coverage:			
All Lots, all structures	No maximum; entire lot may be covered, provided that all other district standards of this Article are met		
Minimum Required Setbacks:			
Front			
Principal Structures	0 ft.; Buildings shall be in line with surrounding existing buildings. If there are no immediately adjacent buildings, a maximum setback of 5 ft.	25 ft.	25ft.
Accessory Structures	Not permitted in front yard		
Side			
Principal Structures	None except when abutting a residential district; When abutting a residential district: 25 ft.		
Accessory Structures	5 ft.		
Rear			
Principal Structures	None except when abutting a residential district; When abutting a residential district: 25 ft.		
Accessory Structures	5 ft.		
Maximum Structure Height:			
Principal Structures	45 ft.	45 ft. <sup>1</sup>	45 ft. <sup>1</sup>
Accessory Structures	No taller than principal structure		
<sup>1</sup> Principal structures in C-1 and C-2 districts may be erected to a height of 55 ft. provided that required front, side, and rear setback minimum standards shall be increased 2 ft. for each 5 ft. in structure height over 45 ft. See Figure 4.7.			

## Definitions and Uses

### Definitions

The definitions section of the Zoning Ordinance should be reviewed and updated to ensure consistency, clarity, and ease of interpretation. The City should ensure that every land use permitted in the Ordinance has an accompanying definition. Additionally, the City should enhance the clarity of definitions to avoid interpretation issues.

The current Zoning Ordinance contains several outdated terms and definitions, which should be updated to reflect recent revisions to the Code of Virginia as well as general modern best practices. Further, the Zoning Ordinance lacks the terms “amateur radio towers” and “family day home”; these should be added to comply with the Code of Virginia, along with several other terms that are required by the Code of Virginia but not currently incorporated in the Zoning Ordinance.

### Uses

The Zoning Ordinance contains an expansive and highly specific use list that is inflexible and overly complex. It is recommended to closely review permitted uses to identify opportunities to consolidate similar uses under more general categories for easier administration, interpretation, and flexibility. Where appropriate, uses should be streamlined to combine specific terms into broad categories. This creates a more organized and flexible use list, reducing the amount of future text amendments for new uses.

Additionally, uses should be modernized to align with today’s economy and provide flexibility to adapt to new uses. This eases administration and development while also reducing requests for zoning text amendments. It also communicates Hopewell’s readiness to welcome in modern land uses that can be economically beneficial for the community. Examples of outdated uses that could be removed are “adult cabaret”, “roominghouse”, and “dance hall”, while examples of modern uses seen in many localities that should be introduced include “mobile restaurant” and “coworking space”.

## Use Recommendations

### *Addition for Compliance with the Code of Virginia:*

- Affordable Housing
- Administrative-eligible review projects
- Small cell facility

### *Recommended Uses for*

#### *Consolidation:*

- “Delicatessen” & “Grocery Store” - “Store, Small”
- “Dry cleaners” & “Barber & Beauty Shops” - “Personal Services”
- “Motion picture theaters” & “Performing Arts Center” - “Recreation/Amusement, Indoor”

### *Recommended Modern Uses for Introduction*

- Mobile Restaurant
- Mixed-Use Development
- Micro-wineries
- Solar facility, accessory

## Use Permissions

Currently, use regulations are provided in district-by-district articles of the Zoning Ordinance. Many localities utilize a composite use matrix that shows all districts, uses, and how those uses are regulated. The Berkley Group recommends adding a use matrix to the Ordinance as a fundamental improvement. Hopewell should decide if a use matrix is something that they would like to include in the Zoning Ordinance, and whether the matrix will be in addition to, or in lieu of, listing the uses in each district article. If a use matrix is incorporated, it allows a user to easily identify where a use is permitted, either “by-right” or “by conditional use” without looking in more than one section of the Zoning Ordinance. This is particularly useful for potential businesses considering locating or relocating in the City. Utilizing a use matrix also makes it easy for the City to ensure uses are appropriately permitted and to avoid conflicts or repetition. Uses should also be reviewed to make sure they are being permitted in appropriate zoning districts; for example, low-impact uses such as a photography studio can be permitted in all business districts, and could also be included as a home occupation in residential districts.

Use	Districts												Use Performance Standards
	A-1	A-2	A-3	R-1	R-2	R-3	C-1	C-2	I-1	I	R-C	M-U	
	B = By-Right			SE = Special Exception			Blank = Not Permitted						
Residential Uses													
Bed and Breakfast	SE	SE					SE	SE					7-3-1
Day Care, Family Home (1-4 Individuals)	B	B	B	B	B	B					B	B	
Day Care, Family Home (5-12 Individuals)	B	B	B	SE	SE	SE							
Dwelling, Accessory	B	B	B	B	B						SE	SE	7-3-2
Dwelling, Manufactured	B	B	B										7-3-3
Dwelling, Manufactured, Temporary/Accessory	B	B	B	B	B	B							7-3-4
Dwelling, Multi-Family						B					B	B	7-3-5
Dwelling, Single Family	B	B	B	B	B	B					B	B	
Dwelling, Townhouse					B	B					B	B	7-3-6
Dwelling, Two-Family		B	B		B	B					B		
Family Health Care Structure, Temporary	B	B	B	B	B	B					B	B	7-3-7
Group Home	B	B	B	B	B	B					B	B	
Home Occupation, Class A	B	B	B	B	B	B		B				B	7-3-8
Home Occupation, Class B	B	B	SE	SE	SE	SE	B	B				B	7-3-9
Home Occupation, Class C	B	B											7-3-10
Life Care Facility				SE	SE	SE							
Park, Manufactured Home			SE										7-3-11
Shelter, Residential						SE							
Short-Term Rental	B	B	B	B	B	B		SE			B	B	7-3-12

*This example from King George County's draft Zoning Ordinance demonstrates how a use matrix can be a simple tool to clearly communicate use permissions and identify if use performance standards apply.*

## Use Performance Standards

During a review and reorganization of uses, use performance standards should be established for any use deemed appropriate by the City. Use performance standards are additional regulations above and beyond what is required by the underlying zoning district to enhance the quality and character of development and to limit adverse impacts on potentially incompatible uses. Uses that are largely permitted by-right but that may have more significant impacts – for example, a gas station or an industrial site – should be given appropriate use standards to help ensure a business-friendly process while simultaneously addressing potential conflicts between uses.

Occasionally, use performance standards can be used in lieu of Conditional Use Permit (CUP) requirements. This means that a use requested frequently for a CUP can be changed to a by-right use, and customary conditions of the permits would be inserted as regulations within the use performance standards article.

## Home Occupations

Home Occupation standards are currently located in each zoning district's respective article. For ease of use, these standards should

be revised and relocated into a dedicated section for home occupation standards ultimately housed within an article addressing use performance standards. Standards can be written to ensure that a home occupation is small and unobtrusive and is able to move to a commercial location once business grows. This helps provide a balance between encouraging entrepreneurship through home businesses while preserving downtown storefronts.

## Accessory Dwelling Units

Accessory dwelling units (ADUs) can be an easy tool to gain affordable housing and increase general housing availability. Currently, the Zoning Ordinance allows for accessory apartments with an approved conditional use permit from City Council; however, these apartments are only allowed for family members who are either 55 years or older or handicapped. These stringent regulations are contributing to difficult enforcement for City staff and preventing other appropriate uses of accessory dwelling units, such as having extended family live on the property or renting the unit as a long-term residential unit.

To ease administration, it is recommended that Hopewell replace the term “accessory apartment” with “Accessory Dwelling Unit,

Attached” as well as eliminate the age restriction to increase housing options and ease administrative burden. Additionally, as a best practice, detached ADUs should be permitted in single-family residential districts, with appropriate use standards established. Tailored use standards for accessory dwelling units can regulate items such as minimum and maximum floor area or size, parking, location, and amount of ADUs per parcel. In addition to these recommendations, Hopewell should also establish definitions for both detached and attached accessory dwelling units for clarity and transparency.

## Telecommunications

Various telecommunications regulations have been added to the Code of Virginia over the last fifteen years. Telecommunications regulations should be reviewed annually to ensure that new state-required provisions are considered. The Zoning Ordinance should be updated to comply with all applicable Code of Virginia requirements. Recommended revisions to the standards include adding necessary terms that are not defined, such as “small cell facility” and “administrative review only projects” and placing Code-compliant telecommunications standards within the article for use performance standards.

## Community Design Standards

Community Design Standards guide community development to ensure that it complements Hopewell's unique character and implements the vision of the Comprehensive Plan. Typical standards include regulations for landscaping, parking, and signs – all of which are addressed in the current Ordinance to some extent. Reviewing and amending requirements in the Ordinance for landscaping, parking, and signs will improve understanding and enforcement of these items.

### Landscaping

Landscaping requirements are one of the tools Virginia localities have available to them to enhance community character, protect environmental resources, and reduce the impact of potentially incompatible uses. The Zoning Ordinance's landscaping standards should be reviewed for any necessary changes and additions. One example of an improvement to be made to landscaping requirements is further detailing size specifications: the Ordinance provides size specifications for medium shrubs, but not for small or large shrubs, which can lead to confusion and difficulty enforcing provisions. Hopewell should ensure that all specific

requirements are listed in the Ordinance for clarity and to prevent potential conflict. Incorporating tables, charts, and visuals to outline landscaping requirements would be beneficial in clarifying landscaping standards and illustrating potential scenarios.

### Parking

Hopewell should consider the feasibility of reducing parking requirements and utilizing parking maximums to promote development, encourage use of alternative transportation, and reduce stormwater runoff by eliminating expanses of pavement. The Zoning Ordinance includes minimum parking requirements, which can inhibit business growth, new development, and redevelopment through infill or adaptive reuse. The economic value of commercial spaces can be improved by redeveloping parking areas for other uses, while allowing developers to decide how much parking is needed for their proposed development. Further, allowing permeable pavement and other alternative parking solutions can reduce stormwater quantity and improve water quality. Requiring bicycle parking in addition to automobile parking can also be beneficial in reducing emissions, increasing connectivity, and encouraging the use of alternative transportation.





Parking requirements should also reflect updated uses, ensuring that new uses have parking standards as appropriate and any uses that have been either consolidated or eliminated are removed from parking standards. Currently, parking requirements are included in a chart; this is a best practice Hopewell should continue for ease of use and administration.

## Signs

The City of Hopewell's current sign regulations are not content-neutral as required under the findings of U.S. Supreme Court case *Reed v. Town of Gilbert*. Any future sign regulations should pay respect only to the physical characteristics – for example, height, materiality, or square footage – and not supplied content or messaging to comply with the aforementioned court case. There are many community benefits of regulating the physical qualities of signs, including reducing clutter, minimizing distractions to drivers, and enhancing community aesthetics.

Sign regulations should be applied consistently across districts as appropriate. Clearly identifying and defining sign types in the Ordinance would help eliminate confusion and inconsistency. The use of tables and illustrations to depict sign requirements would also be beneficial in ensuring that regulations are applied

consistently and are easy to understand.

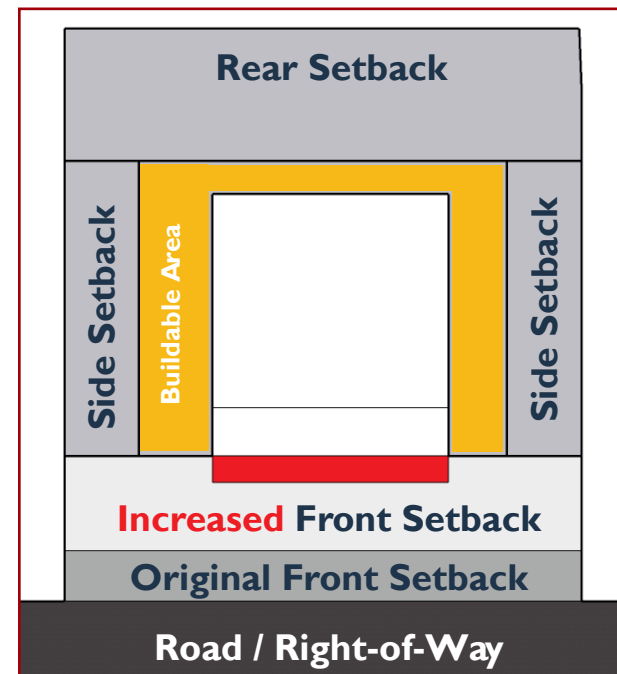
## Nonconformities

The City of Hopewell sees a high volume of conditional use permits for development on non-conforming residential lots and minor expansions of non-conforming residential uses. This process hinders housing development and reinvestment in existing buildings, along with the associated tax benefit to the City.

To address non-conforming lots, the City should evaluate existing lot sizes by zoning district to determine whether the current area and setback regulations are appropriate for each district. Based on this analysis, the City could consider reducing the minimum lot area if appropriate. Many localities also allow single-family residential development on non-conforming lots by-right provided that setbacks are maintained. In areas where neighborhood compatibility is of concern, the City could consider adopting pre-approved pattern book plans or neighborhood conservation overlay districts to guide the character of development.

To address non-conforming residential uses, the City should consider rezoning existing neighborhoods back to residential in alignment with the Comprehensive Plan. The City should

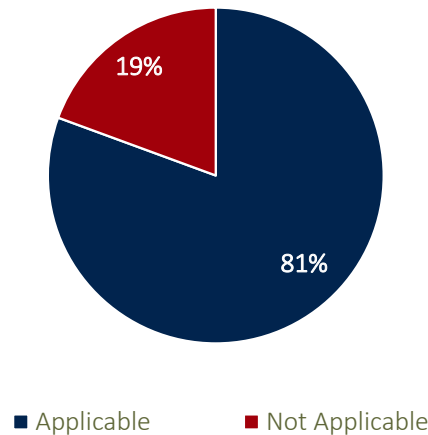
also allow some expansion of non-conforming residential structures provided that setbacks are maintained; some localities place a percentage limit on the maximum expansion. Non-conforming regulations should also be updated to allow home occupations in non-conforming residential uses and allow the replacement of manufactured homes in accordance with the Code of Virginia.



*In this diagram, the portion of the structure shown in red extends into the increased front setback. Areas where an expansion is permitted are identified in yellow.*

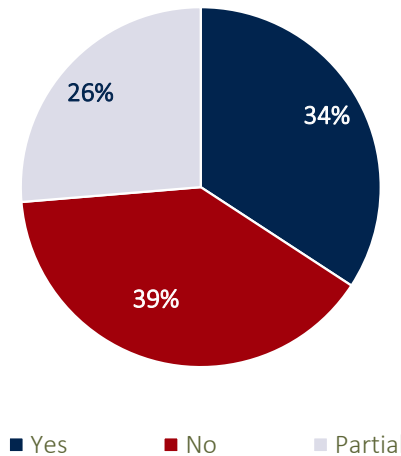
# Subdivision Ordinance Analysis

**Chart 1**  
Applicability of  
Code of Virginia Sections



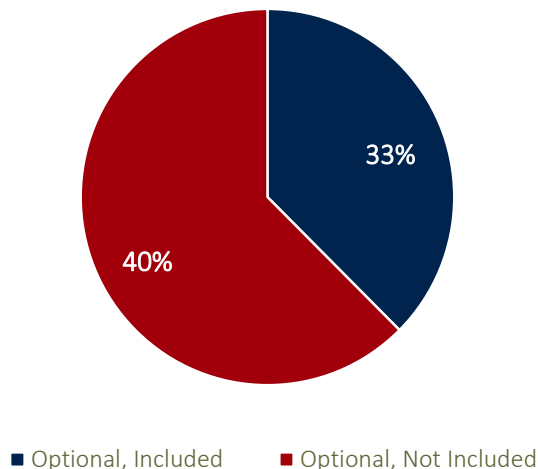
**Chart 2**  
Compliance with Mandatory\* Sections

\* Chart does not include Optional or Non-Applicable percentages



**Chart 3**  
Optional\* Provisions Usage

\* Total Optional Provisions: 24% of all provisions



*This set of diagrams showcases the Subdivision Ordinance's overall compliance with applicable Code of Virginia regulations. A detailed analysis is provided in Appendix F; these charts offer a broad look at the City of Hopewell's standing.*

*Chart 1 highlights the percentages of the Code of Virginia regulations that are and are not applicable to Hopewell's Subdivision Ordinance. The applicable percentage includes both mandatory and optional provisions.*

*Chart 2 highlights the collective percentage of the Zoning Ordinance that fully complies, does not comply, or partially complies with the mandatory provisions of the Code of Virginia. These figures do not include optional or non-applicable provision percentages.*

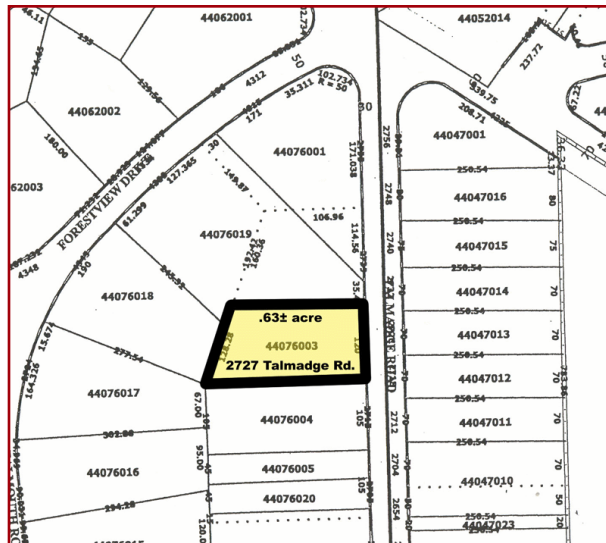
*Chart 3 highlights the percentage of optional Code provisions that are included, not included, or partially included in the Subdivision Ordinance.*

## Recommended Article Structure for Subdivision:

1. General
2. Types of Subdivisions
3. Design Requirements
4. Guarantees
5. Platting Requirements
6. Preliminary Plats
7. Final Plats
8. Vacation of Plats
9. Enforcement, Violations, and Fees

## Organization and Structure

Reorganizing both the Zoning and Subdivision Ordinances into one single Ordinance, with subdivision regulations operating as a standalone Article, would help ease administration, clarity, synchronization, and updates. Further organization should occur through careful and logical rearrangement of relevant information. Examples of reorganization include providing for plat requirements in one division or section; providing a section on process and recordation of plats; and providing a section on plat vacation.



## Resolution of Conflicts

Throughout the Subdivision Ordinance, there are multiple conflicts with the Zoning Ordinance as well as the Comprehensive Plan. The City of Hopewell's land use tools should be cohesive, as consistency between the Plan and Ordinances is vital for a community to not only properly enforce zoning regulations, but to achieve its goals for land use, investment, and development throughout the City. The following items illustrate examples of conflicts between these tools:

- The Subdivision Ordinance does not allow private streets to be platted into a subdivision (Article 7) while Article VIII of the Zoning Ordinance allows private streets in a PUD upon the approval from the governing body.
- Section 7-4-1 of the Subdivision Ordinance does not allow for alleys, while the Comprehensive Plan includes strategies throughout that are intended to promote Traditional Neighborhood Development and high-density mixed-use, which often include the presence of alleys.

## ***Definitions***

The current Subdivision Ordinance includes an article dedicated to definitions relating to subdivisions. These definitions should be combined with the Zoning Ordinance definitions for consolidation into one Article. This would help to improve conflict with the Zoning Ordinance, as many terms are used throughout both Ordinances. The consolidation of definitions would happen in conjunction with combining the Zoning and Subdivision Ordinances into one document.

Furthermore, there should be an assessment of current definitions with updates as needed to align with the Code of Virginia. This would also improve conflict and confusion with the Zoning Ordinance. As an example, terms in need of an updated definition include “frontage”, “alley”, and “street”, with a goal of clarifying that alleys do not count towards frontage requirements. During this assessment, terms not used in the Subdivision Ordinance should be removed. Examples of unused terms include “secretary” and “limited access expressway or highway”.

## ***Preliminary Plats***

Amendments to preliminary plat requirements are necessary for compliance with Code of Virginia § 15.2-2260. The Code permits localities

to require a preliminary plat for subdivisions of more than 50 lots, and to allow optional preliminary plats for divisions less than 50 lots. Currently, the Subdivision Ordinance requires preliminary plat approval for all subdivisions. This provision is in violation of the Code of Virginia and must be updated.

## ***Vacation of Plats***

Provisions for the vacation of plats are required by the Code of Virginia and are not included in the Subdivision Ordinance. Code of Virginia § 15.2-2270 through 15.2-2275 provides language that includes the process before and after the sale of lots and appropriate fees for processing vacation applications. These provisions need to be included in the Subdivision Ordinance for compliance with the Code of Virginia and to facilitate the administration of these actions.

## ***Plat Recordation and Validation***

The Code of Virginia requires final site plans be valid for five years or more, and new legislation states that if a recorded subdivision plat dedicates real property to a locality, then the approved final subdivision plats shall remain valid indefinitely. The Subdivision Ordinance does not currently include this language and should be amended for compliance with the Code of Virginia.





# Chesapeake Bay Preservation Act

The Virginia Administrative Code requires that all Tidewater communities – including the City of Hopewell – incorporate provisions into their land use tools to address the Chesapeake Bay Preservation Act (CBPA). These provisions are regulated through Chapter 830: Chesapeake Bay Preservation Area Designation and Management Regulations. The Zoning and Subdivision Ordinances were reviewed and found to mostly be in alignment with the CBPA.

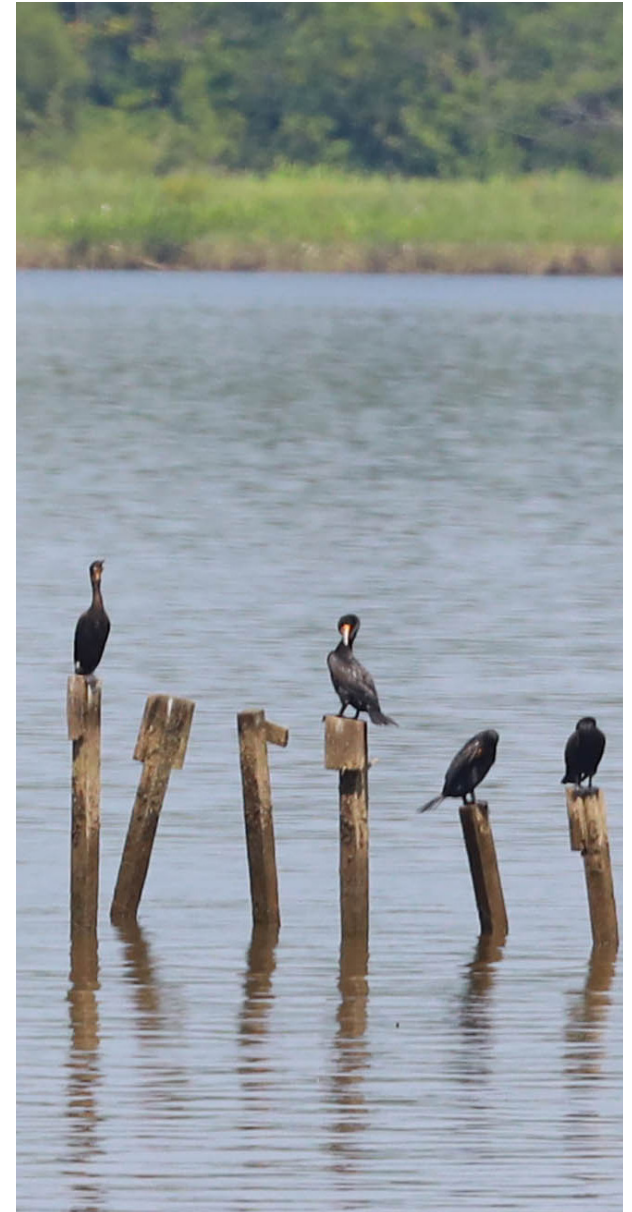
## **Definitions**

Code of Virginia 9VAC25-830, Section 40 establishes definitions relating to the CBPA. While the current Ordinances include most of these definitions, there are several that could be added for further compliance. Examples of recommended additions include “silvicultural activities”, “mature tree”, “understory tree”, and “nature-based solutions”.

## **Land Development Ordinance, Regulations, and Procedures**

While most of the language from the CBPA is covered by Article XV-A of the Zoning Ordinance, there are several minor updates that would bring Hopewell into full compliance with this section of the Code of Virginia. Updates include:

- Incorporate a plat notation requirement for pump-out and 100% reserve drainfield sites for onsite sewage treatment systems, if drainfields exist. Include this language in the Subdivision Ordinance as plat requirements; and
- Incorporate the requirement for identification of a 100-foot buffer for RPA and RMA on plats.





## Impervious Cover

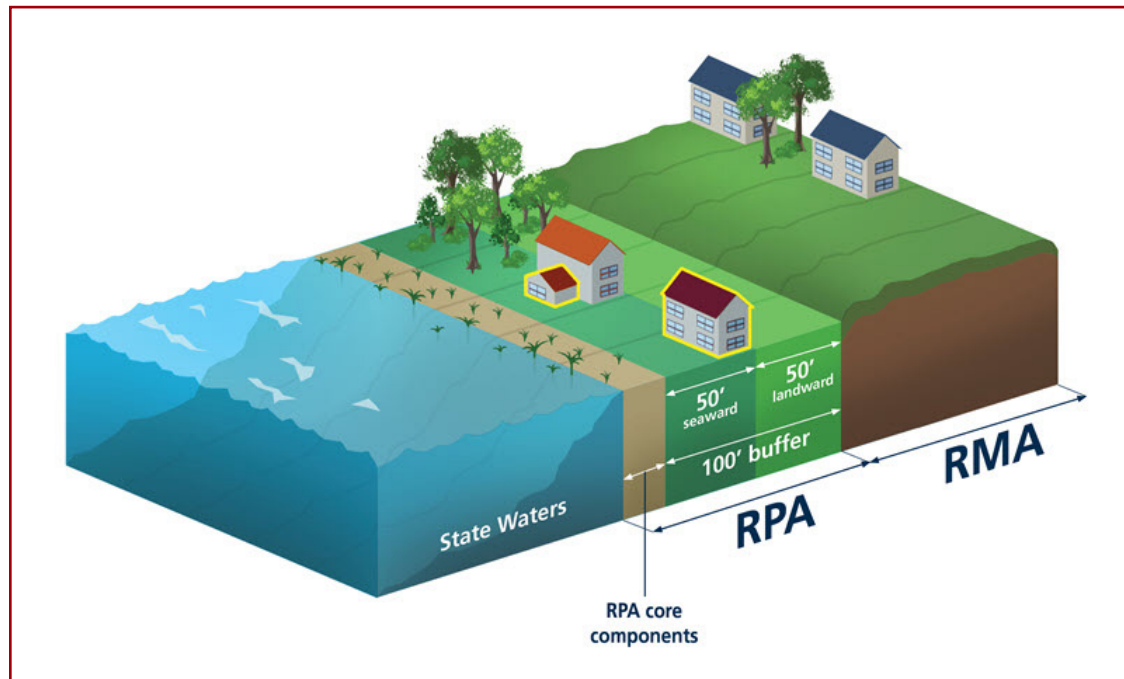
Hopewell's Ordinances include several provisions relating to impervious cover. Impervious cover is defined in the Virginia Administrative Code as "a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil." Examples include roofs, buildings, streets, and parking areas, as well as any concrete, asphalt, or compacted gravel surface. Impervious surfaces reduce storm water infiltration rates and increase runoff, which can negatively impact water quality. Minimizing impervious surfaces is an important component of protecting the Appomattox and James Rivers and the Chesapeake Bay. The Zoning Ordinance requires that land development, in general, and parking lot design, in particular, shall minimize impervious cover consistent with the proposed use or development and, where feasible, integrate best management practices and low impact development improvements.

## Indigenous Vegetation

Indigenous vegetation protects water resources by slowing down runoff and filtering out nutrients and sediment. The Zoning Ordinance satisfies the intent of the CBPA by requiring the preservation of existing trees over 6 inches in diameter breast height (DBH) located outside of the construction footprint, as well as other woody vegetation on site outside the approved construction footprint. However, landscaping requirements could be made clearer and more robust through requiring that all new plantings be noninvasive and native to Virginia.

## Minimize Land Disturbance

Hopewell's Ordinances include provisions designed to minimize land disturbance within the city. Minimizing land disturbance protects water quality by preserving ground cover, lessening soil compaction, and curtailing erosion. The Zoning Ordinance complies by requiring that land disturbances be limited to the area necessary to provide for the proposed use or development and that the limits of land disturbance, including clearing or grading shall be strictly defined by the construction footprint. It further requires that the limits be clearly shown on submitted plans and physically marked on the development site.



# Next Steps

The Berkley Group will present the findings of this diagnostic report to City of Hopewell staff, Planning Commission, and City Council in January 2024. Reviewing and discussing this report will help build a strong foundation for future updates to the City's Comprehensive Plan and Zoning and Subdivision Ordinances.

The immediate next steps for the City of Hopewell are as follows:

- Determine which components of this report will be prioritized for inclusion in future updates of the Comprehensive Plan and Zoning and Subdivision Ordinances.
- Determine which to proceed with first: a Comprehensive Plan update or Ordinance updates.
- For either update, it will be important to identify additional projects and priorities recommended by Planning Commission and City Council for inclusion.
- For either update, it will be critical to conduct public engagement with the community to determine community goals and priorities.

*Public engagement is a necessary component of drafting land use policies and regulations. Public engagement should occur as the first step of any update process prior to any drafting and editing. By doing so, Hopewell ensures that its land use policies are truly able to address community needs. Public engagement can also benefit Hopewell by serving to build trust in government and establish transparency in the drafting process, putting community members at ease that their needs are being considered and that updates are not happening in a vacuum behind closed doors.*

*Effective public engagement is facilitated through providing opportunities for in-person engagement through workshops, open houses, or interactive pop-up meetings, as well as virtual engagement through surveys, interactive mapping, or online meetings. The frequency and style of engagement can be tailored depending on project schedule and budget, but regardless of time and financial constraints, it is important to ensure that all community members have available opportunities to participate.*

*By ensuring that the community has ample opportunities to share their priorities and perspectives regarding land use and development, Hopewell can develop land use policies that are not only shaped by state code and planning best practices but are able to truly address community needs and serve as a lasting and trusted guide for the future.*

*“Beyond feeling welcome to participate, all community members must have confidence that their contributions can positively affect outcomes. This means participants must have opportunities to collaborate with planners and local officials to build consensus on a vision for community change and to select strategies and actions to implement that vision.”*

*– American Planning Association*

## Priority Items for Zoning and Subdivision Ordinance Updates

1. Consolidate the Zoning and Subdivision Ordinances into one clearly organized document.
2. Ensure all required items of the Code of Virginia and Chesapeake Bay Preservation Act are clearly incorporated into the Ordinances. Optional provisions should be incorporated as desired.
3. Review and update uses to consolidate similar uses, incorporate modern land uses, permit uses appropriately, and provide use performance standards. Clear definitions should be provided for all uses.
4. Review district standards to ensure that standards are being applied consistently across districts.
5. Provide clear procedures and powers for the Planning Commission and Board of Zoning Appeals.

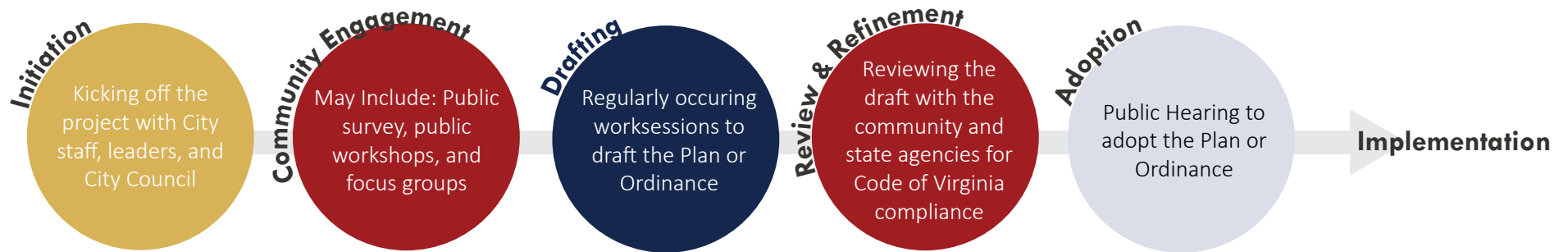




## Priority Items for Comprehensive Plan Updates

1. Ensure all required items of the Code of Virginia and Chesapeake Bay Preservation Act are clearly incorporated into the Comprehensive Plan. Optional provisions should be incorporated as desired.
2. For each Plan element, identify a clear goal statement, objectives, and strategies.
3. Evaluate the Plan for opportunities to make the document understandable for the average reader. This could include, but not be limited to a glossary with key terms and definitions; the use of infographics to communicate complex data; clear visuals with captions; interactive graphics to allow readers to explore additional resources; and condensing the most important elements into an executive summary.
4. Create a robust implementation plan to aid Hopewell in achieving its goals and tracking progress over time. Ensure that all objectives and strategies identified throughout the document are included in the implementation plan.
5. Develop a process for robust and equitable community engagement to help inform Plan vision and goals. Community engagement should occur at the outset of the process, and again once the full Plan is drafted.

## Project Timeline



### *Pros and Cons of Updating Zoning and Subdivision Ordinances First:*

- (+) Updated, streamlined format will be more business-friendly, serving to facilitate development sooner
- (+) Expedites the application and review process through reducing time spent interpreting the Ordinances
- (+) Corrects Code of Virginia non-compliance issues that directly impact land use, development, and business growth
- (-) Do not have updated Comprehensive Plan priorities for land use and development to serve as a guide
- (-) Can be more difficult to thoroughly engage the community

### *Pros and Cons of Updating Comprehensive Plan First:*

- (+) Allows the City to thoroughly consider and develop its priorities for future land use and development, which will in turn serve to inform the Zoning and Subdivision Ordinances
- (+) Good opportunity for robust community input and involvement
- (-) Change will occur gradually; little to no immediate impacts
- (-) May be difficult to update the Plan in its entirety without community engagement, extensive data review, and graphics development



# Conclusion

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The City of Hopewell should be commended for undertaking a thorough review of its land use policy tools; this provides the foundation for future updates and will serve to better articulate the community's core vision of the future. This vision should be rooted in community values and developed through robust and equitable community engagement.

In addition to incorporating community engagement, future updates of the Comprehensive Plan and Zoning and Subdivision Ordinances should include revisions to fully comply with the requirements of the Code of Virginia. If desired, Hopewell also has the opportunity to not only comply with minimum standards, but to restructure the Comprehensive Plan and Zoning and Subdivision Ordinances as engaging, clear, concise, and user-friendly documents that include best practices to promote Hopewell as a resilient, balanced, healthy, and business-friendly community.

The recommendations outlined in this report for the 2018 Comprehensive Plan establish a detailed analysis of the Plan and its alignment with the Code of Virginia, Chesapeake Bay Preservation Act, and APA Standards of Sustaining Places. The recommendations outlined in this report for the Zoning and Subdivision ordinances include a detailed analysis of their alignment with the Code of Virginia and Chesapeake Bay Preservation Act, as well as the inclusion of general best practices for strong ordinances. Utilizing the information and recommendations contained in this report and included appendices will help forge a path towards a healthier and more vibrant Hopewell.

The Berkley Group looks forward to supporting the City of Hopewell's long-range planning, land use, and development goals.



# Appendix

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# **Appendix A**

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**Comprehensive Plan  
Code of Virginia  
Diagnostic Matrix**

	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
1.	2222	Transportation plan coordination with Virginia Department of Transportation (VDOT)	Mandatory	Not Included Ch. 7, pg. 179	<p>The Plan identifies several transportation improvements, but does not discuss coordinating with VDOT to implement these projects and improvements. The Plan also does not include mention of VTrans, SMART SCALE, revenue sharing, or other VDOT programs or funding options. Projects in the Six-Year Improvement Plan (SYIP) are referenced; however, the SYIP referenced is dated and an update is necessary.</p> <p><b>A Comprehensive Plan update will require a 90-day VDOT review period as outlined in this Section of the Code of Virginia. Prior to VDOT review, recommend updating the Plan to reflect current data, current priority transportation projects and plan(s), potential funding sources, the need to coordinate with VDOT on implementation, and to include additional content as required per the Code of Virginia.</b></p>
2.	2223	Comp. Plan prepared and adopted; scope and purpose	Mandatory	Included Ch. 1, pgs. 1-3	<p>Hopewell prepared and adopted the current Comprehensive Plan for 2018-2028. The Plan sets forth the purpose and legal basis for adoption, review, and updates. Chapter 1 of the Plan also includes a detailed analysis of community engagement, including outreach methods, community feedback, and key lessons learned.</p> <p><b>Recommend adding direct reference to this section of the Code of Virginia, as well as adding additional discussion of the need to continuously engage the community as the Plan is implemented, as well as when five-year reviews and twenty-year updates occur.</b></p>
3.	2223 (A)	Existing Conditions	Mandatory	Included Ch. 1, pgs. 3-5 pgs. 9-14	<p>The Plan establishes regional and local population trends. Community engagement is summarized and provides a foundation to help inform existing conditions.</p> <p><b>Recommend updating to reflect current conditions and trends. <i>See Line Item #4.</i></b></p>

	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
4.	2223 (A)	Future trends of growth and requirements of territory and inhabitants	Mandatory	Included Ch. 4, pgs. 63-65, 83-87 Ch. 5	The Plan includes total population trend data through 2015 and considers four scenarios of demographic projections for future growth and corresponding forecasts of land area impacts. The Plan discusses historic population trends and their effects on the economy, along with economic development strategies. The Plan includes a future land use plan.  <b>Recommend updating demographics data to include data from the 2020 U.S. Census and most recent American Community Survey, and update to include and analyze the most recent population projections from the Weldon Cooper Center for Public Service.</b>
5.	2223 (A)	Purpose to promote health, safety, welfare, etc.	Mandatory	Included Ch., 1 pg. 1	The purpose of the Comprehensive Plan is established in the Introduction.
6.	2223 (A)	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	Mandatory	Included Ch. 6, Various Ch. 7, Various	The Transportation chapter includes maps and discussion of Hopewell's existing transportation network and future needs, including multi-modal infrastructure. The Priority Planning Areas chapter discusses specific transportation needs and projects for those priority areas.  <b>The Comprehensive Plan complies with this Section of the Code of Virginia, but it is recommended that Hopewell review designated development areas and updating as needed to reflect current conditions.</b>
7.	2223 (B)	<u>Chapter 729 Regulations</u>	(See Line Items 8 – 15)		See recommendations below.



	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
8.	2223 (B)(1)	Contains inventory of existing transportation facilities	Mandatory	Partially Included Ch. 7, pgs. 180-181	<p>The Plan includes an aerial photograph of the regional transportation network and paragraph descriptions of the transportation facilities, the hierarchy, and ADTs of each roadway. Several descriptive maps are also included to meet the requirement. However, the inventory does not address bridges or culverts.</p> <p><b>Recommend including an inventory of complete transportation facilities for all modes of transportation and associated data. Recommend providing pertinent information regarding fatal and severe crash data and condition of bridges and culverts for additional context and planning considerations. Maps and graphics should be consistent, easily interpreted, and use the most up-to-date data from VDOT and the City.</b></p>
9.	2223(B)(1)	Contains transportation needs assessment (current and future performance and conditions, future required improvements)	Mandatory	Partially Included Ch. 7, pgs. 180-181	<p>Chapter 7 identifies relevant Six-Year Improvement Program (SYIP) projects, but does not include mention of VTrans needs, priority projects, or other details related to performance and conditions.</p> <p><b>Recommend including a robust needs assessment based on recent transportation plans and studies.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
10.	2223 (B)(1)	Contains recommendations	Mandatory	Included Ch. 2, pgs. 18, 35-37 Ch. 7, pgs. 190-192	<p>The Plan includes goals for truck traffic, complete streets, and bicycle and pedestrian accommodations, including viable strategies to achieve these goals and a map of proposed bicycle improvements. However, none of these strategies and ideas are followed by implementation steps or projects, except for three multi-modal projects that received Six-Year Improvement Plan (SYIP) funding and are listed at the end of the chapter.</p> <p>The Plan includes concepts and three project ideas for key priority planning areas centered around development opportunities and recommends small area plans be prepared to address feasibility of projects. Chapter 2 also includes goals for planning and advancing an effective transportation network.</p> <p><b>Recommend updating recommendations, maps, and plans to reflect changes in facility needs and completion of recent projects. Recommend including a prioritized matrix of implementation steps and projects, with target dates, estimated cost, and potential funding sources. Metrics may also be included as part of the implementation plan, if desired.</b></p>
11.	2223 (B)(1)	Recognize hierarchy of roads	Mandatory	Included Ch. 7, pg. 183	<p>The Transportation chapter of the Plan includes a map showing the VDOT Functional Classifications of roads in the City.</p> <p><b>The Comprehensive Plan complies with this Section of the Code of Virginia, but it is recommended that Hopewell review and update to incorporate any changes to functional classifications.</b></p>
12.	2223 (B)(1)	Align transportation improvements with planning assumptions that will influence the transportation network (population growth, employment growth, location of critical infrastructure)	Mandatory	Included Ch. 2, pgs. 35-37 Ch. 7, pgs. 184-190	<p>The Plan includes goals to provide multi-modal transportation infrastructure, including providing for those for whom driving is not an option due to age, disabled populations, and those who may be economically disadvantaged. The transportation plan does not specifically discuss the relationship between the transportation network and housing.</p> <p><b>Recommendations should specifically address aligning transportation infrastructure with affordable, accessible housing/neighborhoods and community services for elderly and disabled persons.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
13.	2223 (B)(2)	Contains map of recommended transportation improvements	Mandatory	Not Included	The Plan does not include this requirement.  Recommend including a map to accompany identified priority transportation projects. Identification of recommended transportation improvements should incorporate recent information from VTrans, Hopewell's Six-Year Improvement Program (SYIP), and other recent local and regional transportation plans and studies.
14.	2223 (B)(2)	Contains VDOT cost estimates for recommended improvements	Mandatory	Not Included	The Plan does not include this requirement.  Recommend including cost estimates for any recommended transportation improvements. Cost estimates can be sourced from VTrans, SYIP, and other identified transportation studies, as available from VDOT.
15.	2223 (B)(3)	Consistent with Statewide Transportation Plan, Six-Year Improvement Plan, and location of routes to be followed by roads comprising systems of state highways set by the Commonwealth Transportation Board	Mandatory	Not Included Ch. 7, pg. 193	Chapter 7 identifies projects funded in the SYIP for Hopewell; however, the SYIP referenced is from FY 2017 and therefore outdated.  The Plan must be updated to ensure consistency per VDOT requirements. This includes incorporating the most recent VTrans recommendations; indicating significant new, expanded, or relocated roadway projects under VDOT control from the SYIP; and showing CTB route locations. Recommend including a section in the Transportation Chapter explaining consistency with statewide plans as required by this Section of the Code of Virginia.
16.	2223(B)	Future Requirements of Territory	(See Line Items 17 – 28)		See recommendations below.

	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
17.	2223(C)	Long-range recommendations for the general development of the locality shown with maps, plats, charts, and descriptions	Mandatory	Included Ch. 2, pgs. 20-41 Ch. 5, pgs. 103-122	<p>The Plan includes a Future Land Use Plan to guide development, which includes maps, charts, graphics, and descriptions. Chapter 2 includes a vision and goals for nine Plan categories: Economic Development; Housing and Neighborhoods; Land Use, Development, and Environment; The Environment; Education, Arts, Culture, and History; Community Character and Health; Transportation and Infrastructure; Public Services, Facilities, Safety and Emergency Preparedness; and Parks and Recreation.</p> <p><b>Recommend updating goals, objectives, and strategies based on public engagement, staff direction, Planning Commission/City Council input, and modern planning best practices.</b></p>
18.	2223(C)(1)	Designation of areas for public and private development and use; residential; housing; business; industrial; agricultural; mineral resources; conservation; recreation; public service; flood plain and drainage; etc.	Optional	Included Ch. 5, pgs. 104-116	<p>The Plan designates major land use categories including residential, commercial, and enterprise, which are further subdivided in the Future Land Use Plan. The sub-areas include various residential types, densities, and mixed-use; distinct commercial areas; and two distinct industrial areas. Discussion includes desired growth patterns and priority areas, and overlay designations for civic, parks and recreation, Chesapeake Bay Preservation Areas (CBPAs), and UDAs. The Future Land Use Plan map shows all designated areas in the City and a closeup of designations within Hopewell's downtown core.</p> <p><b>Recommend updating the designated development areas as appropriate, based on community engagement and staff input. Update other maps as needed.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
19.	2223 (C)(2)	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.	Optional	Partially Included Ch. 5, pgs. 108 & 114	<p>Supplemental/Overlay planning designations are established in the Future Land Use Plan for Civic, Parks and Recreation uses, Governmental and Institutional uses, and the Appomattox River Walk. Chapter 2 addresses several strategies for enhancing Hopewell’s infrastructure, but only at a general level.</p> <p><b>Recommend further discussing and updating community facility and infrastructure recommendations and strategies based on existing conditions, available studies, and staff and community-identified needs. Maps and tables would be beneficial in identifying both the existing system of community service facilities and potential new facilities. A standalone chapter for Community Facilities and Infrastructure is recommended to provide a “deeper dive” into this topic area.</b></p>
20.	2223 (C)(3)	The designation of historical areas and areas for urban renewal or other treatment.	Optional	Included Ch. 10, Various Ch. 5, pg. 117	<p>The Historic Resources chapter designates historic districts and properties. The chapter discusses tools such as the Zoning Ordinance, Downtown Plan, and The City Point Historic District Plan for Development to protect and enhance these areas. The Future Land Use Plan’s infill and redevelopment strategies refer to historic development sites along the shoreline as potential for IDA designation to allow future intense urban development.</p> <p><b>Recommend including a map of designated historical areas and sites and reviewing and updating information as needed.</b></p>



	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
21.	2223 (C)(4)	Designation of areas for the implementation of reasonable measures to provide for the continued availability, quality, and sustainability of groundwater and surface water	Optional	Included Ch. 11, pgs. 215-260	<p>The Environmental &amp; the Chesapeake Bay Area chapter meets the recommendations of this Section of Code of Virginia. Chesapeake Bay protection is discussed at length, and the City's water supply and sources are specifically described, and potential hazards called out, on Pgs. 225 &amp; 252. A link to Environmental Protection Agency (EPA) actions and projects in 5 states and the District of Columbia is provided; an updated list should be included.</p> <p>The Water Quality Protection Plan complies with Code of Virginia Section 10.1-2109, which includes promotion of water resource conservation. The Plan includes a section for Protection of the City's Potable Water Supply. Because the City's drinking water sources are the James and Appomattox Rivers, the CBPA protection measures also help to protect the potable water supply.</p> <p><b>Recommend updating as needed to ensure inclusion of the most recently available data.</b></p>
22.	2223 (C)(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;	Optional	Partially Included Ch. 11, pg. 247 Ch. 1, pg. 1	<p>Chapter 11 includes Fiscal and Capital Planning that calls for a Capital Improvements Plan for environmental protection measures with four priorities. The relationship between the Plan, capital improvement program and budgeting processes, and the City's Zoning and Subdivision ordinances is briefly described in Chapter 1, although further description should be included for clarity and to fully address the extent of the relationships. A map of zoning districts is not included in the Plan.</p> <p>The City does not have any agricultural and forestal districts or mineral resource districts.</p>
23.	2223 (C)(6)	The location of existing or proposed recycling centers;	Optional	Not Included	<p>Discussion regarding public facilities and services, including existing or proposed recycling centers, is not included in the Plan.</p> <p><b>Recommend including the City's public facilities, services, and infrastructure, including assessment of future needs, in the Plan along with identification of existing or proposed recycling centers.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
24.	2223 (C)(7)	The location of military bases, military installations, and military airports and their adjacent safety areas	Optional	Not Included	Fort Gregg-Adams, a U.S. Army base, is located immediately southwest of Hopewell.  <b>Recommend including discussion of Fort-Gregg Adams as a major economic driver and regional employer, along with strategies that support coordination on determining compatible land uses and participating in future Joint Land Use Study (JLUS) initiatives.</b>
25.	2223 (C)(8)	The designation of corridors or routes for electric transmission lines of 150 kilovolts or more	Optional	Not Included	The plan does not mention corridors or routes for electric transmission lines.
26.	2223 (D)	Current and future considerations for affordable housing - area designation, implementation measures for construction, maintenance, and rehab	Mandatory	Included Ch. 3, Various Ch. 9, pgs. 206-208 Ch. 12, pg. 264	Chapter 3, Policies & Procedures, states that the City's UDAs shall adhere to Traditional Neighborhood Development (TND) land use strategies. TND Guiding Principles are listed in the Plan and include developing affordable and workforce housing to meet the demand from projected future growth.  Chapter 9, Housing, includes a section on housing affordability and includes housing actions and strategies which "...should be used as a guide when making future land use decisions". However, Chapter 12, Implementation, does not include strategies associated with affordable housing.  <b>Recommend updating existing affordable housing conditions and future considerations based on updated community data, such as population and employment. Recommend including clear strategies for the provision of affordable housing options in Hopewell and including in the implementation plan.</b>
27.	2223 (E)	Consider strategies to provide broadband sufficient to meet the current and future needs of residents and businesses	Mandatory	Not Included	Broadband is not addressed.  <b>Recommend identifying existing broadband service areas and identifying future needs/considerations, including those related to equity.</b>
28.	2223 (F)	Consider strategies to address resilience, as defined.	Optional	Not Included	Resilience as defined in this Section of the Code of Virginia is not addressed.  <b>Recommend amending the Plan to include discussion and strategies that address resilience, including those of the recently updated Crater Hazard Mitigation Plan, as defined in this Section of Code of Virginia.</b>

	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
29.	2223.1	Comprehensive Plan to include urban development areas (UDA)	Optional	Included Ch. 5, pgs. 110-113	The Plan designates a specific area of the City as a UDA using a map, description, framework, vision, and development concepts.  <b>Recommend evaluating UDA boundaries to ensure they are still appropriate. Recommend considering other areas of Hopewell that may meet criteria for UDA designation, and pursuing designation accordingly.</b>
30.	2223.2	Comprehensive Plan to include coastal resource management	Mandatory	Included Ch. 11, pgs. 216-217, 226-229	The Plan complies with this Section of the Code of Virginia. The Water Quality Protection Plan (WQPP) is updated and adopted as a key element of the 2018 Plan and includes 2016 Shoreline Inventory data prepared by the Virginia Institute of Marine Science (VIMS). <i>See Chesapeake Bay Preservation Act Diagnostic for additional information.</i>
31.	2223.3	Strategies to combat sea-level rise and recurrent flooding	N/A	N/A	This is not applicable, as Hopewell is not located in the Hampton Roads Planning District Commission.
32.	2223.4	Strategies to promote transit-oriented development	Mandatory	Partially Included Ch. 5, pgs. 110-111 Ch. 7, pg. 184	The Future Land Use chapter designates the UDA and its framework, which requires multimodal design guidelines, but does not include discussion of “transit-oriented development” (TOD). However, the Plan includes 13 strategies for Traditional Neighborhood Development (TND) within the UDA. These strategies include “Complete Streets,” and Fiscal Policy to prioritize funding for public transportation and infrastructure, which are both generally included to some degree as part of TOD. The Plan additionally encourages increased density downtown, where transit is available and parking requirements are waived, which can also support TOD. However, an explicit acknowledgement of TOD and discussion of associated benefits is recommended to make the Plan stronger and fully comply with this Section of the Code.  <b>Recommend identifying specific strategies and designated areas to promote TOD, and explicitly stating the benefits of TOD in Hopewell’s downtown area.</b>

	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
33.	2223.5	Manufactured housing as a source of affordable housing	Mandatory	Included Ch. 9, pg. 204	<p>The Plan explains that new manufactured housing is allowed only in the City's PMH zoning district. The Plan recommends continuing the PMH district while phasing out mobile homes outside of the PMH district. The PMH would continue to provide an option for manufactured housing, but the Plan does not list strategies or implementation steps to promote manufactured housing.</p> <p><b>Recommend amending the Plan to include specific strategies and implementation steps to promote manufactured housing as a source of affordable housing.</b></p>
34.	2224	Surveys and studies shall be made in preparation of Comprehensive Plan on topics such as: land use, agricultural preservation, development trends, historic areas, environmental resources, infrastructure, transportation, affordable housing, etc. ( <i>See full list in 15.2-2224</i> )	Mandatory (with variation)	Included Throughout	<p>The plan includes a comprehensive assessment of community conditions. These conditions and measures are explored through the various chapters of the plan.</p> <p><b>Recommend maintaining and updating existing data and adding new data as appropriate.</b></p>
35.	2224 (A) (2)	Probable future economic growth	Mandatory	Included Ch. 4	<p>The local economy and potential economic growth based on existing conditions, historic demographic trends, and population growth scenarios are discussed at length in Chapter 4 of the Plan.</p> <p><b>Recommend updating economic growth goals and principles as needed. Add current economic growth trends and projections, as available.</b></p>
36.	2224 (A) (2)	Probable future population growth	Mandatory	Included Ch. 4, pgs. 62, 63	<p>The Plan discusses population projections up to 2015.</p> <p><b>Recommend updating to include the most recent data from the U.S. Census data and the most recent population projections from the Weldon Cooper Center for Public Service.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
37.	2224 (B)	Contains current official map of locality	Mandatory	Not Included	The Comprehensive Plan does not comply with this requirement.  <b>Recommend including an official map of the City to establish planning jurisdiction.</b>
38.	2224 (B)	Contains implementation methods, which may include but need not be limited to official map, CIP, subdivision ordinance, zoning ordinance and zoning map, mineral resource map, recreation and sports resources map, and dam break inundation zones map.	Mandatory	Included Various	The Plan includes several maps that relate to implementation methods, including a Future Land Use Map, maps of priority planning areas, and identification of priority UDAs.  The Plan includes policies, goals, and objectives. Chapter 12 includes implementation steps that address adopting a capital improvements budget and updating the Zoning and Subdivision Ordinances  <b>Recommend amending the Comp. Plan to include the maps recommended in this Section of Code of Virginia, using the most recently available data.</b>
39.	2225	Notice and hearing on plan; recommendation by local planning commission to governing body; posting of plan on website	Optional Process – Information Only	Included Ch. 1, pgs. 5,6	Chapter 1 includes information about the Planning Commission’s role in creating the Plan. It does not include information about the recommendation process as outlined by this Section of the Code of Virginia.  The Plan is posted on the City’s Planning & Development webpage.  <b>Prior to adoption of any amendment(s) to the Comp. Plan, the Plan should follow public notification and hearing procedures outlined in Code of Virginia. Recommend including additional details about the recommendation process to the Plan.</b>
40.	2226	Adoption or disapproval by governing body	Optional Process – Information Only	Not Included	The Plan does not mention the adoption of the Plan by City Council.  <b>Prior to adoption of any amendment(s) to the Comp. Plan, the Plan should follow public notification and hearing procedures outlined in the Code of Virginia. Recommend including information about the adoption process in the Plan.</b>
41.	2227	Return of plan to local planning commission; resubmission	Optional Process – Information Only	Not Included	The Plan does not address this process.  <b>Prior to adoption of any amendment(s) to the Comp. Plan, the Plan should follow public notification and hearing procedures outlined in Code of Virginia.</b>



	VA Code Section 15.2-	Intent	Compliance	Comp. Plan Reference	Consultant Comments/Recommendations
42.	2228	Adoption of parts of plan	Optional Process – Information Only	Not Included	The Plan does not discuss adoption of parts of the plan.  <b>Recommend including adoption of parts of plan into the Code of Virginia section. Sections or Divisions may be adopted as work progresses.</b>
43.	2229	Amendments process	Optional Process – Information Only	Not Included	Not included.  <b>Recommend including the amendments process in the Plan. Amendments shall be properly advertised, and recommendation and action shall be subject to the timeframes set in the Code of Virginia.</b>
44.	2230	Five-year review	Mandatory	Not Included	Not included.  <b>Recommend acknowledging the five-year review requirement in the introduction section of the Plan.</b>
45.	2230.1	Optional public facilities study and requirements of study	Optional	Not Included	The Plan does not include optional public facilities study. Chapter 2 explains that many public facilities recommendations in the former Comp. Plan and subsequent strategic plans have not been implemented. The section states a goal and pathway to achieve the desired level of public facilities and services, which is essentially conducting a thorough public facilities study, and more.  <b>Recommend elevating this goal and “pathway” to implementation.</b>
46.	2231	Incorporated towns and adjacent unincorporated territory may be included	Optional	N/A	Hopewell is a City; therefore, this provision of the Code of Virginia is not applicable.
47.	2232	Legal Status of plan	Mandatory	Included Ch. 1, pg. 3	The Plan discusses the legal basis for the Comp. Plan and includes a reference and text from this Section of the Code of Virginia.

Additional Comments	Consultant Comments/Recommendations
General clarification and streamlining of plan content	<p>Organization and formatting of the entire Plan could be improved with a linear structure beginning with identification of key themes and community engagement findings, followed by Plan element chapters that each identify existing conditions, issues and opportunities, goal statements, objectives, and strategies. A thorough implementation plan should be included at the end of the Plan.</p> <ul style="list-style-type: none"> <li>Existing conditions should be updated and restructured for clarity, ease of use, and to reflect current issues and opportunities.</li> <li>Including strategies and implementation steps into one chapter dedicated to implementation would improve clarity and transparency, ultimately benefiting the City’s ability to successfully implement the Plan.</li> <li>Plan chapters should be structured in a parallel manner for readability and to strengthen discussion of interwoven planning elements, such as equity, health, and high-quality neighborhood design.</li> <li>The Plan should include a major topic chapter dedicated to community facilities and infrastructure; discussion of both public safety and parks and recreation should be included in this chapter.</li> <li>Photos, maps, charts, and graphics should be increased to have a more illustrative, engaging, and user-friendly plan. All visual elements should be high-quality and labeled with titles, captions, and sources, as appropriate.</li> <li>Standardized labeling and mapping elements are encouraged for readability. Image quality should be clear and all data sources should be cited.</li> <li>Strategies should be as clear and directive as possible to provide both direction for the City and transparency for the community.</li> </ul>
Public Input and Engagement	The Plan thoroughly summarizes a robust public engagement process which should be repeated for any significant updates to the Plan. Future public engagement should strive to achieve robust and diverse participation through innovative methods such as pop-up or weekend events, online and social media outreach, and interactive charettes or workshops. Hopewell should continue to engage its community in planning efforts after amendments to the Plan are adopted.
Policies, Objectives, and Strategies	Recommend a thorough review and update of the goals, policies, and strategies to reflect current conditions and priorities.
Implementation Plan	All strategies identified in the Plan chapters should be included in an implementation matrix that assigns each strategy and/or recommendation the following: implementation type, responsible party, and time frame for completion (short-, medium-, and long-term implementation). If desired, clear metrics and cost estimates can be included as part of the implementation matrix to help guide decision-making and serve as an additional measure of accountability for the City.
Mapping	Recommend updating maps to reflect the most recently available data and to ensure all relevant Code of Virginia requirements are met. Maps should be consistently formatted and reference numbers and titles should be included for all maps. A table of maps/figures should be added at the beginning of the Plan for ease of use.
Development Concepts & Recommendations	Recommend updating conditions and goals for the Future Land Use Map Priority Planning Areas with updated data, maps, public engagement findings, etc. as needed. Draw on updated local and regional plans and studies as needed and available.

# **Appendix B**

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## **Comprehensive Plan Chesapeake Bay Preservation Act Diagnostic Matrix**

VA Code Section	Intent	Status	Comp. Plan Reference	Consultant Comments/Recommendations
9VAC25-830-170 (1)	Local governments shall establish and maintain, as appropriate, an information base from which policy choices are made about future land use and development that will protect the quality of state waters. <u>This element of the plan should be based upon the following, as applicable to the locality:</u>	Mandatory		
a.	The location and extent of Chesapeake Bay Preservation Areas (CBPA)	Mandatory	Partially Included Ch.11, pgs. 215, 235, 238	<p>The map requirement is partially met. The map on pg. 215 shows a comparison of flood zones to Resource Management Areas (RMA) but does not clearly show the Resource Protection Areas (RPA). The map on pg. 236 shows an estimate of the RPA, but it is neither clear nor precise.</p> <p>The definitions of RPAs/RMAs do not appear to be well established and seem scattered throughout several subsections. For example, the graphic on pg. 246 appears randomly placed with no clear relationship to the text. It would be better to group the graphic with a clearer CBPA map and language defining the RPA/RMA, within a dedicated section discussing CBPA requirements.</p> <p><b>Recommend including a concise map that clearly shows the boundaries and extent of Hopewell's RMA and RPA.</b></p>
b.	Physical constraints to development, including soil limitations	Mandatory	Included Ch. 11, pgs. 216, 218-229, 238-239, 250-252	<p>This requirement is met. The Chapter 11 overview recognizes a variety of constraints to development, including steep slopes, wetlands, and floodplains. The Plan also acknowledges that "it is recognized that portions of the land within the designated RMAs may be developable, but only subject to detailed site-specific engineering evaluation, testing, and regulatory adherence." The Plan identifies the 100-year floodplain, streamside steep slopes, and any non-tidal wetlands not included in the RPA as being included in RMAs.</p> <p>A survey and discussion of documented environmental vulnerabilities, including soils, floodplains, and wetlands, is provided in Chapter 3. The</p>

VA Code Section	Intent	Status	Comp. Plan Reference	Consultant Comments/Recommendations
				<p>WQPP Policies include a section on physical factors that constrain or influence development such as steep slopes and poor structural qualities of soil.</p> <p>Relevant policy statements are included in Chapter 11 as well as in Chapters 2 and 3. Other related studies are referenced throughout the Plan.</p> <p><b>Recommend updating development constraints information with the most recent data. Recommend including a Development Constraints map showing documented constraints to development, including but not limited to floodplains, steep slopes, sensitive wildlife habitats, and RPAs/RMAs. Man-made constraints such as conservation easements, parks, and cemeteries may also be included if desired, but are not required by this Section of the Code of Virginia.</b></p>
c.	The character and location of commercial and recreational fisheries and other aquatic resources	Mandatory	Included Ch. 11, pgs. 260, 238	<p>This requirement is met. The Plan states that Hopewell has neither commercial fisheries nor aquatic resources, but does have locations for recreational fishing, several of which are identified. The character and location of wetlands are discussed, but wetlands are not clearly labeled on a map; the same is true for the James River and other waterways within City limits.</p> <p><b>Recommend updating to include a table and map of recreational fishing locations. Recommend mapping wetlands and waterways with clearly labeled features and/or map legends.</b></p>



VA Code Section	Intent	Status	Comp. Plan Reference	Consultant Comments/Recommendations
d.	Shoreline and streambank erosion problems	Mandatory	Included Ch. 11, pgs. 226-238	<p>This requirement is met. Section 3 of Chapter 11 describes the Hopewell shoreline and streambank erosion problems and includes reference to Virginia Institute of Marine Science (VIMS).</p> <p><b>Recommend identifying and clarifying the extent of any existing shoreline and streambank erosion problems. Updated maps may also be useful.</b></p>
e.	Existing and proposed land uses	Mandatory	Included Ch. 5 Ch. 11, pgs. 238, 257-260	<p>This requirement is met. Both the Future Land Use Plan (Chapter 5) and Summary of CBPA Compliance in Chapter 11 include existing and proposed land uses as they relate to protection of state water quality. Section 7 (WQPP) of Chapter 11 covers potential conflicts between the Land Use Plan and the Water Quality Protection Plan.</p> <p><b>Recommend further clarifying the relationship between land use and water quality.</b></p>
f.	Catalog of existing and potential water pollution sources	Mandatory	Partially Included Ch., 11, pg. 222, 235, 238, 254	<p>This requirement is partially met. The Plan states that the catalog of existing and potential water pollution sources is maintained in the office of the Director of Development; however, this should be incorporated into the Plan.</p> <p>Discussion of both point and non-point pollution is included throughout Chapter 11. "Surface and Ground Water Protection" on pg. 254 lists several implementation actions to reduce pollution. The Plan should be discussing pollution sources, including aging and leaking sewer lines and brownfield sites, in greater detail to fully comply with this Section of the Code of Virginia.</p> <p><b>Recommend including a comprehensive list/table of existing and potential water pollution sources including location of aging or leaking sewer lines, brownfield sites, commercial or industrial sites, and other applicable point and non-point pollution sources. Recommend a map showing pollution sources including underground storage tanks and Virginia Pollutant Discharge Elimination System (VPDES) outfalls and other sources for which data is available.</b></p>

VA Code Section	Intent	Status	Comp. Plan Reference	Consultant Comments/Recommendations
g.	Public and private waterfront access areas, including the general locations of or information about docks, piers, marinas, boat ramps, and similar water access facilities	Mandatory	Included Ch. 11, pgs. 227, 228, 238, 257	<p>This requirement is met. Water access points along the Appomattox River and James River are described throughout Chapter 11; however, it is recommended that they be described in one section in a concise manner for readability.</p> <p><b>Recommend including more thorough identification of public and private waterfront access areas in the Comprehensive Plan. This can be done through a table and map clearly identifying the locations, ownership, and general descriptions of access points. Recommend verifying information and including up-to-date data.</b></p>
h.	A map or map series accurately representing the above information	Mandatory	Included Ch. 11, Pg. 257	<p>This requirement is met. A VIMS Shoreline Inventory Map on pg. 257 of Chapter 11 indicates existing points of access to state waters. However, it is unclear what type of access point (i.e., pier, marina, boat ramp) and whether they are publicly accessible. The Summary of CBPA Compliance section also states that a map or map series accurately representing the above information is maintained in the office of the Director of Development by the GIS Manager.</p> <p><b>Recommend updating the map to accurately represent water access facilities through clear labels and a legend.</b></p>
9VAC25-830-170 (2)	Local governments shall clearly indicate local policy on land use issues relative to water quality protection based on an analysis of the data referred to in subdivision 1 of this section. Local governments shall ensure consistency among the policies developed.	Mandatory		

VA Code Section	Intent	Status	Comp. Plan Reference	Consultant Comments/Recommendations
a.	Local governments shall discuss each component of Chesapeake Bay Preservation Areas in relation to the types of land uses considered appropriate and consistent with the goals and objectives of the Act, this chapter, and their local programs	Mandatory	Included Chs. 2, 3, 9 Ch. 11, pg. 239	This requirement is met. The Plan includes policy analysis and discussion emphasizing enhancement to the City's approach to managing its designated areas, the need for advanced protection of parcels along the riverfront, and the need for subsequent RPA designation of other undesignated areas.  <b>Recommend updating the Plan with projects and implementation steps that have been completed and including updated implementation steps for the future.</b>
b.	As a minimum, local governments shall prepare policy statements for inclusion in the plan on the following issues, as applicable to the locality:	Mandatory		
b(1)	Physical constraints to development, including a discussion of the relationship between soil limitations and existing and proposed land use, with an explicit discussion of soil suitability for septic tank use	Mandatory	Included Ch. 11, pgs. 241, 246, 251, 252	This requirement is met. The Plan includes CBPA policies, including phasing out septic systems, proper maintenance procedures, and prohibiting new septic systems. Structural qualities of soils that can create difficulties for development are also discussed in detail. The need for consideration of soil characteristics and constraints when establishing future land use categories and potential uses is also discussed.  <b>Recommend reviewing the effectiveness and status of this policy and including updated implementation strategies for the future.</b>

VA Code Section	Intent	Status	Comp. Plan Reference	Consultant Comments/Recommendations
b(2)	Protection of potable water supply, including groundwater resources and threats to the water supply or groundwater resources from existing and potential pollution sources	Mandatory	Included Ch. 11, pgs. 248-260 Ch. 12, pg. 261	<p>This requirement is met. The Plan states that the Water Quality Protection Plan (WQPP), as required by Section 10.1-2109 of Virginia Code, was updated in 2018 as a key element of the Comp. Plan. The Plan includes Code of Virginia relevant policies for water protection, throughout Chapter 3. Chapter 12 lists completion and adoption of the updated CBPA-O District as its second implementation priority.</p> <p><b>To improve organization and readability, recommend including all related policies, priorities, and strategies in each chapter of the Plan rather than “scattering” content and calling out some policies out of context from the topic they address. Additionally, all strategies should be included in the Implementation plan.</b></p>
b(3)	Relationship of land use to commercial and recreational fisheries and other aquatic resources	Mandatory	Included Ch. 11, pg. 226, 240, 260	<p>This requirement is only partially met. The Plan states that the City has no commercial fisheries. The Plan includes general discussion and locations of recreational marinas, boardwalks, and beaches. Some information about existing land uses along the Appomattox and James Rivers is included.</p> <p><b>Recommend including clearer discussion of the relationship between land use and preservation of recreational water access sites and aquatic resources.</b></p>
b(4)	Siting of docks and piers	Mandatory	Partially Included Ch. 11, pgs. 227, 238	<p>This requirement is partially met. The Summary of CBPA Compliance section states that documentation of public and private waterfront access areas (including piers and docks) and the 2016 VIMS Shoreline Inventory is maintained in the office of the Director of Development. There is stated to be one pier along the Appomattox River, but neither its location nor a description is included.</p> <p><b>Recommend including an inventory of docks and piers in the Plan. See line discussing 9VAC25-830-170 (1)(g) for more information. Ensure that water dependent facilities such as marinas and docks are located and constructed in an environmentally sensitive manner and include adequate marine sanitation facilities.</b></p>

VA Code Section	Intent	Status	Comp. Plan Reference	Consultant Comments/Recommendations
b(5)	Public and private access to waterfront areas and effect on water quality	Mandatory	Included Ch. 11, pg. 256	<p>This requirement is met. The locations and description of public/private access to waterfront areas are not clearly mentioned, but the Plan does include text acknowledging the need to ensure these areas do not become non-point sources of pollution.</p> <p><b>Recommend improving and clarifying the locations and descriptions of public/private access to waterfront areas. The use of a table may be beneficial.</b></p>
b(6)	Mitigation of the impacts of land use and its associated pollution upon water quality	Mandatory	Included Ch. 11, pgs. 249-255, pgs. 257-260	<p>This requirement is met. The five WQPP policies clearly indicate local policy regarding land use and water pollution. All five of the policies discuss pollution impacts of land use and development on water quality. Specifically, Policy E. "Potential Conflict between the Land Use Plan and the WQPP" states conflict issues and policies designed to resolve conflict.</p>
b(7)	Shoreline and streambank erosion problems	Mandatory	Partially Included Ch. 11, pgs. 238, 255-256	<p>This requirement is partially met. The five WQPP policies clearly indicate local policy regarding shoreline erosion, but do not include streambanks. Policy C. Shoreline Preservation discusses shoreline preservation, a "Living Shoreline" management approach, and general policies.</p> <p><b>Recommend including a clear policy statement to address streambank erosion problems.</b></p>
b(8)	Potential water quality improvement through reduction of existing pollution sources and the redevelopment of Intensely Developed Areas and other areas targeted for redevelopment	Mandatory	Included Ch.11, Pgs. 237, 239-241, 244 Ch. 12, pg. 261	<p>This requirement is met. WQPP policies address reduction of pollution sources in the protected areas, protection of the water supply, and water quality protection and improvement related to redevelopment. IDAs are designated within the CBPA-O District, and IDA modifications and encroachments are included in CBPA Policies. Chapter 12 includes the implementation of the CBPA-O District.</p> <p>Discussion or mention of both point and non-point pollution is included throughout chapter 11. "Surface and Ground Water Protection" on pg. 254 lists several implementation actions to reduce pollution.</p>



VA Code Section	Intent	Status	Comp. Plan Reference	Consultant Comments/Recommendations
c.	For each of the policy issues listed above, the plan shall contain a discussion of the scope and importance of the issue, the policy adopted by the local government for that issue, and a description of how the local policy will be implemented	Mandatory	Included Ch. 12, pg. 261	<p>This requirement is met. Discussion of scope and importance of issues and policies are addressed throughout Chapter 11. Chapter 12, Implementation, addresses the CBPA-O District, designation of IDAs, and Phase II TMDL program. However, policies related to the CBPA and the environment are not included in Chapter 3, Policies and Priorities.</p> <p><b>To improve organization and readability, recommend including related policies, priorities, and strategies in each major topic section or chapter of the Plan rather than some policies being called out in a separate chapter, while others remain in the topic chapter. Additionally, all strategies identified throughout the Plan text should be included in the implementation plan.</b></p>
d.	Within the policy discussion, local governments shall address the relationship between the plan, existing and proposed land use, public services, and capital improvement plans and budgets to ensure a consistent local policy	Mandatory	Included Various	<p>This requirement is met. The Introduction provides a graphic and discussion explaining these relationships. Subsequent chapters of the plan discuss these relationships with specificity to the topic areas.</p>

Additional Comments	Consultant Comments/Recommendations
Organization	<p>As in other chapters, the recommendations and strategies in Chapter 11 do not follow a clear continuum to implementation. It is necessary to reference Chapter 2, Vision and Goals; Chapter 3, Policies and Priorities; and Chapter 12, Implementation, to take a clear and proactive stance on implementing strategies related to environmental preservation.</p> <p>The Plan does include complete CBPA planning. Chapter 2 states the goal to establish a proactive program to address all aspects of the CBPA. Chapter 3 includes environmental preservation in the Traditional Neighborhood Development (TND) Guiding Principles, which are to be implemented with subsequent smaller area plans and applied to projects in the Urban Development Areas (UDAs). Step #2 of Chapter 12, Implementation, is to complete and adopt the updated CBPA-O District based on Comp. Plan recommendations. However, it does not expressly state that this includes all the recommendations from Chapter 11. Greater clarity in implementation is necessary.</p>
Definitions	<p>Technical terms are not defined, either within the body of the Comp. Plan or as an appendix. Including sidebars with definitions of technical terms, along with an appendix of all definitions, would improve readability of the Plan.</p>
Environmental Data and Analysis	<p>The chapter states that a “myriad of prior studies have documented the City’s environmental characteristics,” but summarizes information from those studies without naming those studies or providing references for data sources. Most of the information is explained in paragraphs of text without the benefit of graphics or maps to explain complex information. Graphics and maps that are included are inconsistent, are poorly identified and labeled, and are difficult for the average reader to interpret. Graphic quality is also low, further complicating accessibility for those with visual impairments.</p> <p>One of the recommendations in Chapter 11 is to designate the entire City as RPA, while the photo caption on Page 247 states, “...the entire land area outside of the RPA should be treated as a RMA.” Because the City is mostly developed, establishing the whole City as a RPA or RMA and then further designating IDAs that would be exempt or would reduce those requirements may not be well thought-out.</p> <p>All strategies related to environmental protection and preservation should be included and analyzed in the implementation plan. Additionally, all environmental data should be reviewed for necessary updates, cited, and explained clearly. Tables, charts, maps, and graphics may be used to aid in explaining and interpreting complex data.</p>
General	<p>CBPA planning is included in Chapter 11 of the Comp. Plan. The chapter provides information to satisfy Code of Virginia requirements, thoroughly describes conditions and issues, and includes recommendations including developing a Capital Improvements Plan (CIP). However, to effectively inform and educate the public, and provide a clear path forward for implementation and strategic investment, the chapter would benefit from clear and attractive graphics, maps, and data charts to illustrate content and explanations written in language understandable to the average reader. Regional planning with other entities, such as the Crater Planning District Commission (CPDC), is not included. Responsible regionalism is an important aspect of environmental protection and preservation, and discussion should be included about the importance of regional collaboration.</p>

Source: <https://law.lis.virginia.gov/admincode/title9/agency25/chapter830/>

# Appendix C

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## **Comprehensive Plan Best Practices Diagnostic Matrix**

*(Based on APA's Comprehensive  
Plan Standards for Sustaining Places)*

Principle		Description
<b>1. Livable Built Environment</b>		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
Partial	1.1 Plan for multi-modal transportation	<ul style="list-style-type: none"> <li>The Future Land Use chapter designates the City's Urban Development Areas (UDAs). UDAs are intended for development and re-development, energy conservation, master planning, and urban design to achieve environmentally sustainable land use patterns.</li> <li>The UDA framework requires multimodal design guidelines in addition to 13 strategies for Traditional Neighborhood Development (TND) within the UDAs for intensive development, repurposing, and redevelopment. These strategies include healthy community design, mix of uses, housing variety, smaller lot sizes, "complete streets," environmental preservation, green building and energy conservation, and Fiscal Policy to prioritize funding for public transportation and infrastructure.</li> <li>The Plan is strong in supporting the provision of complete streets and planning for mixed-use land patterns that are walkable and bikeable. However, this is only part of an equitable, multi-modal network. <b>The Plan should recognize public transportation, including both fixed route and paratransit, as valuable components of the transportation network, and include strategies to support growth in Hopewell. Consideration can also be given to addressing other modern transportation innovations, such as shared mobility/microtransit.</b></li> <li><b>Recommend designating appropriate areas for transit-oriented development and providing design principles for these areas; this is also a requirement of the Code of Virginia.</b></li> <li><b>Recommend incorporating clear and specific strategies to coordinate regional transportation investments with employment centers.</b></li> </ul>
No	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	
Partial	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	
Yes	1.11 Discourage development in hazard zones	

Principle		Description
<b>2. Harmony with Nature</b>		Ensure that the connection between natural resources and human well-being are explicitly recognized and that maintaining the health and viability of natural resources is a primary objective.
Included	Best Practice	Analysis / Recommendation
Yes	2.1 Restore, connect, and protect natural habitats and sensitive lands	<ul style="list-style-type: none"> <li>Through the implementation step to coordinate with DCR to designate IDAs, and adherence to the Chesapeake Bay Preservation Act (CBPA), the TMDL Action Plan, and Water Quality Protection Plan, Hopewell is actively implementing water conservation, protection of habitats and lands, and restoration.</li> <li>The Plan acknowledges that vacant land is not available to support future growth, along with the tension between policies for resource preservation, economic development, and growth. The Plan promotes redevelopment rather than development of green sites and recognizes that developable lands within the Resource Management Areas (RPAs) are subject to site-specific engineering, testing, and regulatory adherence.</li> <li>The Plan calls for small area plans for priority planning areas; these plans would implement the 13 TND principles that include environmental preservation, energy conservation, and low-impact development.</li> <li><b>Recommend including policies, strategies, and implementation steps to ensure City-wide protection of green infrastructure, solid waste reduction, climate change adaptation, reduction of carbon footprints, and compliance with air quality standards.</b></li> </ul>
No	2.2 Plan for the provision and protection of green infrastructure	
Yes	2.3 Encourage development that respects natural topography	
No	2.4 Enact policies to reduce carbon footprints	
No	2.5 Comply with state and local air quality standards	
No	2.6 Encourage climate change adaptation	
No	2.7 Provide for renewable energy use	
No	2.8 Provide for solid waste reduction	
Yes	2.9 Encourage water conservation and plan for a lasting water supply	
Yes	2.10 Protect and manage streams, watersheds, and floodplains	



Principle		Description
<b>3. Resilient Economy</b>		Ensure that the community is prepared to deal with both positive and negative changes in its economic health and to initiate sustainable urban development and redevelopment strategies that foster business growth and build reliance on local assets.
Included	Best Practice	Analysis / Recommendation
Partial	3.1 Provide the physical capacity for economic growth	<ul style="list-style-type: none"> <li>The Plan states that the City has little available greenfield land for new development and states the need for infill redevelopment and revitalization to support future growth.</li> <li>The Plan thoroughly covers economic conditions and challenges such as declining population and business deterioration, and scenarios for retail growth and recapture. Four separate growth scenarios are modeled with resultant forecasts. <b>Recommend updating growth scenarios with the most recently available demographic data and including appropriate analysis.</b></li> <li>The Plan states the need for additional planning efforts to ameliorate a list of 13 deficits to boost private sector investment in Hopewell.</li> <li>The Plan includes an implementation step to adopt a plan (in 2018) for coordinated efforts for economic development between the City, the Economic Development Authority (EDA), Hopewell Downtown Partnership (HDP), and the Planning Commission.</li> <li><b>Recommend updating all economic data and adjusting policies, strategies, and implementation plans to reflect current conditions and priorities.</b></li> <li><b>Additional discussion is needed to provide guidance for post-disaster economic recovery. Hazard mitigation planning, which often includes post-disaster economic recovery, should be incorporated into discussions on resilience.</b></li> </ul>
Yes	3.2 Plan for a balanced land-use mix for fiscal sustainability	
No	3.3 Plan for transportation access to employment centers	
No	3.4 Promote green businesses and jobs	
Partial	3.5 Encourage community-based economic development and revitalization	
Yes	3.6 Provide and maintain infrastructure capacity in line with growth or decline demands	
No	3.7 Plan for post-disaster economic recovery	

Principle		Description
<b>4. Interwoven Equity</b>		Ensure fairness and equity in providing for the housing, services, health, safety, and livelihood needs of all citizens and groups.
Included	Best Practice	Analysis / Recommendation
Yes	4.1 Provide a range of housing types	<ul style="list-style-type: none"> <li>The Plan includes a housing chapter, policies, and implementation steps to provide for a range of housing types. These elements include a multi-pronged approach to improve housing quality and affordability, attract new housing, and improve housing and neighborhood conditions for low-income households. <b>However, direction can be strengthened by including strategies to communicate support of accessory dwelling units, shelters for the unhoused, tiny homes, and other appropriate housing types.</b></li> <li>The Plan states the need for housing as an economic development tool to attract new employers and support employees.</li> <li>The Community and Health chapter addresses at-risk, minority, and low-income populations with a list of initiatives and the recommendation of a comprehensive health action plan to address aspects of public health. However, this recommendation is not included in the Policies and Priorities or Implementation chapters.</li> <li>Workforce development is discussed in relation to community health, but is not addressed in goals, policies, or strategies.</li> <li><b>Recommend reviewing and updating the implementation plan to include all strategies identified throughout the Comp. Plan.</b></li> <li><b>Recommend updating existing conditions and data related to demographics and economy (including workforce development) and subsequently updating policies and strategies to address today's conditions and challenges.</b></li> </ul>
Yes	4.2 Plan for jobs/housing balance	
Yes	4.3 Plan for the physical, environmental, and economic improvement of at-risk, distressed, and disadvantaged neighborhoods	
Yes	4.4 Plan for improved health and safety for at-risk populations	
Yes	4.5 Provide accessible and quality public services, facilities, and health care to minority and low-income neighborhoods	
Yes	4.6 Upgrade infrastructure and facilities in older and substandard areas	
Partial	4.7 Plan for workforce diversity and development	
No	4.8 Protect vulnerable populations from natural hazards	
No	4.9 Promote environmental justice	

Principle		Description
<b>5. Healthy Community</b>		Ensure that public health needs are recognized and addressed through provisions for access to healthy foods, physical activity, recreation, health care, environmental justice, and safe neighborhoods.
Included	Best Practice	Analysis / Recommendation
No	5.1 Reduce exposure to toxins and pollutants in the natural and built environments	<ul style="list-style-type: none"> <li>The Plan includes reduction of pollution only as a benefit of “Complete Streets.” <b>Recommend including a more holistic discussion of pollution reduction, such as how planning best practices including low-impact development, mixed-use development, and green infrastructure can be implemented and all help reduce pollution.</b></li> <li>Public safety is not addressed by the Plan, even though the community stated crime to be a top concern. <b>Recommend including a standalone public safety element of the Plan with analysis, goals, objectives, and strategies.</b></li> <li>Future Land Use and UDA planning includes redevelopment of infill sites, including brownfields, especially as they relate to Downtown Hopewell and City-owned properties.</li> <li>Chapter 8 provides a thorough discussion of public health factors and outcomes. The Plan recommends that the City initiate a comprehensive health action plan, and to include public health initiatives in the Priority Planning Areas; however, initiatives are not included in the implementation plan.</li> <li><b>Recommend reviewing and updating the implementation plan to include all strategies identified throughout the Comp. Plan.</b></li> <li><b>Health should be discussed clearly in all Plan chapters to include a more holistic discussion of how health is influenced by a variety of planning elements. This can also allow for greater discussion of complementary best practices such as food security, Crime Prevention through Environmental Design (CPTED), and trauma-informed planning.</b></li> </ul>
No	5.2 Plan for increased public safety through reduction of crime and injuries	
Yes	5.3 Plan for the mitigation and redevelopment of brownfields for productive uses	
Partial	5.4 Plan for physical activity and healthy lifestyles	
Partial	5.5 Provide accessible parks, recreation facilities, greenways, and open space near all neighborhoods	
Partial	5.6 Plan for access to healthy, locally grown foods for all neighborhoods	
Partial	5.7 Plan for equitable access to health care providers, schools, public safety facilities, and arts and cultural facilities	

Principle		Description
<b>6. Responsible Regionalism</b>		Ensure that all local proposals account for, connect with, and support the plans of adjacent jurisdictions and the surrounding region.
Included	Best Practice	Analysis / Recommendation
Yes	6.1 Coordinate local land use plans with regional transportation investments	<ul style="list-style-type: none"> <li>The Plan shows cooperation with state and federal agencies for CBPA and other environmental regulatory compliance, but does not address cooperation with VDOT for transportation planning.</li> <li>The Plan includes a goal to assume a more active role of participating in the Tri-Cities Area Metropolitan Planning Organization (TCAMPO) long-range planning processes and MPO regional needs studies.</li> <li>The Plan discusses other plans that have been initiated by the City but does not explain or list regional plans as they may relate to the City.</li> <li>There is little discussion of regional conditions or of the shared benefits of regional planning. <b>Recommend including discussion of, and strategies to address, regional planning efforts to address issues that are not isolated to Hopewell.</b> Promoting regional cooperation, planning, and sharing of resources informs issues and opportunities – as well as strategies and solutions – while reducing time and financial burden for the City.</li> <li>Some regional information is included in demographic analysis; <b>recommend updating with the most recently available data, providing population projections and economic forecasts at a minimum.</b></li> </ul>
No	6.2 Coordinate local and regional housing plan goals	
No	6.3 Coordinate local open space plans with regional green infrastructure plans	
No	6.4 Delineate designated growth areas that are served by transit	
No	6.5 Promote regional cooperation and sharing of resources	
No	6.6 Enhance connections between local activity centers and regional destinations	
No	6.7 Coordinate local and regional population and economic projections	
No	6.8 Include regional development visions and plans in local planning scenarios	
No	6.9 Encourage consistency between local capital improvement programs and regional infrastructure priorities	

Principle		Description
<b>7. Authentic Participation</b>		Ensure that the planning process actively involves all segments of the community in analyzing issues, generating visions, developing plans, and monitoring outcomes.
Included	Best Practice	Analysis / Recommendation
Yes	7.1 Engage stakeholders at all stages of the planning process	<ul style="list-style-type: none"> <li>The planning process included significant public engagement via a variety of methods, a summary of which is included in the Plan. In future engagement efforts, diverse public input should be encouraged, as inclusive community engagement is crucial to full public understanding.</li> <li>Four separate growth scenarios for the City have been modeled, with the resultant forecasts responding to varying growth rates that fall within a broad range of feasibility. The scenarios are included in Chapter 4 of the Plan.</li> <li>The Plan should be evaluated for opportunities to make the document understandable for the average reader. <b>This could include, but not be limited to a glossary with key terms and definitions; the use of infographics to communicate complex data; clear visuals with captions; interactive graphics to allow readers to explore additional resources; and condensing the most important elements into an executive summary. Where possible, jargon in the body of the Plan should be replaced with more common lay vocabulary.</b></li> <li>The Plan includes little about continuing to engage the community and Hopewell’s local and regional partners in implementation efforts. <b>Recommend interweaving discussion about community engagement in each chapter to clearly demonstrate a connection between participation and Plan recommendations and strategies.</b></li> </ul>
Yes	7.2 Seek diverse participation in the plan development process	
No	7.3 Promote leadership development in disadvantaged communities during the planning process	
Yes	7.4 Develop alternative scenarios of the future	
No	7.5 Provide ongoing and understandable information for all participants	
Yes	7.6 Use a variety of communications channels to inform and involve the community	
No	7.7 Continue to engage the public after the comprehensive plan is adopted	

Principle		Description
<b>8. Accountable Implementation</b>		Ensure that responsibilities for carrying out the plan are clearly stated, along with metrics for evaluating progress in achieving desired outcomes.
Included	Best Practice	Analysis / Recommendation
Yes	8.1 Indicate specific actions for implementation	<ul style="list-style-type: none"> <li>Chapter 12 provides clear implementation action steps, including beginning and completion dates. Each implementation step includes estimated costs and source of funds. However, not all strategies identified in the Plan are provided and analyzed in the implementation plan.</li> <li>The Plan mentions capital improvements planning and budget processes but does not clearly explain their relationship to the Plan. <b>The Plan can be strengthened through including a more thorough explanation of how the annual budgeting and capital improvements planning process are related to implementation of strategies, and how implementation is accomplished.</b></li> <li>Recommend revising the Implementation Plan to identify responsible parties, prioritization, and available resources for each strategy of the Comp. Plan. Other optional aspects of an Implementation Plan include timeframes, projected cost, metrics, and potential sources of funding.</li> <li>Annual status updates on Plan implementation should be provided to the Planning Commission and City Council.</li> <li>Recommend including a strategy directing the development of a standardized process for regularly informing the public about implementation progress.</li> </ul>
Partial	8.2 Connect plan implementation to the capital planning process	
Partial	8.3 Connect plan implementation to the annual budgeting process	
No	8.4 Establish interagency and organizational cooperation	
Yes	8.5 Identify funding sources for plan implementation	
No	8.6 Establish indicators, benchmarks, and targets	
No	8.7 Regularly evaluate and report on implementation progress	
No	8.8 Adjust the plan as necessary based on evaluation	



Principle		Description
<b>9. Consistent Content</b>		Ensure that the plan contains a consistent set of visions, goals, policies, objectives, and actions that are based on evidence about community conditions, major issues, and impacts.
Included	Best Practice	Analysis / Recommendation
Yes	9.1 Assess strengths, weaknesses, opportunities, and threats	<ul style="list-style-type: none"> <li>The Plan thoroughly explains the existing conditions and challenges to Hopewell in the period the plan process was conducted for the major topics included. Existing conditions are directly informed by community engagement; amendments to the Plan should continue to rely upon inclusive community engagement as a foundation for identifying strengths, opportunities, weaknesses, and threats.</li> <li>The Plan thoroughly sets forth a vision, goals, objectives, policies, and initiatives, but does not state a method that will ensure ongoing implementation to achieve the goals. <b>Recommend a clear commitment and statement of the methods that will occur to ensure implementation of the Plan.</b></li> <li>The Plan would greatly benefit from modern and more compelling graphics, illustrations, tables, charts, and maps to minimize text and increase understanding and interest.</li> </ul>
Yes	9.2 Establish a fact base	
Yes	9.3 Develop a vision of the future	
Yes	9.4 Set goals in support of the vision	
Yes	9.5 Set objectives in support of the goals	
Yes	9.6 Set policies to guide decision making	
Partial	9.7 Define actions to carry out the plan	
Partial	9.8 Use clear and compelling features to present the plan	

Principle		Description
10. Coordinated Characteristics		Ensure that the plan includes creative and innovative strategies and recommendations and coordinates them internally with each other, vertically with federal and state requirements, and horizontally with plans of adjacent jurisdictions.
Included	Best Practice	Analysis / Recommendation
Yes	10.1 Be comprehensive in the plan's coverage	<ul style="list-style-type: none"> <li>The Plan persuasively addresses a wide range of planning topics including economic development, land use &amp; development, neighborhoods &amp; housing, parks &amp; recreation, transportation, health, history, and culture &amp; arts.</li> <li>There is an opportunity to improve readability and clarity of the Plan through reorganization. Chapters should contain thematic and structural elements to allow for consistent discussion of Plan elements. <b>Recommend a consistent progression through the Plan for each issue, beginning with identification of existing issues and opportunities, policies to address the issue, and implementation strategies to mitigate the issue.</b></li> <li>Upon completion, the Plan should be available online and the future land use map provided in an interactive mapping software for residents and stakeholders. <b>Recommend considering creative use of other platforms, including but not limited to the City's website and social media pages, to routinely and effectively inform the community about how the Comp. Plan is being implemented.</b></li> <li>The Plan has limited discussion of coordination with other local, state, and federal plans. <b>In drafting updates to the future land use map, recommend reviewing adjacent localities' Comprehensive Plans to avoid designating areas near boundaries for conflicting land uses.</b></li> <li><b>Recommend adding clear language that reflects an ongoing commitment to open participation in regional planning efforts and initiatives.</b></li> </ul>
Partial	10.2 Integrate the plan with other local plans and programs	
Yes	10.3 Be innovative in the plan's approach	
Yes	10.4 Be persuasive in communicating the plan	
Partial	10.5 Be consistent across plan components	
No	10.6 Coordinate with the plans of other jurisdictions and levels of government	
Yes	10.7 Comply with applicable laws and mandates	
Yes	10.8 Be transparent in the plan's substance	
Yes	10.9 Use formats that go beyond paper	

# Appendix D

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**Comprehensive Plan  
Mapping Elements  
Diagnostic Matrix**

Code of Virginia Section	Type of Content	Status	Map Currently Included in Comprehensive Plan:	Data Source
§ 15.2	<b>Overall Requirements</b>			
§ 15.2 - 2223 (B) (1)	Roads	Optional	Included Ch. 7, pg. 180	Local & VDOT
	Bicycle accommodations ( <i>proposed improvements only</i> )	Optional	Included Ch. 7, pg. 187	Local, VDOT
	Pedestrian accommodations	Optional	Not included	Local, CPDC, VDOT
	Railways	Optional	Not included	Local, VGIN
	Bridges	Optional	Not included	VDOT
	Waterways	Optional	Not included	Local, VGIN, DEQ
	Airports	Optional	N/A	FAA
	Ports	Optional	N/A	N/A
	Public transportation facilities	Optional	Not included	Local, CPDC, PAT
	Functional classes	Optional	Included Ch. 7, pg. 183	VDOT
	Crash data	Optional	Not included	VDOT
	Annual average daily traffic (AADT)	Optional	Included Ch. 7, pg. 182	VDOT
	Level of Service (LOS)	Optional	Not included	VDOT
	Road and transportation improvements/projects	Mandatory	Not included	Local, CPDC, VDOT, to be created
§ 15.2 - 2223 (C)*	Future Land Use	Mandatory	Included Ch. 5, pg. 115 Ch. 7, pg. 182	Local & to be created
	Community facilities – services, utilities, public buildings, recycling centers, electric transmission corridors	Optional	Not included	Local
	Community facilities – recreation	Optional	Not included	Local & DCR
	Wetlands / Watersheds	Optional	Not included	Local, DCR, DEQ
	Flood plain and drainage ( <i>Flood Hazard Zones</i> )	Optional	Included Ch. 11, pgs. 219-220	Local & FEMA

Code of Virginia Section	Type of Content	Status	Map Currently Included in Comprehensive Plan:	Data Source
	Conservation areas	Optional	Not included	DCR & Local
	Mineral resources	Optional	Not included	Virginia Energy
	Historical areas	Optional	Not included	Local & DHR
	Military designated areas	Optional	Not included	Local
	Agricultural and Forestal Areas	Optional	Not included	Local
	Economic incentives (tourism zones, enterprise zones, etc.)	Optional	Not included	Local, VEDP
	Housing	Optional	Not included	Local, To Be Created
	Communications facilities	Optional	Not included	Local
	Groundwater & surface water protection	Optional	Not included	Local
§ 15.2 - 2223.1 (B) (4)	Urban Development Areas (UDA)	Optional	Included Ch. 5, pg. 110 Ch. 6, pg. 3	VDOT & Local
§ 15.2 - 2224 (B)*	Area covered by plan	Mandatory	Not included	Local
	Dam break inundation zones	Optional	Not included	Local
<b>Administrative Code Chapter 830 - CBPA</b>	<b><u>Chesapeake Bay Preservation Act Criteria</u></b>			
9VAC25-830-170	General Location – CBPA Resource Protection Areas	Mandatory	Included Ch. 5, pg. 109 Ch. 11, pg. 236	Local, DEQ
	2016 VIMS Inventory Map	Mandatory	Included Ch. 11, pg. 227	VIMS
	Shoreline Erosion	Mandatory	Included Ch. 11, pg. 228	Local
	2016 VIMS Tree-Fringe and Buffer Survey	Mandatory	Included Ch. 11, pg. 229	VIMS
	Industrial Land Areas with individual VPDES permits	Mandatory	Included Ch. 11, pg. 234	DEQ
	VIMS 2016 Shoreline Inventory – Riparian Buffers	Mandatory	Included Ch. 11, pg. 243	VIMS
	Shoreline Inventory	Mandatory	Included Ch. 11, pgs. 256-257	Local, Center for Coastal Resources Management

Code of Virginia Section	Type of Content	Status	Map Currently Included in Comprehensive Plan:	Data Source
				Comprehensive Coastal Resource Management portal
	Resource Management Areas pre-2018	Optional	Included Ch. 11, pg. 258	Local, FEMA
	<b>Other Maps Included in the Existing Plan</b>			
	Downtown Hopewell Planning Area		Ch. 3, pg. 45	Local
	Downtown Hopewell Plan		Ch. 5, pg. 116	Local
	City Topography Mapping Vintage 1959		Ch. 5, pg. 118	Local
	Candidate IDA Areas for Small Area Plans		Ch. 5, pg. 119	Local
	Historic Riverfront Development Intensity 1969 USGS Map		Ch. 5, pg. 119	USGS
	Priority Planning Areas <sup>1</sup>		Ch. 6, pg. 2	Local
	Land Classification (land cover)		Ch. 11, pg. 232	DCR

*\*Code of Virginia requires items in this section to be included in the plan through maps, plats, charts, and/or descriptive matter. Maps are an optional feature.*

### Acronyms

CPDC – Crater Planning District Commission  
DCR – Virginia Department of Conservation and Recreation  
DEQ – Virginia Department of Environmental Quality  
DHR – Virginia Department of Historic Resources  
FAA – Federal Aviation Administration  
FEMA – Federal Emergency Management Agency

PAT – Petersburg Area Transit  
USGS – United States Geological Survey  
VDOT – Virginia Department of Transportation  
VEDP – Virginia Economic Development Partnership  
VGIN – Virginia Geographic Information Network  
VIMS – Virginia Institute of Marine Science

<sup>1</sup> Editor's Note: Individual Priority Planning Areas are shown in graphics throughout the chapter.



# **Appendix E**

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## **Zoning Ordinance Code of Virginia Diagnostic Matrix**

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
1.	2200	Declaration of legislative intent	Partial	Preamble	<p>This Section of the Code of Virginia provides the purpose of Chapter 22 of the Code of Virginia, which is subsequently the purpose for each of the tools discussed therein (Comprehensive Plan and Ordinances).</p> <p><b>The Zoning Ordinance references an outdated version of this language in the Preamble. Recommend reviewing and updating the text of this Section to align with the most recent update to this Section of the Code of Virginia, as well as updating the Code of Virginia reference for accuracy.</b></p>
2.	2201	Definitions	Partial	Article I	<p>This Section of the Code of Virginia provides foundational definitions for terms used throughout the Chapter 22 regulations of the Code of Virginia and in locality Zoning Ordinances. Article I of the Zoning Ordinance only includes some of the terms and definitions from this Section of the Code.</p> <p><b>Recommend reviewing the current definitions provided in Article I and updating to better align with Code of Virginia § 15.2-2201, including the introduction of terms and definitions that are currently not provided. Examples of definitions provided in this Section of the Code of Virginia that should be introduced into the Zoning Ordinance include “affordable housing,” “plat,” and “conditional zoning”.</b></p>
3.	2202	Duties of state agencies; electric utilities	N/A	N/A	<p>This Section of the Code of Virginia states that any department, board, bureau, commission, or other agency of the Commonwealth that proposes a project in any locality shall, upon the request of the local planning commission, furnish reasonable information requested by the local planning commission relative to the proposed plans.</p> <p><b>This Section of the Code of Virginia does not need to be included in the Zoning Ordinance, but the Zoning Administrator and Planning Commission should be aware of this Section of the Code.</b></p>
4.	2203	Existing planning commissions and boards of zoning appeals; validation of plans previously adopted	No	No reference	<p>This Section of the Code of Virginia states that upon adoption of Chapter 22 of the Code of Virginia, already established planning commissions and boards of zoning appeals would continue to operate as if they were created under the terms of Chapter 22.</p> <p>The Zoning Ordinance does not include this language.</p> <p><b>Recommend incorporating this language and reference to this Section of the Code of Virginia.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
5.	2204	Advertisement of plans, ordinances, etc.	Partial	Article XIX, Article XXI	<p>Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference.</p> <p>Article XXI states that the Planning Commission shall hold at least one public hearing on a proposed amendment after notice as required by the Code of Virginia. A reference is provided, but it is outdated, and should correctly reference §15.2-2204.</p> <p>Article XIX states that no variance shall be authorized except after notice and hearing as required by the Code of Virginia. This article also provides that no appeal can be granted without the required hearing and notice. Again, the provided references are outdated.</p> <p><b>Recommend updating the Zoning Ordinance to provide the correct references to this Section of the Code of Virginia.</b></p>
6.	2205	Additional notice of planning or zoning matters	Optional, Not Included	No reference	<p>This Section of the Code of Virginia allows a locality, in addition to specific notice required by law, to provide notice by any method on any planning or zoning matter that it deems appropriate for notice.</p> <p><b>Hopewell's Zoning Ordinance does not reference this Section of the Code of Virginia. Hopewell should decide if it would like to include this optional provision, and if so, include a reference to this Section of the Code of Virginia.</b></p>
7.	2206	When locality may require applicant to give notice; how given	Optional, Not Included	No reference	<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 to be responsible for all required notices.</p> <p><b>It is best practice to include this optional provision; Hopewell should incorporate text and include reference to this Section of the Code of Virginia.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
8.	2207	Public notice of juvenile residential care facilities in certain localities	Optional, 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><b>This Section of the Code of Virginia does not apply to Hopewell, as there is an existing Zoning Ordinance in effect. This Ordinance will address the public hearing process requirement for these facilities.</b></p>
9.	2208	Restraining violations of the chapter [Chapter 22 of the Code of Virginia]	Optional, Included	Article XX, Article XXII	<p>This Section of the Code of Virginia allows any violation or attempted violation of the Zoning Ordinance to be restrained, corrected, or abated by injunction or other appropriate proceeding.</p> <p>The Zoning Ordinance includes this provision in the enforcement language of Article XXII. Article XX also requires conformance to the provisions of the Ordinance and provides civil penalties for violations of the Ordinance. <i>See Line Item #12 for additional information and recommendation regarding civil penalties.</i></p> <p><b>Recommend incorporating the Code of Virginia reference to strengthen these Sections of the Ordinance.</b></p>
10.	2208.1	Damages for unconstitutional grant or denial by locality of certain permits and approvals	No	No reference	<p>This Section of the Code of Virginia 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 based on litigation.</p> <p><b>Recommend including language and a reference to this Section of the Code of Virginia to ensure compliance.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
11.	2208.2	Damages for an enforcement action undertaken by a locality with willful disregard for applicable law.	N/A	N/A	<p>Code of Virginia § 15.2-2208.2 states that anyone against whom an enforcement action is carried out by a locality – where the enforcement action was based upon willful disregard for applicable law – shall be entitled to an award of compensatory damages.</p> <p><b>This Section of the Code of Virginia does not need to be included in the Zoning Ordinance, but the Zoning Administrator and Planning Commission should be aware of this Section of the Code.</b></p>
12.	2209	Civil penalties for violations of zoning ordinance	Optional, Not Included	No reference	<p>This Section of Code of Virginia states that this schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than \$200 for the initial summons and not more than \$500 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.</p> <p>Article XX of the Zoning Ordinance states that failure to comply with the provisions of the Zoning Ordinance will result in a Class I misdemeanor. The Zoning Ordinance does not provide for the enforcement of civil penalties.</p> <p><b>Recommend establishing civil penalties, in accordance with this Section of the Code of Virginia, as a first line of defense for violations of the Zoning Ordinance. This streamlines the process for simple, non-recurring violations and, coupled with misdemeanors, allows a multi-level approach to enforcement that many localities find useful.</b></p>
13.	2209.1	Extension of approvals to address housing crisis	N/A	N/A	<p>Code of Virginia § 15.2-2209.1 extends the approval of final site plans, special exceptions, special use permits, and rezoning to assist in addressing the housing crisis to July 1, 2020 and allows further extension of approval by locality.</p> <p><b>Extension period has passed; this does not need to be addressed in the Zoning Ordinance. Recommend against providing a longer extension period.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
14.	2209.1:1	Extension of approvals to address the COVID-19 pandemic.	N/A	N/A	Due to the COVID-19 pandemic, this Section of the Code of Virginia extends approvals of plats, final site plans, special exceptions, special use permits, and rezoning to July 1, 2025 – and allows further extension of approval by locality.  <b>A text amendment is not necessary to comply with this Section of the Code of Virginia, but Hopewell should be implementing this in practice.</b>
15.	2209.1:2	Extension of land use approvals for solar photovoltaic projects	N/A	N/A	Code of Virginia § 15.2-2209.1:2 allows any valid special exception, special use permit, conditional use permit, or any modifications of these for a solar photovoltaic project outstanding as of July 1, 2023, any deadline in the permit or Ordinance requiring the project to comment within a certain time may be extended by a resolution from governing body until July 1, 2026, or longer as agreed to by the locality.  Hopewell does not have any outstanding conditional use permits for solar photovoltaic projects, as solar projects are not a permitted use in the Ordinance. Therefore, this Section of the Code of Virginia does not apply.
16.	2209.2	Public infrastructure maintenance bonds	N/A	N/A	This Section of the Code of Virginia applies only to the City of Charlottesville.
17.	2209.3	Residential land development and construction fee transparency; annual report	N/A	N/A	Each locality with a population greater than 3,500 must submit an annual report by March 1 of each year to the Department of Housing and Community Development (DHCD) totaling the revenue collected by the locality over the preceding calendar year in connection with residential land development and construction activities.  <b>This Section of the Code of Virginia does apply to Hopewell, as its population is 23,140. While it does not need to be included in the Zoning Ordinance, the Director of Development and Zoning Administrator should be aware of this Section of the Code, and plan to submit annual reports by March 1 as required.</b>
18.	2210 – 2222.1	Local Planning Commissions	No	No reference	Neither the City Code of Ordinances nor the Zoning Ordinance include language regulating the local planning commission.  <b>Recommend incorporating language from these Sections of the Code of Virginia, particularly the language concerning the rights and powers of the Planning Commission.</b>



	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
19.	2223 – 2232	The Comprehensive Plan	N/A	N/A	<p>§15.2-2223 et. seq. of the Code of Virginia regulates the requirements and provisions for comprehensive plans only.</p> <p>These Code of Virginia Sections are not relevant to this diagnostic but are included here for transparency – and to highlight a full list of Sections provided in Chapter 22 of the Code of Virginia.</p> <p><b>See <i>Comprehensive Plan – Code of Virginia Diagnostic</i> for a full analysis of the extent to which the Hopewell 2018 Comprehensive Plan complies with the Code of Virginia.</b></p>
20.	2233 – 2238	The Official Map	N/A	N/A	<p>§15.2-2233 et. seq. of the Code of Virginia regulates the requirements for a locality's Official Map. These Sections grant planning commissions the authority to request a map be made that shows streets, waterways, and public spaces. These Sections apply to localities that do not have a Zoning Ordinance, thus no zoning maps.</p>
21.	2239	Capital Improvement Plan	N/A	N/A	<p>§15.2-2239 authorizes a planning commission to prepare a CIP based on a locality's comprehensive plan. Inclusion of this Section is not applicable to the Zoning Ordinance; however, it is listed here as it is another important land use tool for the City to utilize.</p>
22.	2240 – 2279	Land Subdivision and Development	N/A	N/A	<p>§15.2-2240 et. seq. of the Code of Virginia regulates the orderly subdivision of land. Every locality must have a subdivision ordinance and ensure the orderly subdivision of land. Several of these Code of Virginia Sections are also relevant to the Zoning Ordinance and are assessed below. All other Code Sections of the Land Subdivision and Development Section of the Code of Virginia are related to the City's Subdivision Ordinance, which is a standalone ordinance outside of the Zoning Ordinance.</p> <p>A diagnostic evaluating the extent to which Hopewell's Subdivision Ordinance complies with the Code of Virginia is included separately.</p>
23.	2246	Site plans submitted in accordance with zoning ordinance	Yes	Article XVI	<p>The Code of Virginia requires that site plans submitted for compliance with the Zoning Ordinance must also comply with the Code of Virginia bonding and performance release requirements.</p> <p>Article XVI of the Zoning Ordinance details the purpose and intent of site plans, as well as providing site plan requirements and the review process. The current Ordinance specifically includes that the intent is to ensure compliance with regulations in the Zoning Ordinance.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
24.	2258	Site plan requirements for submission for approval	Partial	Article XVI: Section H	<p>§15.2-2258 requires that a site plan include the locations of drainage districts, dam break zones, graves/burial sites, and areas of joint locality control.</p> <p>Article XVI(H) of the Zoning Ordinance addresses site plan requirements; however, it does not include requirements for depicting any dam break zones, drainage districts, and areas of joint locality control.</p> <p><b>Recommend including all provisions of this Section of the Code of Virginia as requirements of any Site Plan.</b></p>
25.	2259	Local planning commission or other agent to act on site plan	No	Article XVI: Section G	<p>§ 15.2-2259 establishes a required timeline – 60 total days – for the review and approval or disapproval of site plans.</p> <p>Article XVI (G) provides the site plan review process. There is a specific timeframe associated with each step of the process instead of one timeframe of approval or disapproval within 60 days of receipt. Adding up these allowances comes to 59 <i>business days</i>, which would exceed the <i>total</i> 60-day timeframe set by the Code of Virginia.</p> <p><b>Recommend amending the Zoning Ordinance to allow review and issuance of either approval or disapproval within 60 days of receipt, which is the maximum timeframe permitted by the Code of Virginia.</b></p>
26.	2270	Vacation of interests granted to a locality as a condition of site plan approval	No	No reference	<p>This Section of the Code of Virginia provides two methods that allow a locality to vacate any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility that were granted as a condition of the approval of a site plan.</p> <p><b>There is no language relating to this Section of the Code of Virginia. Recommend including one of the methods of vacation included in Section of the Code of Virginia in the Site Plans Section of the Zoning Ordinance.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
27.	2280	Zoning general description	Partial	Preamble	<p>This Section of the Code of Virginia allows for localities to regulate items such as the use of structures, buildings, and land; size, height, area, etc. of buildings; the area of land, water, and air space; and the excavation or mining of soil or other natural resources.</p> <p><b>Language from this Section of the Code of Virginia is included in the Preamble of the Zoning Ordinance; however, the Code reference provided is outdated, and should be updated to reflect § 15.2-2280.</b></p>
28.	2281	Zoning jurisdiction of localities	No	No reference	<p>This Section of the Code of Virginia states that a county shall have jurisdiction over unincorporated areas and a municipality shall have jurisdiction over any incorporated areas.</p> <p><b>Recommend updating the Zoning Ordinance to add clear language that the City of Hopewell shall have jurisdiction over its incorporated area, and any areas incorporated by the City in the future. Updated text should include reference to this Section of the Code of Virginia.</b></p>
29.	2282	Uniformity of regulations	Partial	Various Articles	<p>This Section of the Code of Virginia states that regulations within a district must be uniform for each class or kind of building and use, but that district regulations may differ from one another.</p> <p><b>Recommend explicitly stating that the regulations set by the Zoning Ordinance within each district shall apply uniformly to each class or kind of structure or land.</b></p>
30.	2283	Purpose of zoning, mandatory provisions: (Line items 30 – 41)	– (See below)		The Preamble of the Zoning Ordinance provides the language from this Section of the Code of Virginia; however, it includes an outdated reference. The reference should be updated to reflect § 15.2-2283.
31.	i.	Light, air, convenience of access, fire, flood, impounding structure failure, crime	Partial	Preamble	<p>The Preamble includes this provision, though it does not specifically reference crime or impounding structure failure as written in the Code of Virginia.</p> <p><b>Recommend updating to include impounding structure failure and crime as written in this Section of the Code of Virginia.</b></p>
32.	ii.	Reduction of street congestion	Yes	Preamble	Included as written in this Section of the Code of Virginia.
33.	iii.	Convenient, attractive, harmonious community	Yes	Preamble	Included as written in this Section of the Code of Virginia.

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
34.	iv.	Adequate police & fire protection, evacuation, defense, transportation, water, sewage, flood protection, schools, parks, forests, playgrounds, recreation facilities, airports	Yes	Preamble	Included as written in this Section of the Code of Virginia.
35.	v.	Protection of historic areas and working waterfront development areas	Partial	Preamble	Hopewell does not currently have any established working waterfront development areas, so it is unnecessary to include reference to those. <b>However, due to the presence of historic districts, it is recommended that Hopewell include language in the Zoning Ordinance referencing its purpose to aid in the protection of historic areas.</b>
36.	vi	Protect against overcrowding, undue density, light and air obstruction, danger in transportation, public safety	Yes	Preamble	Included as written in this Section of the Code of Virginia.
37.	vii.	Economic development, employment, tax base	Yes	Preamble	Included as written in this Section of the Code of Virginia.
38.	viii.	Ag/Forestal and natural environment protection	No	No reference	This list item is not included in Hopewell's Zoning Ordinance. <b>Recommend updating the Ordinance to provide language written in this Section of the Code of Virginia.</b>
39.	ix.	Protect airports, U.S. government and military facilities	No	No reference	This list item is not included in Hopewell's Zoning Ordinance. <b>Recommend updating the Ordinance to provide language as written in this Section of the Code of Virginia.</b>
40.	x.	Create and preserve affordable housing	No	No reference	This list item is not included in Hopewell's Zoning Ordinance. <b>Recommend updating the Ordinance to provide language as written in this Section of the Code of Virginia.</b>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
41.	xi.	Provide against encroachment on military bases	No	No reference	<p>This list item is not included in the Hopewell's Zoning Ordinance. However, as Fort Gregg-Adams is immediately adjacent to City limits and has a 2013 Joint Land Use Study (JLUS) addressing coordinated land use planning for the vitality of the base, it is recommended to include this language in Hopewell's Zoning Ordinance.</p> <p><b>Recommend updating the Ordinance to include this item as written in this Section of the Code of Virginia.</b></p>
42.	xii.	Reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws, as applicable	No	No reference	<p>In 2018, this provision was added and requires a locality to consider the need for reasonable modifications in accordance with the Americans with Disabilities Act or state and federal fair housing laws when preparing a zoning ordinance.</p> <p>Provisions addressing the Americans with Disabilities Act and associated reasonable modifications are not included in Hopewell's Zoning Ordinance.</p> <p><b>Recommend updating the Ordinance to include this item as written in this Section of the Code of Virginia.</b></p>
43.	2283.1	Sexual offender treatment services prohibition in residential area	Yes	No reference	<p>This use is not listed in Hopewell's Zoning Ordinance; therefore, it is prohibited.</p> <p>The Zoning Ordinance complies with the Code of Virginia.</p>
44.	2284	Drawing up zoning ordinance matters - process	No	No reference	<p>This Section of the Code of Virginia states the basis for how zoning district boundaries should be determined. Hopewell's Zoning Ordinance does not provide language from this Section of the Code of Virginia.</p> <p><b>Recommend including this language in an introductory Section of the Ordinance.</b></p>
45.	2285	Ordinance and map development, adoption - process	Partial	Article XXI: Sections B, C	<p>Article XXI provides some of the language provided in this Section of the Code of Virginia but does not include the automatic approval provision. The reference to the Code of Virginia in this Section of the Zoning Ordinance is also outdated and needs to be updated.</p> <p><b>Recommend adding language from this Section of the Code of Virginia that allows for the automatic approval of a proposed amendment if the Planning Commission has not acted on the proposed amendment within 100 days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission. Recommend updating the Code of Virginia reference.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
46.	2286 (A)	Permitted provisions in zoning ordinances. (Line items 46 – 62)	– (See below)		This Section of the Code of Virginia provides <b>optional</b> provisions. The City of Hopewell should consider the provisions listed below for inclusion in the updated ordinance, if not already included.
47.	1.	Variances and special exceptions	Optional, Included	Article XIX: Section B  Article XXI: Section D	<p>The Zoning Ordinance allows for variances and conditional use permits. The Planning Commission hears requests for conditional use permits, and the Board of Zoning Appeals hears requests for variances. There is inconsistency in the use of “conditional use permits”; on some occasions, “special use permit” is used. Additionally, several of the included Code of Virginia references in these Sections are outdated.</p> <p><b>Recommend updating the Code of Virginia references to reflect the most recent version of the Code. Recommend choosing “conditional use permit” for usage in the ordinance—as this is used more frequently—and amending accordingly to ensure consistency.</b></p>
48.	2.	Annexation or boundary adjustment provision	Optional, Included	Article II: Section B	<p>This item of the Code of Virginia allows a locality to temporarily apply the Zoning Ordinance to any property coming into the jurisdiction by annexation or otherwise.</p> <p>Article II states that “All territory which may hereafter be annexed to the city shall be considered as being in the residential, low density district R-1 until such time as it may be changed by amendment to this ordinance.”</p>
49.	3.	Governing body special exception permits - Affordable housing special exception provisions	Optional, Partially Included	Article XXI: Section D	<p>Article XXI: D of the Zoning Ordinance provides for conditional use permits.</p> <p><b>While affordable housing special exception provisions are not required to be included in the Zoning Ordinance, Hopewell should be aware of this Code Section and carefully evaluate the potential impacts of any conditions associated with any proposed affordable housing development. If desired by Hopewell, language from this Section of the Code of Virginia could be incorporated into the Zoning Ordinance.</b></p>



	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
50.	4.	Zoning administrator authorities, provisions, processes	Optional, Partially Included	Article XXII: Section A  Article XVI: Section P	<p>This item provides for the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator.</p> <p>Article XXII of the Zoning Ordinance provides the basic authority for the administration and enforcement of the Zoning Ordinance by the Zoning Administrator, but only includes two of the three listed duties. Article XVI, Section P includes the language outlining the qualifications for the Zoning Administrator to authorize a variance and includes a reference to this Section of the Code of Virginia.</p> <p><b>Recommend updating Article XXII, Section A to include “(iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or Subsection C of § 15.2-2311.” Also recommend providing all language from this Section of the Code of Virginia in the Administration Article of the Zoning Ordinance rather than living in separate Articles.</b></p>
51.	5.	Imposition of penalties - misdemeanor fines	Optional, Included	Article XV  Article XX	<p>This Section of the Code of Virginia allows localities to impose penalties, in the form of a misdemeanor punishable by a fine of no more than \$1,000, for violations of the zoning ordinance.</p> <p>Article XV outlines the allowance of a Class 1 misdemeanor for violations of the Floodplain Regulations. Article XVI outlines the allowance of a Class 1 misdemeanor for violations of the Zoning Ordinance. Article XX also provides guidelines on misdemeanors.</p> <p><b>As a best practice, consider introducing the use of civil penalties for zoning violations, and consolidating civil penalties and misdemeanor penalties into a single Section and including a reference to the Code of Virginia Sections. Recommend using civil penalties as a first line of defense, and then moving to misdemeanors as appropriate.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
52.	6.	Collection of fees	Optional, Included	Article XXII: Section G	<p>The Zoning Ordinance includes a dedicated Section establishing what Ordinance items require fees, who the fees should be paid to, and the dollar amount of each fee.</p> <p><b>Recommend removing the existing administrative fee structure from the Zoning Ordinance and adopting a separate ordinance stating all City fees, including those associated with zoning. This allows ease of review and facilitation of public hearings during annual budgeting processes.</b></p>
53.	7.	Zoning ordinance amendment timelines and process	Optional, Included	Article XXI: Section A	<p>Code of Virginia states that “... all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months...”</p> <p>Article XXI, Section A allows that an amendment be initiated by the City Council, the Planning Commission, or any property owner petition addressed to City Council.</p> <p><b>Recommend including how an amendment can be initiated in list form, as supplied in this Section of the Code of Virginia, to improve ease of use.</b></p>
54.	8.	Plan of development submission and approval	Optional, Included	Article XVI: Section A	<p>Article XVI of the Zoning Ordinance states “Where applicable, the City of Hopewell (hereinafter “city”) shall require submission and approval of a site plan and a public improvements plan prior to the issuance of zoning permits and building permits or the approval of a final subdivision plat to ensure the compliance with regulations contained in the zoning ordinance.”</p>
55.	9.	Mixed-use or PUD developments	Optional, Included	Article VIII	<p>Article VIII provides regulations for planned unit developments. These developments are permitted in the R-2, R-3, R-4, RO-1, B-1, and B-3 zoning districts.</p> <p><b>Recommend establishing a Planned Unit Development District to provide targeted regulations for these types of developments. This can be done as either a primary zoning district or as an overlay zoning district.</b></p>
56.	10.	Incentive zoning administration	Optional, Not Included	No reference	<p>Incentives may be utilized, as appropriate, to accomplish development goals. An example would be increased project density or other benefit in return for the developer meeting certain criteria for environmentally sustainable and energy-efficient building design, affordable housing creation and preservation, or historical preservation.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
57.	11.	Downzoning tax credit	Optional, Not Included	No reference	<p>This provision allows for the downzoning of a landowner's undeveloped or underdeveloped property in exchange for tax credits. This can be used to defer development.</p> <p><b>Hopewell should consider whether it would be appropriate to introduce provisions allowing the City to enter into a voluntary agreement that would provide the owner of property being downzoned with tax credits, although this is not a common practice.</b></p>
58.	12.	Environmental site assessments and review	Optional, Included	Article XVI: Section I	<p>This language is incorporated almost verbatim into the end of Article XVI, Section I, with slight modifications in vocabulary to create language that better tailors to Hopewell's operations.</p>
59.	13.	Safety standards for solar panels and battery technologies	Optional, Not Included	No reference	<p><b>If the City of Hopewell intends to allow community solar, small- to medium-scale solar facilities, and energy storage facilities that supply power to the grid, then this Section of the Code of Virginia should be implemented through use standards to ensure public safety.</b></p>
60.	14.	Environmental disclosure and remediation	Optional, Included	Article XVI: Section I	<p>This requirement is typically applicable for industrial redevelopment projects. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.</p> <p>The Zoning Ordinance provides this language in Section I of Article XVI.</p>
61.	15.	Single-family residential occupancy regulations	Optional, Not Included	No reference	<p>This Section of the Code of Virginia allows for the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement complies with applicable local, state, and federal fair housing laws.</p> <p>The Zoning Ordinance does not establish a maximum number of permitted occupants for single-family dwelling units. The term "family" does not necessarily need to be used and defined in the Ordinance, but Hopewell can consider if additional clarity should be provided to address residency requirements and prevent overcrowded and unsafe housing.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
62.	16.	Zoning inspection warrants	Optional, Not Included	No reference	It is a best practice to include this provision, as it allows for a locality to acquire a warrant if there is a suspected zoning ordinance violation. The City of Hopewell should consider if this provision is necessary to add.  <b>Recommend adopting this provision as allowed by the Code of Virginia.</b>
63.	2286 (B)	Payment of outstanding debt, taxes, fees	Optional, Included	Article XXII: Section H	This language is included in Article XXII, Section H of the Zoning Ordinance.
64.	2286.1	Open space provision, cluster dwellings	N/A	N/A	This Section of the Code of Virginia only applies to localities with growth rates of 10% or more, but not to localities with population densities greater than 2,000 per square mile. Hopewell's growth rate does not exceed this requirement; therefore, this Section does not apply.
65.	2287	Optional requirement regarding property interest of local officials	Optional, Not Included	No reference	This Section of the Code of Virginia requires that applicants disclose any members of the Planning Commission or governing body that have a vested interest in property being considered for zoning action.  <b>Recommend adopting this provision as a requirement to clarify and increase transparency in the application and review process.</b>
66.	2287.1	Disclosures in land use proceedings	N/A	N/A	This Section of the Code of Virginia only applies to Loudoun County.
67.	2288	Localities may not require special exception permits for certain agriculture activities	N/A	N/A	This Section of the Code of Virginia applies to localities that have production, agriculture, or silviculture activity in an area that is zoned as an agricultural district or classification and specifies that localities may not require special use permits for such uses.  The City of Hopewell does not include agricultural zoning districts in their Zoning Ordinance and Zoning Map; therefore, this Section of the Code of Virginia does not need to be included.

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
68.	2288.01	Localities may not require special exception permits for small biomass conversion	N/A	N/A	<p>This Section of the Code of Virginia restricts localities from requiring a special exception or a special use permit for small-scale conversion of biomass to alternative fuel. This Section of the Code also requires agricultural uses to be permitted by-right in agricultural districts.</p> <p>The Zoning Ordinance does not mention biomass conversion, meaning it is prohibited. The Zoning Ordinance also does not provide agricultural zoning districts.</p> <p>The Zoning Ordinance therefore complies with this Section of the Code of Virginia.</p>
69.	2288.1	Localities may not require a special use permit for certain residential uses	No	Various: Articles III through VIII	<p>This Section of the Code of Virginia states that no local ordinance shall require a conditional use permit for development and construction of residential dwellings at the use, height and density permitted by right under the local zoning ordinance.</p> <p>The Ordinance requires a conditional use permit for a duplex in the R-2 district, although the R-2 district is intended to introduce medium-density residential.</p> <p><b>Recommend updating the Zoning Ordinance to allow for a duplex by right in the R-2 district, as it fits into the intent of the district for medium-density residential uses. Recommend reviewing and amending the definition of “duplex” to clarify the difference between duplexes and other housing types, particularly accessory dwelling units.</b></p>
70.	2288.2	Localities may not require special exception permits for certain temporary structures (tents)	Yes	No reference	<p>This Section of the Code of Virginia restricts localities from requiring a special exception or special use permit for a temporary (less than three days) tent to be constructed on private property that will be primarily used for private or family-related events.</p> <p>The Zoning Ordinance does not require special exceptions or conditional / special use permits for temporary structures, as temporary structures are not mentioned as permitted use.</p> <p>The Zoning Ordinance complies with this Section of the Code of Virginia.</p>
71.	2288.3	Localities may not unduly regulate farm wineries	N/A	N/A	<p>The Zoning Ordinance does not have agriculture districts; thus, this Section of the Code of Virginia does not apply to the City of Hopewell.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
72.	2288.3:1	Limited brewery license; local regulation of certain activities.	Yes	Article IX: Section A  Article X: Section A  Article XII: Section A  Article XIII: Section A	“Microbrewery” and “Microbrewery/Restaurant” are included as uses in the Zoning Ordinance, but there are no associated use performance standards. Therefore, the Zoning Ordinance does not unduly regulate them.  The Zoning Ordinance complies with this Section of the Code of Virginia.
73.	2288.3:2	Limited distiller's license; local regulation of certain activities.	Yes	No reference	This Section of the Code of Virginia states that local restrictions upon activities of legally licensed distilleries to market and sell their products shall be reasonable and shall consider the economic impact on such activities. Hopewell’s Zoning Ordinance does not provide regulations or standards for distilleries; thus, it does not unduly regulate them.  <b>It should be noted that while the Zoning Ordinance complies with this Section of the Code of Virginia, the Zoning Ordinance can still offer micro-distilleries and/or distilleries as a use. Recommend adding micro-distilleries as a permitted use with an appropriate definition.</b>
74.	2288.4	Extension of expiration dates for special use permits	N/A	N/A	This Section of the Code of Virginia expired in 2011 and therefore does not apply to Hopewell’s Zoning Ordinance.
75.	2288.5	Definition and uses of cemetery	No	No reference	The Zoning Ordinance does not mention “cemetery” as a use; therefore, they are prohibited.  <b>Recommend adding “cemetery” as a use in the desired districts and supplying a definition that reflects the definition provided in Code of Virginia § 54.1-2310.</b>
76.	2288.6	Agricultural operations; local regulation of certain activities.	N/A	N/A	This Section of the Code of Virginia provides for agritourism and related agricultural activities.  The Zoning Ordinance does not have agriculture districts, nor does it address agritourism as a use; therefore, this Section of the Code of Virginia is not necessary for inclusion.



	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
77.	2288.7	Solar facilities; local regulation	No	No reference	<p>Hopewell currently considers accessory solar facilities to be accessory uses, or mechanical equipment if they are roof-mounted. However, as a best practice and to provide clear direction, accessory solar facilities should be named, defined, and permitted as their own use. Hopewell can also consider whether to permit small-scale solar facilities in commercial and industrial districts; these facilities are typically mounted over a building, parking lot, or other previously disturbed areas and have a disturbance of less than two acres.</p> <p><b>Recommend treating rooftop/accessory solar facilities as a standalone use with an appropriate definition and use standards. Recommend considering whether to allow rooftop solar in residential districts and allowing rooftop and small ground-mounted solar in heavy commercial and industrial districts.</b></p>
78.	2288.8	Special exceptions for solar photovoltaic projects	N/A	N/A	<p>This Section of the Code of Virginia enables localities to grant special exceptions for electric energy or energy storage projects and localities may grant conditions of the dedication of real property or cash payments for construction of public improvements.</p> <p>The Zoning Ordinance does not include electric energy projects or energy storage projects.</p>
79.	2289	Optional requirement of disclosure of real parties in interest for special exception permits, special use permits, amendments to the zoning ordinance, or variances	Optional, Not Included	No reference	<p>This Section of the Code of Virginia allows a locality to require any application for a special exception permit, special use permit, zoning text or map amendment, or variance to disclose the equitable ownership of the land to be included in the application and all parties of interest.</p> <p><b>The Zoning Ordinance does not include regulations that require disclosure of interest or equity for special exceptions, rezonings, or variances. This is a recommended best practice that the City of Hopewell may wish to consider adding this provision to the Zoning Ordinance.</b></p>
80.	2290	Manufactured housing uniformity (by-right in Ag areas)	N/A	N/A	<p>The Zoning Ordinance does not include agriculture districts, nor does it include districts that have a similar designation or purpose. This Section of the Code of Virginia does not apply to residential, commercial, or industrial districts.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
81.	2291	Assisted living and group homes of 8 or fewer residents	No	Article I  Article X: Section A  Article XI: Section A	<p>"Assisted living facility" is a permitted use in the B-2 and B-3 zoning districts. A definition for "assisted living facility" is provided in Article I. "Group homes" are addressed under the use "Group housing for the elderly and handicapped", but should have Code-compliant standards included in the Ordinance to help inform development and aid in enforcement.</p> <p><b>Recommend updating the Zoning Ordinance to include a clear definition of "group home" permitted appropriately with Code-compliant standards.</b></p>
82.	2292	Zoning provision/definition family day home	Partial	Article I	<p>The definition for "family day home" partially matches what is provided in the Code of Virginia. However, while Code of Virginia § 22.1-289.02 defines that family day homes serving 5-12 children must be licensed, Hopewell states that a license is required for 6-12 children. Hopewell additionally states that caring for five or fewer children at home is considered babysitting as a home occupation.</p> <p><b>This definition should be updated to align with the definition provided in Code of Virginia § 22.1-289.02. Family day homes of 1-4 children should be a by-right use in all districts that allow single-family residences, and family day homes of larger capacity for children can require permits, if desired by the City.</b></p>
83.	2292.1	Provision for temporary family health care structure	No	No reference	<p>The Zoning Ordinance does not establish "temporary health care" as a permitted use; therefore, it is not allowed in any zoning districts.</p> <p><b>Recommend defining temporary health care and temporary health care structure to mirror the requirements of this Section of the Code of Virginia and regulate the use of these facilities in accordance with the Code of Virginia requirements.</b></p>
84.	2293	Airspace subject to zoning ordinances	No	No reference	<p>The Zoning Ordinance does not include language that subjects the airspace to the regulations of the Ordinance, though this may be occurring in practice.</p> <p><b>Recommend including this language as written in the Code of Virginia.</b></p>
85.	2293.1	Amateur radio antenna placement	N/A	N/A	<p>This Section of the Code of Virginia only applies to localities that had a population density of 120 persons or less per square mile according to the 1990 U.S. Census.</p> <p>Hopewell's population density in 1990 was approximately 2,225 people per square mile; therefore, this Section of the Code of Virginia does not apply.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
86.	2293.2	Regulation of helicopter use	Yes	No reference	<p>This Section of the Code of Virginia provides for localities to require zoning permits for repetitive helicopter landings and departures on the same parcel of land.</p> <p>The Zoning Ordinance inherently complies with this Section of the Code of Virginia. The Ordinance does not address helicopter use; thus, it is prohibited.</p>
87.	2294	Airport safety zoning	Yes	Not Included	<p>Hopewell neither has a licensed airport or U.S. government or military air facility within City limits nor has approach slopes or other safety zones of a licensed airport in airspace “over” City limits. Fort Gregg-Adams is immediately adjacent to the City but does not have infrastructure that supports the use of aircraft. Therefore, airport safety zoning does not need to be included in the Zoning Ordinance.</p> <p>The Zoning Ordinance complies with this Section of the Code of Virginia.</p>
88.	2295	Optional aircraft noise attenuation ordinances	Optional, Not Included	No reference	The Zoning Ordinance does not include noise standards related to aircrafts/airports. <i>See Line Item #86, above.</i>
89.	2295.1	Optional mountain ridge construction ordinances	N/A	N/A	The City of Hopewell does not have mountain ridges that meet this Code of Virginia definition; therefore, this Section of the Code is not applicable.
90.	2295.2	Optional authority to create zoning modification in dam break inundation zones	N/A	N/A	<p>This Section of the Code of Virginia allows a locality to, by ordinance, require modification of an application for zoning modification, a conditional use permit, or a special exception for the area of a development that is proposed within a mapped dam break inundation zone.</p> <p>The City of Hopewell does not have any designated dam break inundation zones (<i>Source: DCR, Virginia Flood Risk Information Systems (VFRIS) map</i>).</p> <p><b>Should dam break inundation zones be introduced, it is recommended to exercise this provision.</b></p>
91.	2296	Conditional zoning – legislative policy	No	No reference	<p>The Zoning Ordinance mentions conditional zoning as a requirement to be on concept plans in Article XVI, Section E; However, there is no other process information listed.</p> <p><b>Recommend creating a Section for conditional zoning information and processes, including rezonings with proffers. It is recommended to follow the language outlined in the Code of Virginia and include references to such.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
92.	2297	Conditional zoning - rezoning/map amendments	Optional, Not Included	No reference	<p>The Zoning Ordinance does not include any language or provisions for voluntary proffers by owners.</p> <p>If desired, language from this Section of the Code of Virginia can be incorporated to allow for voluntary proffers by the owner.</p>
93.	2298	Conditional zoning - high-growth amendments	No	No reference	<p>This Section of the Code of Virginia establishes that the Zoning Ordinance must provide for the voluntary proffering of reasonable conditions, by the owner, prior to a public hearing before the governing body provided that (i) the rezoning itself gives rise to the need for the conditions; (ii) the conditions have a reasonable relation to the rezoning; and (iii) all conditions are in conformity with the comprehensive plan as defined in § 15.2-2223.</p> <p>This Section applies to (i) any locality which has had population growth of 5% or more from the next-to-latest to latest decennial census year; (ii) any city adjoining such city or county; (iii) any towns located within such county; and (iv) any county contiguous with at least three such counties and any town located in that county.</p> <p>While the City of Hopewell did not exceed a growth rate of 5% between 2010-2020, Prince George County had a growth rate of 20.39% and Chesterfield County had a growth rate of 15.5%. Language regarding conditional zoning is not currently provided in the Zoning Ordinance and is recommended for inclusion to comply with this Section of the Code of Virginia. <i>See Line Items #94 - #97.</i></p>
94.	2299	Conditional zoning - enforcement	Partial	Article XXII: Section A, Article XVI, Section I	<p>Article XXII of Hopewell's Zoning Ordinance includes (i) and (ii) from this Section of the Code of Virginia, and Article XVI states that "a bond or surety guarantee may be released in full or in part upon satisfactory completion of applicable improvements and the permanent stabilization of the site against erosion and sedimentation." However, this statement in Article XVI is not directly addressing the need for a guarantee related to completion of conditions included in a conditional zoning procedure. The Ordinance also lacks clear language regarding conditional zoning processes.</p> <p>Recommend including language from (iii) of this Section of the Code of Virginia. Recommend including clear language regarding conditional zoning. <i>See Line Items #93 - #97.</i></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
95.	2300	Conditional zoning - records	No	No reference	Hopewell's Zoning Ordinance does not include language provided in this Section of the Code of Virginia.  <b>Recommend including language in the Zoning Ordinance that requires accepted proffers to be indexed, recorded, and maintained in the office of the Zoning Administrator, along with language that outlines procedures for the keeping and maintenance of such index. Including direct reference to this Section of the Code of Virginia is also recommended.</b>
96.	2301	Conditional zoning – petitions for review of decision	Partial	Article XVI: Section N	Hopewell's Zoning Ordinance provides similar appeal language in Article XVI, Section N. It does not specifically specify that it applies to Conditional Zoning, however, it is implied with this statement from the Ordinance: "Any person aggrieved or any officer, agency, department, board, commission or authority of the city affected by any decision (a) of the director of planning or (b) by any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this article and the zoning ordinance may appeal such decision to the board of zoning appeals (BZA)".  <b>Recommend including all language provided in, and a reference to, §15.2-2301 of the Code of Virginia.</b>
97.	2302	Conditional zoning - amendments and variations	No	No reference	Hopewell's Zoning Ordinance does not provide language from this Section of the Code of Virginia.  <b>Recommend including the language provided in, and a reference to, §15.2-2302 of the Code of Virginia.</b>
98.	2303	Conditional zoning - certain localities	N/A	N/A	This Section of the Code of Virginia does not apply to the City of Hopewell; the City is not within a county that utilizes the urban county executive form of government.
99.	2303.1	Binding development agreements - certain localities	N/A	N/A	This Section of the Code of Virginia only applies to New Kent County.

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
100	2303.1:1	Cash proffer option - process	No	No reference	<p>This Section of the Code of Virginia provides that cash proffers cannot be accepted until after final inspection and prior to certificate of occupancy. The Zoning Ordinance does not include specific language for cash proffers for residential construction on a per-dwelling unit or per-home basis.</p> <p><b>The City of Hopewell already accepts cash proffers, but it is recommended to update the Zoning Ordinance to include language to conform to this Section of the Code of Virginia.</b></p>
101	2303.2	Proffer cash payments and expenditures - process	No	No reference	<p>Although the Ordinance mentions cash proffers, it does not provide any language or provisions for these payments or proffers.</p> <p><b>Recommend that Hopewell's Zoning Ordinance include language addressing procedures for the expenditure, tracking, and monitoring of cash proffers as outlined in this Section of the Code of Virginia.</b></p>
102	2303.3	Cash proffer requested or accepted conditions - process	No	Article XVI: Section B	<p>Hopewell's Zoning Ordinance requires that cash proffers be submitted at the time of submission of a site plan or plat. Therefore, it is assumed that cash proffers are required prior to the issuance of a building permit for construction on a property that is the subject of a rezoning. The Ordinance should be clear in that this is not required, pursuant to this Section of the Code of Virginia.</p> <p><b>Recommend incorporating the requirements for a locality to accept a cash proffer, as outlined in this Section of the Code of Virginia.</b></p>
103	2303.4	Provisions applicable to certain proffers	No	No reference	<p>This Section of the Code of Virginia provides that no locality can require an unreasonable proffer for residential development or uses but allows on-site and off-site proffers that the applicant deems reasonable. Hopewell's Ordinance does not provide any procedural regulations for proffers of any kind.</p> <p><b>Recommend incorporating the language from this Section of the Code of Virginia and providing a reference in the Zoning Ordinance as a best practice.</b></p>
104	2304	Affordable dwelling ordinances - certain localities	N/A	N/A	<p>This Section of the Code of Virginia is only applicable to the Counties of Albemarle and Loudoun, and the Cities of Alexandria and Fairfax.</p>



	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
105	2305	Affordable dwelling ordinances	Optional, Not Included	No reference	<p>This Section of the Code of Virginia allows localities to establish an affordable housing dwelling unit program to address housing needs. Affordable housing is not referenced or addressed in the current Zoning Ordinance.</p> <p><b>This Section of the Code of Virginia is an optional provision that may be considered.</b></p>
106	2306	Optional historical site preservation	Optional, Included	Article IX-A Article XIV	<p>The Zoning Ordinance establishes the Tourist/Historic District (TH-1) and the Downtown Central Business District (B-1), which are districts intended to create attractive surroundings for tourists who are interested in the historic significance of the area.</p> <p><b>Hopewell may wish to consider establishing a historic entrance corridor overlay district under this provision of the Code of Virginia as an additional measure of historical site preservation.</b></p>
107	2306.1	Establishment of working waterfront development areas	Optional, Not Included	No reference	<p>The Zoning Ordinance does not contain any designated working waterfronts.</p> <p><b>Hopewell may wish to consider whether any areas along the Appomattox or James Rivers should be designated as working waterfront development areas, and Zoning Ordinance regulations adopted accordingly.</b></p>
108	2307	Protection of vested rights for non-conforming uses	Partial	Article XVII	<p>Article XVII of the Zoning Ordinance provides for nonconforming structures and uses.</p> <p><b>Recommend outlining the full extent of this Section of the Code of Virginia. This would include, but not be limited to, the establishment of vested rights, vested rights in nonconformities, timeframes for reconstruction, nonconforming signage, and damage done by natural disasters.</b></p>
109	2307.1	Commercial fishing	N/A	N/A	<p>This Section of the Code of Virginia requires commercial fishermen to register locally. While Hopewell is on the James River, it is far enough inland that commercial fishing is not an industry in the locality, and this Section of the Code of Virginia does not apply.</p>
110	2308	Zoning appeal board	Yes	Article XIX	<p>Various Sections of Article XIX in the Hopewell Zoning Ordinance include the language in this Section of the Code of Virginia.</p>
111	2308.1	Boards of zoning appeals, ex parte communications, proceedings.	No	No reference	<p>The Zoning Ordinance does not include language addressing ex parte communications.</p> <p><b>Recommend adding this language and including direct reference to this Section of the Code of Virginia.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
112	2309	Zoning appeal board powers and duties	Partial	Article XIX: Section B	<p>Article XIX of Hopewell’s Zoning Ordinance provides a list of the powers and duties of the Board of Zoning Appeals, including some verbatim language from the Code of Virginia. However, not all items are listed, and references to the Code of Virginia are outdated.</p> <p><b>Recommend reviewing and updating to ensure all appropriate items are listed. Recommend updating all references of the Code of Virginia to match the most up-to-date version of this Section. While included as an optional provision of the Code of Virginia and may be occurring in practice, recommend fixing a schedule of regular meetings through resolution as a best practice.</b></p>
113	2310	Application for special exceptions and variance	Partial	Article XIX: Section B Article XXI: Section D	<p>The Zoning Ordinance provides application procedures for conditional use permits and variances; however, the text would benefit from stronger organization and clear inclusion of all required language from the Code of Virginia. Additionally, included references are outdated and need to be updated.</p> <p><b>Recommend updating to the outdated reference to Code of Virginia § 15.2-2204. Recommend updating all text addressing procedures for variances and conditional use permits to fully address application procedures, incorporate stronger organization, and include additional specificity. Recommend including the definition of “variance” as provided for in the Code of Virginia.</b></p>
114	2311	Optional appeals to Board of Zoning Appeals - process	Optional, Partially Included	Article XIX: Section D	<p>The Zoning Ordinance includes language from letters A and B in this Section of the Code of Virginia. The Zoning Ordinance excludes letters C and D from this Section of the Code of Virginia.</p> <p><b>Recommend adding language that is taken from, or closely aligns with, §15.2-2311.B, C, and D of the Code of Virginia. As a best practice, recommend adding a reference to §15.2-2311.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
115	2312	Appeals to Board procedure - process	Yes	Article XIX: Section F	The Zoning Ordinance includes language from this Section of the Code of Virginia almost verbatim; however, the Zoning Ordinance requires a decision within 60 days, which does not comply with the Code of Virginia requirement of 90 days.  The 60-day timeframe is less than the maximum 90-day timeframe; therefore, the Zoning Ordinance complies with this Section of the Code of Virginia. <b>However, Hopewell can consider updating the Zoning Ordinance to allow the maximum 90-day timeframe for a decision on an appeal.</b>
116	2313	Prevention of construction not in accordance with ordinance - process	No	No reference	This Section of the Code of Virginia allows the court to hear issues regarding building construction that may be in violation of the Zoning Ordinance without going to the Board of Zoning Appeals.  <b>Recommend including the language provided in this Section of the Code of Virginia.</b>
117	2314	Writ of Certiorari to review Board's decision	Yes	Article XIX: G	The Zoning Ordinance includes exact language from this Section of the Code of Virginia.
118	2315	Conflict of state and local ordinance	No	Article XV: D Article XV-A: Section D	Text for the Floodplain District and CPBA-O district includes language stating that whenever the regulations of those Articles conflict with any state or federal statute or regulation, the more restrictive shall govern. However, this is applicable to the entire Zoning Ordinance as provided for in the Code of Virginia and should be stated as such.  <b>Recommend including language that stating where provisions of the Zoning Ordinance conflict with state or federal statutes, the more restrictive shall govern, and include direct reference to this Section of the Code of Virginia.</b>
119	2316	Validation of ordinances prior to 1971	N/A	N/A	Hopewell's Zoning Ordinance became effective on November 8, 1979; therefore, this Section of the Code of Virginia does not apply.
120	2316.1	Definitions regarding transfer of development rights (TDRs)	Optional, Not Included	No reference	This Section of the Code of Virginia provides definitions for Transfer of Development Rights programs. Hopewell does not include a transfer of development rights program in the Zoning Ordinance.

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
121	2316.2	Optional provisions for transfer of development rights	Optional, Not Included	No reference	<p>This Section of the Code of Virginia allows localities the option to establish TDR programs, in which a locality may designate receiving areas/properties that shall receive development rights <u>only</u> from certain sending areas/properties. This is typically used by counties as a rural area preservation tool.</p> <p>Hopewell's Zoning Ordinance does not include TDR standards or procedures. As an urban/suburban locality, TDR is not a typical best practice utilized in land use planning.</p>
122	2316.3	Definitions regarding small cell facilities	No	No reference	<p>This Section of the Code of Virginia establishes the definitions for telecommunications facilities. The Zoning Ordinance includes telecommunications towers as a permitted use [with a Conditional Use Permit] in the Limited Commercial (B-2) District and the Highway Commercial (B-3) District but does include definitions.</p> <p><b>Recommend updating the Zoning Ordinance to include the applicable telecommunications definitions of § 15.2-2316.3 of the Code of Virginia. Recommend adoption of telecommunications standards for application, review, and fees, as provided for in the Code of Virginia.</b></p>
123	2316.4	Permitting and review of small cell facilities	No	No reference	<p>The Zoning Ordinance does not include regulations or language for small cell facilities.</p> <p><b>Regulations pertaining to small cell facilities should be added to comply with this Section of the Code of Virginia.</b></p>
124	2316.4:1	Zoning; Other wireless facilities	No	No reference	<p>The Code of Virginia §15.2-2316.4:1 requires that localities cannot require a special use permit, special exception, or a variance for "administrative-review eligible projects." The Zoning Ordinance does not define "administrative-review eligible projects."</p> <p><b>Recommend updating the Zoning Ordinance's definition Section to include all definitions included in the Code of Virginia § 15.2-2316.3 and amending the Zoning Ordinance to establish administrative review-eligible projects, as defined in the Code of Virginia, as a by-right use.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
125	2316.4:2	Application reviews for small cell facilities	No	No reference	<p>This Section of the Code of Virginia establishes the guidelines for the review of applications for small cell facilities. It explicitly prevents applications from being denied for various reasons and states the type of requirements that localities cannot require in their applications. The Zoning Ordinances does not include regulations or language for small cell facilities.</p> <p><i>See Line Items #121 and #122 for recommendations.</i></p>
126	2316.4:3	Additional provisions for zoning applications of telecommunications facilities	No	No reference	<p>This Section of the Code of Virginia establishes that localities cannot require zoning approval for routine maintenance or for the replacement of existing wireless facilities.</p> <p><b>Recommend including a statement to the “telecommunication facility” standards that states, “A locality shall not require zoning approval for (i) routine maintenance or (ii) the replacement of wireless facilities or wireless support structures within a six-foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller” and a reference to § 15.2-2316.4:3 of the Code of Virginia.</b></p>
127	2316.5	Moratorium on zoning applications from wireless service providers prohibited	Yes	No Reference	Hopewell does not have a moratorium on zoning applications from wireless service providers. The Zoning Ordinance therefore complies with this Section of the Code of Virginia.
128	2316.6	Siting of solar projects and energy storage projects – definitions	N/A	No reference	<p>This Section of the Code of Virginia provides definitions that pertain to § 15.2-2316.6 et. seq. of the Code of Virginia.</p> <p>Hopewell does not currently include mention of solar projects or energy storage facilities in the Zoning Ordinance; therefore, these uses are prohibited, and this Section of the Code of Virginia does not apply. No definitions are required for inclusion.</p>
129	2316.7	Negotiations; siting agreement	N/A	No reference	<p>This Section of the Code of Virginia requires that any applicant for a solar project or an energy storage project give written notice to the locality and request a meeting, where applicant and locality shall discuss and negotiate a siting agreement. This Section of the Code of Virginia also provides language for siting agreements contents.</p> <p>This Section of the Code also only applies for sites larger than 5 MW. If Hopewell desires to permit such projects over 5MW, then consideration can be given to drafting siting agreement language considering general impacts.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
130	2316.8	Powers of host localities	N/A	No reference	<p>This Section of the Code of Virginia states the powers of localities regarding the siting of solar facilities. Powers include: i. hiring consultants, ii. discussing a siting agreement with an applicant, iii. entering into a binding siting agreement; and presenting the agreement at a public hearing.</p> <p>No action is required for compliance; the City of Hopewell only needs to be aware of it.</p>
131	2316.9	Effect of executed siting agreement; land use approval	N/A	No reference	<p>This Section of the Code of Virginia states that all land use approvals shall be necessary for a solar facility, a siting agreement shall deem the project in accordance with a Comprehensive Plan, but other land use approvals will be required; and that a governing body cannot deny approval solely based on the absence of a siting agreement.</p> <p>This Section of the Code also only applies for sites larger than 5 MW. If Hopewell desires to permit such projects over 5MW, then consideration should be given to when/if they want to accept siting agreements or use a Comprehensive Plan Review as provided for in Code of Virginia §15.2-2232.</p>
132	2317	Article 8 – Road Impact Fees - Applicable to 20k persons +5% growth, or 15% growth	N/A	N/A	<p>This Section of the Code of Virginia speaks to road impact fees but is only applicable with localities with a population of 20,000 and at least a 5% growth rate, or localities with over 15% growth rate.</p> <p>The City of Hopewell’s population exceeds the 20,000 population threshold; however, the City’s growth rate did not exceed 5% between 2010 and 2020, as measured by the U.S. Census. This Section of the Code of Virginia therefore does not apply to the City of Hopewell.</p>
133	2318	Definitions	<i>Required if Road Impact Fees Ordinance Adopted,</i>  N/A	N/A	This Section of the Code of Virginia includes definitions for terms relating to road impact fees.
134	2319	Impact fee authority		N/A	This Section of the Code of Virginia allows applicable localities to impose road impact fees on new developments to pay all or part of the cost of reasonable road improvements that benefit new development.
135	2320	Impact fee service area establishment		N/A	This Section of the Code of Virginia states that applicable localities shall delineate one or more impact fee service areas within its comprehensive plan.
136	2321	Adoption of road improvement program (must be done prior to impact fee adoption)	<i>Required if Road Impact Fees Ordinance</i>	N/A	This Section of the Code of Virginia requires that prior to adopting any system of impact fees, road improvements needs must be assessed – and adopt a road improvements plan after a public hearing.



	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
137	2322	Adoption of impact fee, schedule	<i>Adopted,</i>	N/A	This Section of the Code of Virginia requires that an adopted ordinance or regulation for impact fees contain a schedule of fees.
138	2323	Applicability of fees	N/A	N/A	This Section of the Code of Virginia requires that an adopted ordinance or regulation for impact fees contain a schedule of fees.
139	2324	Credit against fees		N/A	This Section of the Code of Virginia requires that the value of any dedication, contribution, or construction from the developer for off-site road or other transportation improvements benefiting the impact fee service area shall be treated as a credit against the impact fees project.
140	2325	Updating plan of impact fee		N/A	This Section of the Code of Virginia requires that the road improvement plan, that is the basis of the impact fees, be updated every two years; with amendments to impact fee schedule, as appropriate.
141	2326	Proceeds use		N/A	This Section of the Code of Virginia requires that a road improvement account be established for the impact fee service area and all funds collected through impact fees shall be deposited in an interest-bearing account. Interest earned on deposits becomes funds of the account. The use of the funds shall be for road improvements benefiting the impact fee service area.
142	2327	Refund of impact fee	<i>Required if Road Impact Fees Ordinance Adopted,</i>  N/A	N/A	This Section of the Code of Virginia requires that a locality refund any impact fee for which construction of a project is not completed within a reasonable period of time, not to exceed fifteen years.
143	2328	Applicability of Impact Fees	N/A	N/A	This Article of the Code of Virginia applies to “urban counties” – which is a county with a population of greater than 90,000, according to the United States Census of 2000.
144	2329	Imposition of impact fees	N/A	N/A	This Article of the Code of Virginia applies to “urban counties” – which is a county with a population of greater than 90,000, according to the United States Census of 2000.

	Additional Comments	Consultant Recommendations
1.	General Comments	<p>Currently, there are outdated references to various Sections of the Code of Virginia throughout the Zoning Ordinance. The City of Hopewell should update these outdated references to adhere to the current Code of Virginia numbering system.</p> <p>Several sections of the Ordinance are also not compliant with what is permissible by the Code. For example, Article XVI, Section L, provides that upon denial of a residential lot plan, the applicant may petition the matter to be heard by the Planning Commission. However, the Planning Commission does not have this authority, and the text should be updated to reflect an appeal being heard by the Board of Zoning Appeals.</p> <p>Furthermore, there are many inconsistencies throughout the Zoning Ordinance. These should be corrected to provide clear and thorough regulations and prevent confusion during administration. Another example is text in Article XVI which allows the Department Director to modify zoning ordinance requirements through the site plan; however, other modification provisions require approval from either City Council or the Board of Zoning Appeals for deviations.</p>
2.	Organization	<p>The Zoning Ordinance would benefit from a reorganization of content. Organizing the Ordinance in a strategic and clearly organized manner will provide staff and the community with a more user-friendly document, streamlining application and development procedures and making efficient use of staff time and resources.</p> <p>The Berkley Group recommends the following organization: General Provisions (i.e, effective date, severability, applicability, jurisdiction, conflict); Permits and Applications; Primary Districts (including dimensional standards); Overlay Districts; Use Matrix; Use Performance Standards; Community Design Standards; Nonconformities; Subdivision; and Definitions. This can be modified with consideration for the specific administration needs identified by City staff.</p>
3.	Definitions	Update the definitions article to define both all permitted uses and all state-mandated uses/terms to ease administration and reduce the need for interpretations. Staff has noted several uses that need a definition clarified or established, with examples including “single-family dwelling” and “dog grooming”.
4.	Uses/Use Matrix	<p>Uses for each district should be comprehensively reviewed, updated, and streamlined for all permitted and conditional uses. Outdated terms should be removed (e.g., rooming house) and modern uses (e.g., mobile restaurant, short-term rental) should be introduced. Furthermore, some uses could be consolidated into one broad use category (e.g., delicatessen and grocery stores can be combined into one term). Uses should also be reviewed to make sure they are being permitted in appropriate zoning districts; for example, low-impact uses such as a photography studio can be permitted in all business districts, and could also be included as a home occupation in residential districts.</p> <p>Many localities utilize a composite use matrix that shows all zoning districts, uses, how those uses are regulated, and whether use performance standards apply. Hopewell should decide if a use matrix is something desirable to include in the Zoning Ordinance, in lieu of listing the uses in each districts’ respective article.</p>

	Additional Comments	Consultant Recommendations
5.	Enforcement	Pursuant to Code of Virginia § 15.2-2209, consider establishing civil penalties as a first step for violations of the Zoning Ordinance. This will ease the burden of administration for minor violations. The Code of Virginia allows for a penalty of \$200 for the initial summons, and \$500 for each additional summons.
6.	Fees / Fee Schedule	The Code of Virginia requires that zoning and land use fees are adopted by ordinance. Hopewell's Zoning Ordinance does include fees; however, it is recommended to remove the existing administrative fee structure from the Zoning Ordinance and adopting a separate ordinance which would include all City fees, including those associated with zoning. This allows ease of review, editing, and facilitation of public hearings during annual budgeting processes.
7.	Cash Proffers	Although the Zoning Ordinance mentions cash proffers, it does not provide any language or provisions for these payments or proffers. The Ordinance should be updated to address procedures for the expenditure, tracking, and monitoring of cash proffers as provided for in the Code of Virginia.
8.	Telecommunications	Definitions and regulations for telecommunications uses and facilities should be established to comply with new Code of Virginia requirements and latest technologies. Recommend providing use standards that offer design guidelines and preferred locations for these facilities.
9.	Setback and Site Dimension Chart	Recommend consolidating all setback and site dimension information into one table for each zoning district, which can include maximum height, setbacks, lot size, lot width, etc. This provides ease for the reader and provides one place for each districts' dimension information. Setbacks should also be assessed for each zoning district to ensure they are appropriate and in line with the goals and desires of the City and its residents.
10.	Use Standards	<p>It is recommended to review current uses supplied in the Zoning Ordinance and determine where use standards should be created to ensure greater control over certain by-right uses, promote aesthetically pleasing development, and mitigate negative external impacts on surrounding properties. City staff has specifically noted the potential need to include use standards for uses such as auto uses and assembly hall; use standards are also recommended for high-impact uses such as truck stops and outdoor storage.</p> <p>Use standards should be organized in one article for ease of administration and to ensure standards are consistently applied for uses.</p> <p>Specific recommendations for use standards – and uses – will evolve as a Zoning Ordinance update is initiated and staff and community input show what uses are needed, along with the level of regulation desired to ensure balance for everyone.</p>
11.	Solar Facilities	The Zoning Ordinance does not include language on solar facilities. The City of Hopewell should consider including small-scale solar facilities as a use, provide standards, and add definitions. If included, provide reference to the Code of Virginia.

	Additional Comments	Consultant Recommendations
12.	Signs	<p>Regulations for signs are supplied in Article XVIII. It was observed that the current sign regulations are not content neutral as required under the findings of Supreme Court case <i>Reed v. Town of Gilbert</i>. Any future sign regulations should pay respect only to the physical sign type and not its supplied content for compliance with the aforementioned court case.</p> <p>Additionally, sign permissions are internally inconsistent. For example, roof mounted signs are included as prohibited in all districts, but they are included under permissible sign types in certain B and M districts.</p>
13.	Nonconforming Uses, Lots, and Structures	<p>Nonconformities are addressed in Article XVII. However, current provisions for the replacement of nonconforming structures do not comply with Code of Virginia regulations. Additionally, the Ordinance needs to be updated to address replacement of manufactured housing as provided for by the Code of Virginia.</p> <p>Recommend reorganization of the article to clearly differentiate between procedures for nonconforming uses, lots, and structures.</p>
14.	Ordinance Review	<p>As a best practice, the Zoning Ordinance should be reviewed annually by City staff and the Planning Commission to incorporate updates to reflect new provisions of the Code of Virginia, identify new uses, and as identify and remedy problematic regulations and processes. City Council can also participate in annual reviews if desired. This maintenance technique is a best practice to keep Hopewell’s land use tools relevant and responsive to the needs of the community.</p>
Source: <a href="https://law.lis.virginia.gov/vacode/title15.2/chapter22/">https://law.lis.virginia.gov/vacode/title15.2/chapter22/</a>		

# **Appendix F**

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**Subdivision Ordinance  
Code of Virginia  
Diagnostic Matrix**

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
1.	2209.1.1	Extension of approvals to address the COVID-19 pandemic.	N/A	N/A	Due to the COVID-19 pandemic, this Section of the Code of Virginia extends approvals of plats, final site plans, special exceptions, special use permits, and rezoning to July 1, 2025 – and allows further extension of approval by locality.  <b>A text amendment is not necessary to comply with this Section of the Code of Virginia, but Hopewell should be implementing this in practice.</b>
2.	2240	Authority to develop subdivision ordinances	Yes	Preamble	The Preamble of the Subdivision Ordinance provides the authority to develop subdivision regulations in accordance with this Section of the Code of Virginia.  <b>Recommend providing a direct reference to this Section of the Code of Virginia for clarity.</b>
3.	2241 (A)	Mandatory provisions of a subdivision ordinance:	– (See below)		See line items #4 - #14.
4.	(1)	Plat standards under Virginia Public Records Act	No	No reference	The Subdivision Ordinance does not reference the Public Records Act.  <b>Recommend updating plat requirements to reference the Virginia Public Records Act (Code of Virginia § 42.1-82).</b>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
5.	(2)	Street coordination regulations	Yes	Section 7-4-1	<p>Article 7 adequately provides regulations for coordination of new streets and their access requirements.</p> <p>The Subdivision Ordinance complies with this Section of the Code of Virginia. However, recommend providing a direct reference to this Section of the Code of Virginia for additional clarity. Consider providing additional regulations related to street names, curb and gutter, and cul-de-sacs. Consider permitting alleys and adding clear standards in accordance with planning best practices and to create consistency with the City's Comprehensive Plan.</p>
6.	(3)	Drainage, flood control, impounding structures, dam break inundation zones, light and air, soil characteristics	Partial	Preamble, Section 1-1, Section 7-3, Section 7-4-5, Section 7-8 Section 7-4-10	<p>The Preamble includes “providing for adequate provisions for drainage and flood control and other public purposes, and for light and air”. Article 7 of the Subdivision Ordinance provides restrictions for land in the 100-year flood plain, drainage improvements, and provides design criteria for utilities such as drainage.</p> <p>Currently, there are no dam break inundation zones. If any are introduced, plat requirements will need to be updated.</p> <p><b>Recommend updating the Preamble text to align with this Section of the Code of Virginia and including direct reference.</b></p>



	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
7.	(4)	Street grading and improvement, water/storm/sewer	Partial	Section 7-4-1, Section 7-8, Section 7-4-3, Section 7-4-4, Section 7-4-5	<p>The Subdivision Ordinance does not provide specific requirements for grade.</p> <p>Section 7-4-1 requires that all streets in a proposed subdivision be designed and constructed in accordance with standards set by the City of Hopewell and VDOT for acceptance into the City and state Road systems. The Ordinance also provides requirements for water, sewer, and storm drainage facilities.</p> <p><b>Recommend establishing and incorporating grade requirements and including direct reference to this Section of the Code of Virginia.</b></p>
8.	(5)	Acceptance of public use of ROW and other site-related improvements that require financing	Partial	Preamble, Section 2-40, Section 6-9-9, Section 7-4-13	<p>Article 6 of the Subdivision Ordinance requires that the following statement be on preliminary plats: “All parcels of land to be dedicated for public use and the condition of dedication.”</p> <p>The Preamble includes text verbatim from this Section of the Code of Virginia.</p> <p>Section 7-4-13 addresses bonding for public streets in either the form of a performance bond or a maintenance bond.</p> <p><b>Recommend providing direct reference to this Section of the Code of Virginia and including more specific text related to bonding and phasing.</b></p>
9.	(6)	Conveyance to utility, cable, etc. companies	No	Section 6-9, Section 7-4-7	<p>The Subdivision Ordinance states that the location and width of easements provided for drainage, water, sewer, power lines and other utilities in a subdivision must be approved by City Council. Section 7-4-7 provides that the City may require the subdivider to provide suitable drainage easements but does not include a similar provision for other utilities. This Section of the Code of Virginia requires that once an easement is conveyed for said purpose and a utility requests use of the easement, the request must be granted within 30 days.</p> <p><b>Recommend including the 30-day timeframe requirement for compliance with this Section of the Code of Virginia.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
10.	(7)	Monument regulations	Yes	Section 7-4-2	Section 7-4-2 provides monument regulations, including location.  <b>Recommend providing direct reference to this Section of the Code of Virginia to strengthen the Ordinance. Recommend requiring the location of monuments and materials to be shown on preliminary and final plats.</b>
11.	(8)	Plat recordation period	Yes	Section 6-14-3	Section 6-14-3 provides the six-month recording period for an approved plat.  The Subdivision Ordinance complies with this Section of the Code of Virginia.
12.	(9)	Administration and enforcement of ordinance (fees) - process	Yes	Section 6-6	Section 6-6 establishes the requirement of fees for every plat reviewed and provides when the fee should be submitted. This article also lists the specific amounts for each review type.  The Subdivision Ordinance complies with this Section of the Code of Virginia. Hopewell should consider adopting an administrative ordinance that exists separate from the Zoning/Subdivision Ordinances and lists all desired fee amounts.
13.	(10)	Sale of parcel to family member (2244) - process	Optional, Not Included	Preamble, Section 2-53	In accordance with Code of Virginia § 15.2-2244, Hopewell is not required to incorporate this provision, as it is an optional provision of the Code of Virginia. However, Article 2 allows a one-time division of a parcel to create a building site for a family member without going through the subdivision process. This requires City Council approval. <i><b>See Line Items #33-#35 for additional detail.</b></i>
14.	(11)	Release of performance guarantee (2245) - process	Partial	Preamble Section 7-4	The text from the Code of Virginia has been placed into the Preamble of the Subdivision Ordinance, referencing partial release of a bond, but Section 7-4 states that subdivider performance bonds shall not be released until construction is completed and approved upon inspection.  <b>Recommend updating the Subdivision Ordinance to include the periodic and partial release of performance bonds in accordance with the Code of Virginia § 15.2-2245 and eliminate conflicting language within the Ordinance regarding release of performance bonds.</b>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
15.	2241 (B)	Security Requirement must be related to project	No	No Reference	<p>This Section of the Code of Virginia states that bonds can only be required for improvements designated on the approved plat or plan. Section 7-4-13a states that a bond or certified check be made payable to the City of Hopewell in an amount equal to the total cost of improvements determined by the City.</p> <p><b>Recommend specifying that all performance bonds are required only for development pertaining to the subdivision of land and development of that land and including a reference to this Section of the Code of Virginia. This will improve clarity and compliance with the Code of Virginia.</b></p>
16.	2241.1	Bonding requirements – guarantees not required prior to construction plans	No	No reference	<p>This Section of the Code of Virginia provides that bonds are not required to be provided for public use facilities until the construction plans are provided. The Subdivision Ordinance does not contain this information.</p> <p><b>Recommend including specific language to allow for the provisions established in this Section of the Code of Virginia.</b></p>
17.	2241.2	Bonding requirements – decommissioning of solar energy equipment, facilities, or devices	N/A	No reference	<p>This Section of the Code of Virginia provides that as a condition of site plan approval, a locality must require the owner, lessee, or developer to enter into a written decommissioning agreement for solar energy equipment, facilities, or devices. Solar facilities are not a permitted use in the Zoning Ordinance; therefore, the use is prohibited and language regarding bonding and decommissioning is not required for inclusion.</p> <p><b>If solar energy facilities are ever introduced into the Zoning Ordinance as a permitted use, this Section of the Code of Virginia will need to be incorporated into the Subdivision Ordinance.</b></p>
18.	2242	Subdivision ordinance <b>optional</b> provisions:	– (See below)		<p>This Section of the Code of Virginia provides optional provisions. <i>See Line Items #19 – #30.</i></p>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
19.	(1)	Subdivision exceptions	Optional, Included	Section 8-1	<p>Section 8-1 provides the option of an exception authorized by City Council, where there is unnecessary hardship due to topographical or other peculiar conditions of the site.</p> <p><b>Consider adding additional provisions for exceptions through incorporation of text from this Section of the Code of Virginia. Recommend allowing the Board of Zoning Appeals (BZA) to review and grant exceptions instead of City Council as the BZA is familiar with determining hardship.</b></p>
20.	(2)	Public health official opinion or public system connection	Optional, Included	Section 6-16-1d, Section 7-4-3, Section 7-4-4	<p>Article 7 of the Subdivision Ordinance prohibits wells and septic tanks in new development. Article 6 establishes that if appropriate documentation has not been submitted stating that a parcel has an approved source of water and has the capability of providing sanitary sewer, there must be a note on a resubdivision plat saying the following: "The City of Hopewell has not approved this lot for water supply or sewerage disposal. A certification from the city or health department that such lots meet the requirements concerning water supply, sewerage disposal and well testing shall be required prior to any new construction in accordance with the provisions of the City of Hopewell Zoning Ordinance."</p> <p>The Subdivision Ordinance incorporates this Section of the Code of Virginia.</p>
21.	(3)	Maintenance disclaimer for private streets (non-VDOT)	N/A	Section 7-4-1	<p>Section 7-4-1 provides that all streets in a proposed subdivision must be designed and constructed to the standards established by the City of Hopewell and VDOT with a goal of acceptance into the city and state road system. This Section also explicitly states that no private street shall be platted in any subdivision; therefore, this Section of the Code of Virginia does not apply.</p>
22.	(4)	Voluntary funding of off-site road improvements	Optional, Not Included	No reference	<p>The Subdivision Ordinance does not include provisions for the voluntary funding and construction of off-site road improvements by a developer.</p> <p><b>Recommend that Hopewell include this optional provision and accompanying language, as written in this Section of the Code of Virginia.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
23.	(5)	Pro-rata reimbursement for roads	N/A	N/A	Not applicable to the City of Hopewell. This Section of the Code of Virginia applies only to Arlington County, Fairfax County, Loudoun County, Prince William County and any town located within such counties; in Bedford County, Pittsylvania County, Spotsylvania County, and Stafford County; or in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Hampton, Manassas, Manassas Park, and Portsmouth.
24.	(6)	Solar energy provision	Optional, Not Included	No reference	<p>The Subdivision Ordinance does not provide for establishing and maintaining access to solar energy.</p> <p><b>Currently, it is not recommended to add this provision to the Subdivision Ordinance, as the Zoning Ordinance does not provide for solar energy facilities. If solar energy facilities are ever introduced into the Zoning Ordinance, this Section of the Code of Virginia will need to be incorporated into the Subdivision Ordinance.</b></p>
25.	(7)	Escrowed funds pursuant to provision 5 of Section 15.2-2241	N/A	N/A	Not applicable to the City of Hopewell. This Section of the Code of Virginia only applies to town localities with a population between 14,500 and 15,000.
26.	(8)	Clustering of single-family dwellings and preservation of open space developments	N/A,	Section 7-7-2	<p>Between 2010 and 2020, the City of Hopewell had a population growth rate of 1.96%; therefore, this Section of the Code of Virginia is not applicable as the City does not meet the minimum 10% growth rate requirement. There are currently no clustering provisions in the Subdivision Ordinance, but there is a provision that requires the dedication of no more than 10% of the gross land area of the subdivision to the City of Hopewell for open spaces, parks, and playgrounds.</p> <p><b>Based on population growth as determined by the 2010 and 2020 U.S. Census counts, Hopewell is not required to provide clustering provisions to preserve open space. However, if there is interest in implementing this type of strategy, it is recommended to include precise cluster regulations in the Zoning Ordinance, and platting requirements in the Subdivision Ordinance.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
27.	(9)	Sidewalk provision	Optional, Included	Section 7-4- 11	<p>The Subdivision Ordinance requires the installation of sidewalks on both sides of residential streets classified as a minor collector or street of higher design standard and where densities exceed six families per net acre, acting as an approach to bus stops, schools, shopping centers, or another focal point.</p> <p><b>Recommend including language to align with this Section of the Code of Virginia more closely. This can be achieved by including provisions for further development or extension of an existing sidewalk to connect to new adjoining lots. This helps to maintain and improve pedestrian connectivity within developed areas.</b></p>
28.	(10)	Phase I Environmental Assessment provision	Optional, Not Included	No reference	<p>The Subdivision Ordinance does not provide requirements for Phase I environmental site assessments.</p> <p><b>Recommend including provision for requiring a Phase I environmental site assessment for subdivisions located on former industrial properties and referencing this Section of the Code of Virginia.</b></p>
29.	(11)	Disclosure and remediate provision	Optional, Not Included	No reference	<p>This Section of the Code of Virginia allows localities to require disclosure of any possible sources of contamination on subdivided land as well as require remediation prior to subdivision approval. This has not been included in the Subdivision Ordinance.</p> <p><b>Recommend including provision for requiring the disclosure of contamination and other adverse environmental conditions and including a reference to this Section of the Code of Virginia.</b></p>
30.	(12)	Dedication of land for sidewalk in the Northern Virginia Transportation District	N/A	N/A	<p>This Section of the Code of Virginia is only applicable to towns located in the Northern Virginia Transportation District: the Counties of Arlington, Fairfax, and Loudoun; the Cities of Alexandria, Falls Church, and Fairfax; and such other county or city contiguous to the district that agrees to join the district.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
31.	2243	Pro-rata optional payments	Optional, Included	Preamble	<p>This Section of the Code of Virginia allows a locality to provide for payments by a developer for the pro-rate share of utilities (water, sewer, and drainage) if located on land outside of the development.</p> <p>The Subdivision Ordinance provides this information in the Preamble. <b>Consideration can be given to including this information in Section 7-4, Improvements, to clearly address all obligations of improvements.</b></p>
32.	2243.1	Dam break inundation zone payment	N/A	N/A	<p>There are currently no dam break inundation zones in the City of Hopewell. (<i>Source: DCR, Dam Break Inundation Zones Map</i>).</p> <p><b>If dam break inundation zones are introduced, this Section of the Code of Virginia will need to be incorporated into the Subdivision Ordinance.</b></p>
33.	2244	Subdivision must provide for family conveyance	Optional, Included	Section 2-53	<p>This Section of the Code of Virginia is only applicable to counties; however, Section 2-53 provides a one-time division of land to create a building site for a family member without going through the subdivision process, by approval from City Council.</p> <p><b>Recommend adding clear provisions for granting one-time land divisions to immediate family and adding a clear definition of “immediate family” as provided by the Code of Virginia.</b></p>
34.	2244.1	Additional family conveyance option	Optional, Not Included	No reference	The Subdivision Ordinance does not provide any additional family conveyance options. Hopewell is not required to incorporate this Section into the Subdivision Ordinance.
35.	2244.2	Conveyance to family trust beneficiaries’ option	Optional, Not Included	No reference	The Subdivision Ordinance does not mention trust beneficiaries with family subdivisions. Hopewell is not required to incorporate this Section into the Subdivision Ordinance.



	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
36.	2245	Subdivision performance guarantees – periodic partial and final release	Partial	Section 7-4	<p>The Subdivision Ordinance does not provide for partial release of performance guarantees. Section 7-4 requires that a performance bond cannot be released until construction of improvements is complete, inspected, and approved. There is also no reference to the 30-day limit for release after written notice of completion provided by this Section of the Code of Virginia.</p> <p><b>Recommend incorporating procedures for partial release of performance guarantees and the process for release, including the 30-day period provided by the Code of Virginia, for full compliance.</b></p>
37.	2245.1	Cannot require removal of trees for stormwater pond	Yes	No reference	The Subdivision Ordinance does not allow for the removal of trees for stormwater management ponds (no mention is made); therefore, it complies with this Section of the Code of Virginia.
38.	2246	Site plans in accordance with zoning ordinance	Yes	Section 6-10	<p>Section 6-10 of the Subdivision Ordinance states that the Planning Commission shall discuss preliminary plats with subdivider to determine whether it conforms with the requirements of the Zoning Ordinance, Subdivision Ordinance, or any other applicable City plans or ordinances.</p> <p>The Subdivision Ordinance complies with this Section of the Code of Virginia. <b>Section text could be strengthened with a direct reference to this Section of the Code of Virginia.</b></p>
39.	2247	Applicability of subdivision ordinance to manufactured homes	N/A	N/A	Not applicable to Hopewell. This Section of the Code of Virginia is an optional provision for localities that do not have a zoning ordinance.
40.	2248	Application of subdivision <u>beyond</u> municipal limits (certain counties)	N/A	N/A	Not applicable to Hopewell. This Section of the Code of Virginia only applies to municipalities within the counties of Giles, Clarke, Culpeper, Loudoun, or Mecklenburg.
41.	2249	Application of subdivision <u>within</u> municipal limits (certain counties)	N/A	N/A	Not applicable to Hopewell. This Section of the Code of Virginia only applies to municipalities within the counties of Giles, Clarke, Culpeper, Loudoun, or Mecklenburg.
42.	2250	County municipality relations (certain counties)	N/A	N/A	Not applicable to Hopewell. This Section of the Code of Virginia only applies to municipalities within the counties of Giles, Clarke, Culpeper, Loudoun, or Mecklenburg.

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
43.	2251	Subdivision ordinance requirement	Yes	Section 8-4	<p>The Subdivision Ordinance provides that the Ordinance may be amended by the governing body, and details the notice and public hearing requirements, as well as the Planning Commission's role.</p> <p>The Subdivision Ordinance complies with this Section of the Code of Virginia.</p>
44.	2252	Filing of subdivision ordinance	No	No reference	<p>The Subdivision Ordinance does not detail this information.</p> <p><b>Recommend incorporating this filing and recording information with reference to this Section of the Code of Virginia. This statement can be included with the statement provided in Section 8-4 of the Subdivision Ordinance; see Line 43, above.</b></p>
45.	2253	Subdivision ordinance amendment process	Yes	Section 8-4	<p>The Subdivision Ordinance provides the process for amendments and includes that they can originate with or be submitted to the Planning Commission; therefore, it complies with this Section of the Code of Virginia.</p>
46.	2254	Statutory provisions of adopted ordinance	Partial	Section 5-1, Section 6-14-1, Section 8-2	<p>The Subdivision Ordinance includes some text from this Section of the Code of Virginia, including that no subdivision plat be recorded unless submitted, approved, and certified by the City Council in accordance with this Ordinance. Section 6-14-1 says that no plat shall be recorded until such has been approved by City Council and signed by the Mayor. Section 8-2 also provides penalty information for violations of the Subdivision Ordinance. Some of the statutory provisions outlined in the Code of Virginia, including information about filing or recordation of any plat and the sale and/or transfer of plats, are not included.</p> <p><b>Recommend strengthening these Sections of the Ordinance by including direct references to this Section of the Code of Virginia. Additionally, all text related to all statutory provisions should be provided in the Ordinance.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
47.	2255	Authority to administer/enforce ordinance	Partial	Section 4-1 Section 4-2	<p>Article 4 of the Subdivision Ordinance provides that the “agent, who shall be appointed by the governing body, is hereby delegated the responsibility and authority to administer this ordinance.” Section 4-2 authorizes the Agent to carry out the duties and responsibilities set forth by the City Charter and Code of Virginia, but neither references the Code of Virginia nor includes explicit information about those duties and responsibilities.</p> <p><b>Recommend updating the language to better align with this Section of the Code of Virginia and providing a direct reference to this Section.</b></p>
48.	2256	Procedure to account for fees for common improvements	No	No reference	<p>This Section of the Code of Virginia is for subdivisions that have an HOA, Board of Directors, or similar governing body. It states that the Board shall prepare an annual report of all fees collected and payments made for improvements.</p> <p><b>Recommend including a provision requiring a Board of Directors or HOA to submit a report on fees and disposition of funds for common improvements to the lot owners.</b></p>
49.	2258	Plat proposal factors to be submitted	Partial	Section 6-9, Section 6-13, Section 6-15	<p>Article 6 of the Subdivision Ordinance provides required items to be included on preliminary plats, final plats, and resubdivision plats. The Ordinance does not include a requirement to mark grave or burial sites on plats.</p> <p><b>Recommend including grave or burial sites as a required item to be shown on the plat in accordance with this Section of the Code of Virginia.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
50.	2259	Timely action on proposals - review process	Partial	Section 6-10, Section 6-14	<p>The Subdivision Ordinance provides the 60-day time period for review for the approval of preliminary and final plats in compliance with this Section of the Code of Virginia. However, it does not provide for the process and timing of forwarding plats to other state agencies and public authorities and procedures for denying a plat and outlining specific reasons of disapproval.</p> <p><b>Recommend including the process and timing of forwarding plats to other state agencies and public authorities, as well as including means for denying a plat and the following statement from this Section of the Code of Virginia, “the Planning Commission or other agent shall act on any proposed plat that it has previously disapproved within 45 days after the plat has been modified, corrected, and resubmitted for approval.”</b></p>
51.	2260	Provision for preliminary plat submission - process	No	Section 6-9	<p>Section 6-9 of the Subdivision Ordinance requires preliminary plats for subdivisions but does not specify that it is optional for subdivisions that are less than 50 lots.</p> <p><b>Recommend updating language in Article 6-9 to reflect preliminary plats for subdivisions of less than 50 lots being optional. This should be done for full compliance with the Code of Virginia.</b></p>
52.	2261	Recorded plats or final site plans to be valid for not less than five years, real property to a locality shall remain valid indefinitely	No	No reference	<p>The Code of Virginia requires final site plans be valid for five years or more, and new legislation states that if a recorded subdivision plat dedicates real property to a locality, then the approved final subdivision plats shall remain valid indefinitely. The Subdivision Ordinance does not include the language from this Section of the Code of Virginia.</p> <p><b>Hopewell should include language in Section 6-13 stating that recorded plats or final site plans shall be valid for at least 5 years, or valid indefinitely if dedicating real property to the City.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
53.	2261.1	Recorded plat or final site plans; conflicting zoning conditions	Partial	Section 5-4	<p>The Code of Virginia provides precedence for site plans that are approved but in conflict with zoning conditions from previous rezoning approvals. The Subdivision Ordinance states that when there is conflict between this [subdivision] ordinance and any other ordinance, the provisions of this [subdivision] ordinance shall apply. However, there is no provision for conflicts between recorded plats and plans and zoning conditions.</p> <p>Article XXII of the Zoning Ordinance includes language stating that “All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.” If the Subdivision Ordinance is integrated in the Zoning Ordinance as an Article – typically recommended by Berkley Group as a best practice – language addressing conflicts can be revised to ensure that the Zoning and Subdivision provisions are harmonious and there are no internal inconsistencies.</p> <p><b>Recommend updating the language address conflicts between recorded plats and plans in the Zoning Ordinance and incorporating reference to this Section of the Code of Virginia. Consideration should be given to incorporating the Subdivision Ordinance as an Article of the Zoning Ordinance.</b></p>
54.	2262	Requirements of plat	Yes	Section 6-1, Section 6-13, Section 7-4-8	<p>Section 6-1 of the Subdivision Ordinance requires certificates signed by a surveyor or engineer, with language closely mirroring this Section of the Code of Virginia, on the final plat. Section 7-4-8 requires that plans for all required improvements be prepared by a certified engineer or land surveyor.</p> <p>The Subdivision Ordinance complies with this Section of the Code of Virginia.</p>
55.	2263	Expedited review (certain counties) - process	N/A	N/A	This Section of the Code of Virginia only applies to the counties of Hanover, Loudoun, Montgomery, Prince William, and Roanoke, and the Town of Leesburg.
56.	2264	Statement of subdivision consent - process	Yes	Section 6-2	Section 6-2 of the Subdivision Ordinance contains language almost identical to the Code of Virginia, and therefore complies.

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
57.	2265	Recordation of approved plat - transportation implications	Yes	Section 6-7	Similar language is included in Section 6-7 of the Subdivision Ordinance but could be updated to include the reference to the Code of Virginia.  <b>Recommend strengthening the Subdivision Ordinance by including a reference to this Section of the Code of Virginia.</b>
58.	2266	Validation of plats prior to 1975	No	No reference	The Subdivision Ordinance does not mention plats recorded prior to January 1, 1975, or that they are declared valid and effective.  <b>Recommend incorporating this provision, and its corresponding Code of Virginia reference, into the Subdivision Ordinance for compliance.</b>
59.	2267	Petition to restrict access to certain public streets	Optional, Not Included	No reference	This Section of the Code of Virginia allows for a petition by two-thirds of a subdivisions' owners to restrict access to a subdivision – allowing only owners/inhabitants of the subdivision to have access.  <b>Hopewell may consider including this provision as set forth in this Section of the Code of Virginia; however, it is not recommended as a best practice.</b>
60.	2268	Localities not obligated to pay for grading, paving, etc.	Yes	Section 7-4	The Subdivision Ordinance states that “all required improvements shall be installed by the subdivider at his cost...” and complies with this Section of the Code of Virginia.
61.	2269	Plans and specifications for utility fixtures and systems to be submitted for approval	Partial	Section 7-4-3, Section 7-4-4, Section 7-5-5	The Subdivision Ordinance does not reference the 45-day timeframe for approval of any gas, water, sewer, or electric light or power works systems, as well as pipes, wires, and fixtures. The Ordinance should include that these systems should be approved by respective controlling authorities.  <b>Recommend updating the Ordinance to include the 45-day timeframe to comply with this Section of the Code of Virginia.</b>
62.	2270	Vacation of interest as condition of site plan - process	No	No reference	The Subdivision Ordinance does not include vacation methods for a locality's interest in streets, alleys, and easements pertaining to an approved site plan.  <b>Recommend including the specific language and a reference to this Section of the Code of Virginia.</b>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
63.	2271	Vacation of plat before sale - process	No	No reference	The Subdivision Ordinance does not include vacation methods for a plat before the sale of a lot.  <b>Recommend including the specific language and a reference to this Section of the Code of Virginia.</b>
64.	2272	Vacation of plat after sale - process	No	No reference	The Subdivision Ordinance does not include vacation methods for a plat after the sale of a lot.  <b>Recommend including the specific language and a reference to this Section of the Code of Virginia.</b>
65.	2273	Authority to charge fee for plat vacation - process	Optional, Not Included	No reference	The Subdivision Ordinance does not include methods for vacating approved subdivision plats; therefore, there are no fees included in the Ordinance for this process.  <b>Recommend including methods for plat vacation in the Ordinance and establishing a fee for the process. Additionally, Hopewell should consider adopting an administrative ordinance that exists separate from the Zoning/Subdivision Ordinances and lists all desired fee amounts.</b>
66.	2274	Effect of plat vacation	No	No reference	The Subdivision Ordinance does not reference the effects of plat vacation.  <b>Recommend incorporating language from this Section of the Code of Virginia for compliance.</b>
67.	2275	Authority to relocate boundary lines	Optional, Included	Section 6-16	Article 6 of the Subdivision Ordinance provides the process and requirements for relocating, vacating, or otherwise altering a parcel without creating an additional parcel.
68.	2276	Clerk duty for vacated plat - process	No	No reference	The Subdivision Ordinance does not detail vacation methods for plats.  <b>Recommend including the specific language and a reference to this Section of the Code of Virginia.</b>



	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
69.	2277	Franklin County may require that notice be given to deed grantees of certain disclaimers regarding responsibility for roads; county eligible to have certain streets taken into secondary system	N/A	N/A	This Section of the Code of Virginia only applies to Franklin County.
70.	2278	Vacating plat subdivision	No	No reference	The Subdivision Ordinance does not detail vacation methods for plats.  <b>Recommend including the specific language and a reference to this Section of the Code of Virginia.</b>
71.	2279	Authority to set homebuilding, setback lines, etc.	Optional, Included	Section 7-5	The Zoning Ordinance regulates off-street parking requirements, minimum lot size, minimum lot width, and setbacks. The Subdivisions Ordinance references compliance with the Zoning Ordinance for these items individually.  <b>Recommend including a direct provision that subdivision and development within subdivisions must comply with the Zoning Ordinance for complete clarity.</b>

	Additional Comments	Consultant Recommendations
1.	General Structure and Contents	Recommend combining the Subdivision Ordinance to be an Article of the Zoning Ordinance, rather than having two separate Ordinances. This will ease administration, synchronization, and updates. Additional recommendations for structure include: <ul style="list-style-type: none"> <li>• The addition of a table of contents would improve readability and administration.</li> <li>• Simplify language throughout for easier reading and interpretation. Avoid the use of jargon when possible.</li> <li>• Use a consistent Article numbering structure for the Zoning and Subdivision Ordinances (VIII or 8)</li> <li>• Update all Code of Virginia references to achieve full compliance with required items as needed and to reflect the most recently adopted provisions. <i>Also see Item 3, below.</i></li> </ul>
2.	Organization	In addition to incorporating the Subdivision Ordinance into the Zoning Ordinance, it is recommended to reorganize and move various provisions to better suited locations. An example is moving the one-time family subdivision provision from the definitions (Section 2-54) to live as its own statement with preliminary and final plat information (Article 6).
3.	Mandatory Provisions	Certain provisions in the Code of Virginia are required for localities to incorporate into a Subdivision Ordinance, and there are many that Hopewell is currently lacking or that are only partially integrated. Incorporating all missing information identified in this diagnostic will ensure compliance with the Code of Virginia and strengthen the City's ability to enforce the Ordinance.
4.	Conflicts with other Ordinances/Plans	The Subdivision Ordinance has several conflicts with the Zoning Ordinance and Comprehensive Plan. These documents should be cross-examined and amended accordingly to eliminate conflicts between provisions. As an example, the Zoning Ordinance allows private streets in a Planned Unit Development (PUD) upon approval of the governing body (Article VIII), but the Subdivision Ordinance states that no private street can be platted in a subdivision (Article 7).
5.	Subdivision Performance Guarantees	The Subdivision Ordinance is not in full compliance with Code of Virginia § 15.2-2245 as it does not provide for the partial release of performance guarantees or the 30-day timeframe for release. The Subdivision Ordinance should be updated to include these provisions to be in full compliance with the Code of Virginia.
6.	Preliminary Plat Requirements	The Subdivision Ordinance does not currently comply with Code of Virginia § 15.2-2260, as preliminary plats are only required for subdivisions of 50 lots or more. Hopewell's Ordinance required preliminary plats for all subdivisions. If desired, the City could include that preliminary plats may be submitted for review as part of a preapplication review, but this cannot be required for smaller subdivisions.
7.	Vacation of Plats	Provisions for, and the regulation of, plat vacations should be included in the Subdivision Ordinance. Incorporation of this is necessary to comply with the Code of Virginia § 15.2-2270 through § 15.2-2275.
8.	Definitions	It is recommended to assess and update definitions as needed to align with the Code of Virginia, and to prevent confusion and conflict. For example, City staff has indicated there is a need to amend the definitions of "alley", "street", and "frontage" to clarify that alleys cannot be used to meet frontage requirements.

		Recommend including all definitions for the Zoning and Subdivision Ordinances in one Article, as many terms are used throughout both Ordinances. Terms that are not used in the Subdivision Ordinance should not be included in the definitions – for example, “limited access expressway or highway” and “secretary”.
Source: <a href="https://law.lis.virginia.gov/vacode/title15.2/chapter22/">https://law.lis.virginia.gov/vacode/title15.2/chapter22/</a>		

# **Appendix G**

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**Zoning & Subdivision  
Ordinances**

**Chesapeake Bay  
Preservation Act  
Diagnostic Matrix**

	VA Code Section 9VAC25-830		Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
1.	Part 1. Introduction	10	Application of regulations	Yes	Article XV-A: Section A	<p>This Section of the Code of Virginia states that all counties, cities, and towns in Tidewater Virginia shall comply with the following regulations.</p> <p>Hopewell's Zoning Ordinance establishes the Chesapeake Bay Preservation Area Overlay District in Article XV-A and includes direct reference to this Section of the Code of Virginia.</p> <p>The Zoning Ordinance complies with this Section of the Code of Virginia.</p>
2.		20	Authority of chapter	Yes	Article XV-A: Section A	<p>This Section of the Code of Virginia states the authority of the chapter, given by § 62.1-44.15:72 of the Code of Virginia.</p> <p>The Title and Background Section of Article XV-A states, "This article is adopted in order to revise and replace the prior zoning ordinance article XV-A as well as to implement the requirements and stated purposes of the Chesapeake Bay Preservation Act and the Chesapeake Bay Preservation Area Designation and Management Regulations."</p> <p>The Zoning Ordinance complies with this Section of the Code of Virginia.</p>
3.		30	Purpose of chapter	Yes	Article XV-A: Section B, Section C	<p>This Section of the Code of Virginia states the purpose for the Chapter and states that the chapter established criteria for determining local extents of Chesapeake Bay Preservation Areas.</p> <p>Article XV-A, Section B of the Zoning Ordinance establishes the Chesapeake Bay Preservation Overlay District (CBPA-O) and lists various purposes for the adoption and implementation of the regulations.</p> <p>Article XV-A, Section C of the Zoning Ordinance provides that the CBPA Overlay District shall apply to all lands identified on the Official Hopewell Preservation Area District Maps as resource protection areas (RPA), resource management areas (RMA), and intensely developed areas (IDA).</p> <p>The Zoning Ordinance complies with this Section of the Code of Virginia.</p>

	VA Code Section 9VAC25-830	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
4.	40	Definitions of chapter	Partial	Article XV-A: Section E	<p>This Section of the Code of Virginia supplies definitions for terms that are related to, or used in, this chapter.</p> <p>Section E of Article XV-A in the Zoning Ordinance includes most definitions provided in this Section of the Code of Virginia; however, several terms are missing.</p> <p><b>Recommend reviewing this Section of the Code of Virginia and incorporating terms not currently included in the Ordinance. A few examples include <i>silvicultural activities, mature tree, understory tree, and nature-based solutions.</i></b></p>
5.	50	Local program development	Yes	Article XV-A: Section B	<p>Section B of Article XV-A in the Zoning Ordinance provides the statements of purpose from this Section of the Code of Virginia.</p> <p>The Zoning Ordinance complies with this Section of the Code of Virginia.</p>
6.	60	Elements required for local programs	– (See Line Items 7-12)		See recommendations below.
7.	(1)	Map	Yes	N/A Outside of ZO	Hopewell's Comprehensive Plan includes a map in Chapter 6 (Page 44) that delineates the general location of CBPA Resource Protection Areas pre-2018.
8.	(2)	Performance criteria	Yes	Article XV-A	The Chesapeake Bay Preservation Area Overlay District (Article XV-A) provides robust regulations for performance criteria.
9.	(3)	Comprehensive Plan	Yes	N/A Outside of ZO	The Comprehensive Plan includes language for Chesapeake Bay Preservation Areas. See "Comprehensive Plan Chesapeake Bay Preservation Area Diagnostic" for additional information about Comprehensive Plan compliance with this Chapter of the Code of Virginia.
10.	(4)	Zoning Ordinance	Yes	Article XV-A	Article XV-A meets the requirements of this Section of the Code of Virginia.
11.	(5)	Subdivision Ordinance	Yes	N/A Outside of ZO	<p>Article 6-9 of the Subdivision Ordinance requires that preliminary plats delineate any Resource Protection Area (RPA) and Resource Management Area (RMA) as required by the Chesapeake Bay Preservation Overlay District. This is sufficient for complying with this Section of the Code of Virginia and helping ensure water quality.</p> <p>The Subdivision Ordinance complies with this Section of the Code of Virginia.</p>
12.	(6)	Plan of Development process	Yes	Article XV-A: Section I	<p>Section I of Article XV-A provides a comprehensive coordinated CBPA-O site plan process.</p> <p>The Zoning Ordinance complies with this Section of the Code of Virginia.</p>

	VA Code Section 9VAC25-830		Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
13.	Part 3. Chesapeake Bay Preservation Area Designation Criteria	70	Purpose for criteria	N/A	N/A	This Section of the Code of Virginia states the purpose of Chesapeake Bay Preservation Area criteria. This Section is not a required element of the Zoning Ordinance.
14.		80	Resource Protection Area requirements	Yes	Article XV-A: Section F	The Zoning Ordinance provides the language, from A., B., and C. of this Section of the Code of Virginia, in Section F of Article XV-A.  The Zoning Ordinance complies with this Section of the Code of Virginia.
15.		90	Resource Management Area requirements	Yes	Article XV-A: Section F	Section F.2. of Article XV-A states that “the RMA is the component of the Chesapeake Bay Preservation Area that is not classified as the resource protection area and...include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of a resource protection area.” This Section of the Zoning Ordinance also provides language from this Section of the Code of Virginia.  The Zoning Ordinance complies with this Section of the Code of Virginia.
16.		100	Intensely Developed Areas requirements	Optional, Not Included	No reference	Neither the Zoning Ordinance nor the Comprehensive Plan designate Intensely Developed Areas (IDAs).  <b>Recommend designating intensely developed areas as outlined in the Code of Virginia.</b>
17.	Part 4. Land Use and Development Performance Criteria	110	Site-specific refinement of Chesapeake Bay Preservation Area boundaries	Yes	Article XV-A: Section G	The City requires detailed mapping and field location of site-specific RMA and RPA boundaries by a certified surveyor or other environmental professional. The Zoning Ordinance also provides that the director of development may waive the requirement for an environmental site assessment and perform the boundary delineation with City resources.  The Zoning Ordinance complies with this Section of the Code of Virginia.
18.		120	Purpose of criteria	Yes	Article XV-A: Section H	This Section of the Code of Virginia provides the purpose and specific goals to be met by implementing criteria and regulations. Section H.1 of Article XV-A of Hopewell’s Zoning Ordinance provides language from this Section of the Code of Virginia.  The Zoning Ordinance complies with this Section of the Code of Virginia.



	VA Code Section 9VAC25-830	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
19.		130 General performance criteria	Yes	Article XV-A: Section H	Section H.2. of Article XV-A provides the language from #1 through #7, as well as #10. Items #8 and #9 of this Section of the Code of Virginia relate to agricultural and silvicultural activities. Hopewell does not have an agricultural zoning district; therefore, these items do not need to be included to achieve compliance with the Code of Virginia.  The Zoning Ordinance complies with this Section of the Code of Virginia.
20.		140 Development criteria for Resource Protections Areas	Yes	Article XV-A: Section F, Section H, Section J, Section L	This Section of the Code of Virginia details development criteria specific to Resource Protection Areas, including when development may occur in Resource Protection Areas.  Development criteria for RPAs are included in Section F of Article XV-A. The exemptions from this Section of the Code of Virginia are found in Section L of Article XV-A. The buffer area requirements are found in Section H of Article XV-A. Water Quality Impact Assessment information can be found in Section J of Article XV-A.  Hopewell's Ordinance complies with this Section of the Code of Virginia. <b>The inclusion of buffer requirements for IDAs is recommended to further strengthen development criteria.</b>
21.		150 Requirements for nonconformities, exemptions, and exceptions.	Yes	Article XV-A: Section K, Section L, Section M	Section K of Article XV-A provides for nonconforming structures – as outlined in this Section of the Code of Virginia.  Section L of Article XV-A provides for exemptions to public utilities, railroads, public roads, and facilities exemptions – as outlined in this Section of the Code of Virginia. Section M incorporates Code of Virginia language to address when exceptions may be granted.  The Zoning Ordinance complies with this Section of the Code of Virginia.
22.	Part 4. Land Use and Development Performance Criteria (continued)	155 Climate change resilience and adaptation criteria	Optional, Not Included	No reference	The Zoning Ordinance does not include language from this Section of the Code of Virginia.  <b>Recommend adding this language to Article XV-A. Resilience is now a required component of Comprehensive Plans (§ 15.2-2223.F); therefore, including resilience in both the Plan and Ordinance would create stronger consistency between the documents.</b>
23.	Part 5.	160 Purpose of criteria	N/A	N/A	§ 9VAC25-830-160 and § 9VAC25-830-170 regulate the Chesapeake Bay requirements

	VA Code Section 9VAC25-830		Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
24.	<i>Comprehensive Plan Criteria</i>	170	Comprehensive Plan contents	N/A	N/A	and provisions for comprehensive plans only. These Code of Virginia Sections are not relevant to this diagnostic but are included here for transparency.  <b>See <i>Comprehensive Plan Chesapeake Bay Preservation Area Diagnostic</i> for additional information about Comprehensive Plan compliance with these Sections of the Code of Virginia.</b>
25.	<i>Part 6. Land Development Ordinances</i>	180	Purpose of regulations	N/A	N/A	This Section of the Code of Virginia outlines the purpose for creating land development ordinances. See Line Items #27 - #31 for additional detail.
26.		190	Land development ordinances, regulations, and procedures	– (See Line Items 27-31)		See recommendations below.
27.		(A)(1)	Uses permitted by zoning ordinance consistent with Chesapeake Bay Preservation Act and regulations	Yes	Article XV-A: Section C	Article XV-A establishes the Chesapeake Bay Preservation Area Overlay District, which conforms to the regulations of this Section of the Code of Virginia. Section C of this Article states, “The overlay district shall apply to all lands identified as on the Official Hopewell Preservation Area District Maps and shall include those areas designated as resource protection areas (RPA), resource management areas (RMA), and intensely developed areas (IDA)”.
28.		(A)(2)	Performance criteria in Part IV	Yes	Article XV-A: Various	Performance standards and requirements of Part IV of this chapter are incorporated into various Sections throughout Article XV-A of Hopewell’s Zoning Ordinance. See Line item #19 for detail.  <b>The Zoning Ordinance complies with this Section of the Code of Virginia.</b>
29.		(A)(3)	Protect integrity of Chesapeake Bay Preservation Area: water quality, preservation of Resource Protection Areas, and compatibility in Resource Management Areas	Yes	Article XV-A	Various Sections of Article XV-A serve to meet the requirements of this Section of the Code of Virginia.  The Zoning Ordinance complies with this Section of the Code of Virginia.

	VA Code Section 9VAC25-830		Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
30.	<i>Part 6. Land Development Ordinances (continued)</i>	(A)(4)	Provide for Resource Protection Area and Resource Management Area boundaries on plats and site plans and requirement to retain vegetated 100-foot-wide buffer; plat notation of 100% reserve drainfield; and plat notation of permissibility of only water dependent facilities or redevelopment in Resource Protection Areas	Partial	Article XV-A: Section I	<p>Most of this language is included in Section I.7. of Article XV-A.</p> <p>However, the Zoning Ordinance does not list this requirement: “a plat notation of the requirement for pump-out and 100% reserve drainfield sites for onsite sewage treatment systems, when applicable.”</p> <p>Language regarding identification of a 100-foot buffer for RPA and RMA on plats is not identified in the Subdivision Ordinance; the Ordinance also does not include other language from this Section of the Code.</p> <p><b>If drainfields exist, recommend incorporating the notation requirement listed above into the Zoning Ordinance. Additionally, recommend including language from this Section of the Code of Virginia in the Subdivision Ordinance as requirements for plats.</b></p>
31.		(A)(5)	The delineation of buildable areas allowed on each lot during plan of development review process	Yes	Article XV-A: Section H, Section I	<p>Article XV-A, Section I of the Zoning Ordinance requires that a plan of development be submitted for all projects that exceed 2,500 sq. ft. of land disturbance in a Chesapeake Bay Preservation Area. Buildable areas and the limits of clearing would be present on the plan of development.</p> <p>The Zoning Ordinance complies with this Section of the Code of Virginia.</p>
32.	<i>Part 7. Local Assistance and Local Program Consistency Review Process</i>	200	Purpose	N/A	N/A	This Section of the Code of Virginia states the purpose for local program assistance and to outline a timeline (phases) for adopting a full program. Hopewell has adopted a management program.
33.		210	Local assistance guidance	N/A	N/A	These Sections state that the State Water Control Board and the Department of Environmental Quality will prepare guidance for local governments. These Code of Virginia Sections are not relevant to this diagnostic but are included here for transparency.
34.		220	Board to establish liaison	N/A	N/A	

	VA Code Section 9VAC25-830		Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
35.		230	Planning district comments	N/A	N/A	This Section of the Code of Virginia encourages local governments to enlist assistance from regional PDCs for the management of local programs.  Hopewell should enlist the assistance and comments from the Crater Planning District Commission (CPDC) in the management of their local program.
36.		240	Preparation and submission of management program	Yes	Various	This Section of the Code of Virginia states that local governments must adopt a full management program, in phases.
37.	Part 8. Implementation and Enforcement	250	Applicability of regulations	N/A		Part 8 of this chapter regulates the authority for the State Water Control board to implement and enforce the regulations of this chapter – to ensure that localities’ policy documents and ordinances comply with this chapter.  Part 8 is not directly relevant to the content of the Zoning Ordinance, but it is included here for transparency.
38.		260	Administrative proceedings			
39.		270	Legal proceedings			
Source: <a href="https://law.lis.virginia.gov/admincode/title9/agency25/chapter830/">https://law.lis.virginia.gov/admincode/title9/agency25/chapter830/</a>						

**Prepared By:**

