

CITY OF CHARLOTTESVILLE
"A World Class City"

Department of Neighborhood Development Services

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September 17, 2013

TO: Charlottesville Planning Commission, Neighborhood Associations & News Media

Please Take Notice

Following a public open house on Livability Grant products, a Joint Work Session of the Charlottesville and Albemarle Planning Commissions will be held on **Tuesday September 24, 2013 at 6:00 p.m. at the Albemarle County Office Building (401 McIntire Road.)**

AGENDA

1. Livability Grant Product Review
 - a. Performance Measurement System
 - b. Codes and Ordinance Review and Toolkit
2. Public Comment

Persons with Disabilities may request reasonable accommodations by contacting ada@charlottesville.org or (434)970-3182

cc: City Council
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**CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES**



MEMORANDUM

To: Charlottesville Planning Commission and City Council
From: Missy Creasy, Planning Manager
Date: September 17, 2013
Re: September 24, 2013 Joint City and County Planning Commission Work Session

On September 24, 2013, an Open House for the public will be held in the lobby of the Albemarle County Office Building and a joint meeting of the two Commissions will take place afterwards to provide comment on the Performance Measurement report and Codes and Ordinance Toolkit. The Open House will occur from 4 p.m. – 5:45 p.m. The Joint Commission meeting will begin at 6:00 p.m. in Room 241.

Performance Management System

When the Comprehensive Plan update began two years ago, staff from the Thomas Jefferson Planning District Commission (TJPDC) worked with the two Planning Commissions on ideas for performance measures. Since that time, both Planning Commissions have completed their work on the Comprehensive Plan update. Both Commissions recommended establishing measurements of progress.

The booklet, *Performance Measurement System Report, Livable Communities Planning Project, Thomas Jefferson Planning District Commission, September 2013 Draft for Public Comment*, provides valuable baseline information to be used to measure progress in implementing the Comprehensive Plan. The document can be viewed at the following link: <http://1-community.org/?p=819>. Let me know if you need a paper copy of this document.

Codes and Ordinance Review and Toolkit

PDC staff has been working on this product diligently with the abbreviated timeframe. At this time, feedback is needed on this document to assist in bringing it towards completion. I believe this tool will be incredibly valuable as we move forward on comp plan implementation since it places all code and ordinance related items in one place and provides research on code language being used around the state that we can evaluate in our code review. Materials are included in this packet for review and comment at the work session.

Attachments:

Open House Flier

Performance Measurement System Report: <http://1-community.org/?p=819>

Codes and Ordinance Review and Toolkit – cover memo, samples of Part II and III of the document.

Code and Ordinance Review Findings

Purpose: The *Code and Ordinance Review and Toolkit* will be final report for Task #4 of the Livable Communities Planning Project. This document doubles as a reference guide that is intended to aid public officials from the City of Charlottesville and Albemarle County as they review their local land use regulations. It includes an appraisal of existing codes and ordinances from the two localities, framed in the context of proposed updates to the City and County Comprehensive Plans. As part of this assessment, there are recommendations and model ordinance language that serve as a comprehensive guide and resource to local planning staff, planning commissions and other decisions-makers.

Background: The *Code and Ordinance Review and Toolkit* is part of a larger project, funded by the U.S. Department of Housing and Urban Development (HUD) office of Sustainable Housing and Communities. The Charlottesville Albemarle Metropolitan Planning Organization (MPO) received this grant to develop a Livability Implementation Plan for the region. The process to develop this plan, referred to as the Livable Communities Planning Project, or *Many Plans: One Community Project*, builds upon the region's 1998 Sustainability Accords and other area planning documents to integrate crosscutting strategies for land use, transportation, housing, economic vitality, air and water quality, and energy use.

As part of the Livability Project, the TJPDC committed to review City and County ordinances and make suggestions for ways the two communities could better implement recommendations contained in their updated Comprehensive Plans. The final, full report will catalog all of the recommendations for ordinance revisions identified in the two communities' comprehensive plans. It will also provide references to ordinances from other communities in Virginia and beyond, which could be used for guidance in making those ordinance changes.

The report is divided into three independent parts, which include:

- A list of identified issues with existing regulations;
- A consolidated list of recommendations, taken from research and the draft comprehensive plans, related to codes and ordinances; and,
- Samples of model ordinances from across the State of Virginia, with selected examples from around the country.

Issues: Attached are samples from the drafted *Code and Ordinance Review and Toolkit*. Included are samples of work from Part II, the consolidated list of recommendations, and a sample of ordinance language from Part III.

Staff will collect feedback from the City and County Planning Commissions at the September 24th joint meeting. Since the Code and Ordinance document is designed to be a tool for the localities, particularly the Planning Commission, TJPDC staff wants to ensure that the Commissioners provide feedback on how the document functions and is structured. While staff anticipates a completed product within the coming weeks, the selected materials included in the attachment provide a concise outline and sample of the work.

Contact Information: For more information please contact Will Cockrell, TJPDC Community Development Program Manager, at wcockrell@tjpd.org or (434) 979-7310.

Part II. Code and Ordinance Toolkit

Part II of the *Code and Ordinance Toolkit* serves as a consolidated list of recommendations that are related to local land use regulations. City and County officials should refer to the following sections to find a list of possible actions that will bring local codes into conformance with the proposed comprehensive plans. Staff developed this list of recommendations from multiple sources, including:

- The proposed City and County comprehensive plans;
- Findings from the Joint, Livability meetings conducted by the City and County Planning Commissions; and,
- Assessments from local planning staff.

How to Use the Toolkit

Part II is a reference catalog of recommendations. It is intended to allow the reader to easily reference recommendations, by category and locality. The categories align with the list of Livability Goals, adopted by the City and County Planning Commissions. Project staff assigned each recommendation to a category. If a recommendation addresses multiple goals, then there will be duplicates listings, one to each of those categories. Under each recommendation is a table of information that creates a general profile. The table contains:

- Purpose: a brief description of the recommendation and additional considerations related to the specific topic;
- Source: detailed reference to the source of the recommendation;
- Livability Goal: a list of goals related the recommendation;
- Effected Code Sections: a list of local ordinances and code sections that will be effected by the recommendation; and,
- Approach Options: a reference to Part III, which includes a list of model ordinances.

<u>Purpose</u> :	
<u>Source</u> :	<u>Effected Code Sections</u> :
<u>Livability Goal</u> :	<u>Approach Options</u> :

THE FOLLOWING ARE SAMPLES FROM THE DRAFT REPORT

County Recommendations

RECOMMENDATION: Amend the Zoning Ordinance to provide for greater opportunities to construct accessory units to diversify the housing supply as well as meet some affordable housing needs.

<u>Purpose:</u> Accessory units, both attached and detached, are an integral part of a diverse housing supply; however, Zoning Ordinance amendments are needed to allow for detached accessory units to be constructed.	
<u>Source:</u> Albemarle County Comprehensive Plan, Chapter 9: Housing, Page 6	<u>Effected Code Sections:</u> Zoning Ordinance
<u>Livability Goal:</u> Housing	<u>Approach Options:</u> Refer to Part II (TBA)

RECOMMENDATION: Review and, where necessary, amend the Zoning Ordinance to provide greater flexibility in the provision of affordable housing.

<u>Purpose:</u> Residential districts in the Development Areas limit density and require a minimum lot size. These two features should be reviewed to see if removing the minimum lot size requirement could allow for additional opportunities for affordable housing. In addition, the district regulations should be studied to see if different housing types are appropriate for low density districts.	
<u>Source:</u> Albemarle County Comprehensive Plan, Chapter 9: Housing, Page 10	<u>Effected Code Sections:</u> Zoning Ordinance
<u>Livability Goal:</u> Housing	<u>Approach Options:</u> Refer to Part II (TBA)

RECOMMENDATION: Direct affordable housing activities to the designated Development Areas.

<u>Purpose:</u> The Development Areas are locations of employment centers, transit networks, community facilities, and day-to-day services.	
<u>Source:</u> Albemarle County Comprehensive Plan, Chapter 9: Housing, Page 10	<u>Effected Code Sections:</u> Zoning Ordinance
<u>Livability Goal:</u> Housing	<u>Approach Options:</u> Refer to Part II (TBA)

RECOMMENDATION: Approve developments through rezonings which mix affordable units with market rate units within neighborhoods. Obtain commitments from developers to create similarity in the exterior of affordable and market-rate units.

<u>Purpose:</u> Affordable units come in all sizes and shapes, but, in many communities, they look like cheaply made housing. Building affordable units to look like market-rate units helps unify the appearance of the neighborhood which helps with housing values.	
<u>Source:</u> Albemarle County Comprehensive Plan, Chapter 9: Housing, Page 11	<u>Effected Code Sections:</u> Zoning Ordinance & Administrative Procedures
<u>Livability Goal:</u> Housing	<u>Approach Options:</u> Refer to Part II (TBA)

RECOMMENDATION: Clarify the difference between home occupations and other uses that are listed in the Zoning Ordinance.

<u>Purpose:</u> Home occupations can be operated in the Rural Area just as they can in any home in the Development Areas. Home occupations can provide income for a rural resident without the need to find a business location.	
<u>Source:</u> Albemarle County Comprehensive Plan, Chapter 7: Rural Areas, Page 19	<u>Effected Code Sections:</u> Zoning Ordinance
<u>Livability Goal:</u> Land Use, Housing , Economic Development	<u>Approach Options:</u> Refer to Part II (TBA)

City Recommendations

RECOMMENDATION: Encourage high performance, green building standards and practices and the use of the U.S. Green Building Council's (USGBC) LEED certification program, Earthcraft, Energy Star or other similar systems. As appropriate, create policy and financial incentives to encourage increased building and site performance.

<u>Purpose:</u> Green building strategies can save on heating and cooling costs and could protect inhabitants from potentially harmful chemicals found in construction materials.	
<u>Source:</u> Charlottesville Comprehensive Plan, Environment Chapter, Objective 5	<u>Effected Code Sections:</u> Zoning Ordinance & Program
<u>Livability Goal:</u> Housing , Environmental	<u>Approach Options:</u> Refer to Part II (TBA)

RECOMMENDATION: Achieve a mixture of incomes and uses in as many areas of the City as possible

<u>Purpose:</u> A mixture of household incomes can have a strong positive influence on low- to moderate-income households. A mix of incomes allows those residents access to better services and resources than those found in an isolated lower-income neighborhood.	
<u>Source:</u> Charlottesville Comprehensive Plan, Housing Chapter, Objective 3.3	<u>Effected Code Sections:</u> Zoning Ordinance
<u>Livability Goal:</u> Housing	<u>Approach Options:</u> Refer to Part II (TBA)

RECOMMENDATION: Examine feasibility of augmenting reductions to existing review time for projects including affordable housing in targeted areas.

<u>Purpose:</u> Affordable housing is a critical need in the region. With certain incentives, there may be ways of increasing the supply of affordable units.	
<u>Source:</u> Charlottesville Comprehensive Plan, Housing Chapter, Objective 6.1	<u>Effected Code Sections:</u> Zoning Ordinance & Administrative Procedures
<u>Livability Goal:</u> Housing	<u>Approach Options:</u> Refer to Part II (TBA)

RECOMMENDATION: Evaluate effects of all land use regulations on affordable and mixed-use housing to ensure that they will not unduly restrict mixed-income and mixed-use redevelopment. Provide ongoing evaluation of all policies and ordinances relative to housing.

<u>Purpose:</u> With codes and ordinances, there may be unintended consequences. There should be additional review to ensure that there are no unintended effects on housing and land use development.	
<u>Source:</u> Charlottesville Comprehensive Plan, Housing Chapter, Objective 6.2	<u>Effected Code Sections:</u> Zoning & Subdivision Ordinance
<u>Livability Goal:</u> Housing	<u>Approach Options:</u> Refer to Part II (TBA)

RECOMMENDATION: Review the zoning ordinance to reduce restrictions on creating appropriate creative, green, mixed-income and mixed-use housing options, including accessory dwellings, live/work units and shared housing.

<u>Purpose:</u> Code and ordinance can have unintended consequences that may restrict desirable development.	
<u>Source:</u> Charlottesville Comprehensive Plan, Housing Chapter, Objective 6.5	<u>Effected Code Sections:</u> Zoning Ordinance
<u>Livability Goal:</u> Housing , Environmental	<u>Approach Options:</u> Refer to Part II (TBA)

Regional Recommendations

RECOMMENDATION: Develop policies to encourage housing opportunities suitable for healthy aging and for people with disabilities located in close proximity to community services and amenities, recreational resources, and connected to multi-modal transportation corridors.

<u>Purpose:</u> With an aging population, localities must give greater consideration towards the needs of seniors and those with disabilities.	
<u>Source:</u> Livability Joint Goals	<u>Effected Code Sections:</u> Zoning Ordinance
<u>Livability Goal:</u> Housing	<u>Approach Options:</u> Refer to Part II (TBA)

RECOMMENDATION: Promote housing located near employment centers in the City and County Development Areas and optimal multi-modal transportation links between those areas and major employment centers.

<u>Purpose:</u> Location is an important aspect of housing and affordability.	
<u>Source:</u> Livability Joint Goals	<u>Effected Code Sections:</u> Zoning Ordinance
<u>Livability Goal:</u> Housing	<u>Approach Options:</u> Refer to Part II (TBA)

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Part III. Model Ordinances of Approaches

Part III provides a higher level of detail in the document, with a list of model ordinances from across the Commonwealth of Virginia. There are several notes and reference within these sections that guide the reader back and forth between Parts II and III. While *Part II: Code and Ordinance Toolkit* provides an inventory of recommendations, the reader will find examples of those proposed changes in *Part III: Model Ordinances*. The model ordinance sections include a wide array of ordinances that allows the City and County to find and retrofitted code sections for their own use.

Disclaimer: This model ordinance is provided for reference purpose only. It does not constitute legal advice. Please consult with an attorney before adopting any local ordinance, as legal conditions may vary by specific locality.

THE FOLLOWING ARE SAMPLES FROM THE DRAFT REPORT

Complete Streets

The following policies, plans, and resolutions signal a commitment to design streets for all users of all abilities. VDOT has adopted AASHTO “Green Book” standards as a minimum for all roadways, urban and rural, in Virginia. However, the agencies Road Manual recognizes that designs ought to be flexible to account to specific contexts, and localities may choose to accept varying standards that are within the boundaries of AASHTO guidance. The following is general language from policies, and more specific design parameters can be viewed by reading the original documents.

Enabling Legislation:

Virginia Code Enabled §33.1-224 - §33.1-246.1

Code Chapter on Local Authority over Highways:

- Localities may alter location of roads within the secondary system
- Urban localities may spend to improve non-secondary roads open to public use.
- Localities may initiate a process to abandon roadways or railroad crossings.

Purpose:

“Through this policy, the City of Roanoke intends to ensure that all transportation agencies within the City shall routinely plan, fund, design, construct, operate, and maintain their streets according to the Complete Street principles of the City’s “Street Design Guidelines” with the goal of creating an attractive and connected multimodal network that balances the needs of all users, except where there are demonstrated exceptional circumstances.”

(City of Roanoke Complete Streets Policy, 2010)

Goals and Objectives:

“Goal 4 – Establish Equity. Serve the mobility and accessibility needs of all residents regardless of age, income, or ability.

Strategies:

- 1. Provide safe and convenient pedestrian access on all streets.*
- 2. Ensure transportation facilities meet the Americans with Disabilities Act (ADA) guidelines, preferably through universal design.*
- 3. Provide good quality travel options for all residents and workers throughout the county regardless of their location.*
- 4. Support programs that emphasize the special transportation needs of children, the elderly and the disabled.*
- 5. Provide a broad array of transportation options that ensure access to affordable travel.”*

(Arlington County Master Transportation Plan, 2007)

Resolution:

“NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlottesville hereby establishes and adopts a sustainable Complete Streets Policy whereby all street projects, including design, planning, reconstruction, rehabilitation, maintenance, or operations by the City of Charlottesville shall be designed and executed in a balanced, responsible and equitable way to accommodate and encourage travel by bicyclists, public transportation vehicles and their passengers, and pedestrians of all ages and abilities;”
(City of Charlottesville, Complete Streets Resolution, 2010)

Voluntary Accessible Housing Program

The following program functions as a modification of the existing land development review process in a locality. The program is an internal policy of the department responsible for building inspections and review. Homes that meet visitability or livability criteria are given special recognition and potentially reduced permit fees. This does not require the adoption of an ordinance. Because no locality in Virginia has currently initiated such a program, model language is excerpted from a program in Montgomery County, Maryland. The full text of program guidelines is available from the county website.

Enabling Legislation:

Virginia Code Enabled § 36-105

Code Chapter on enforcement of building code:

- Outlines procedures for inspection of new construction or existing buildings and structures.
- Allows the levy of a fee to defray costs
- Allows jurisdictions to enter into code enforcement agreements with different localities.

Purpose:

“Design for Life Montgomery is the first voluntary certification program in Maryland for Visit-Ability and Live-Ability in single family attached and detached homes located in Montgomery County. Its guidelines apply to both new construction and renovation of existing homes. Whether you are a first time homebuyer, young family, career professional, active adult, or person living with a temporary or permanent disability, your home will be enhanced by these additional design features which will meet your needs throughout your life.”*
(Montgomery County, Maryland: Design for Life Montgomery Guidelines, 2009)

Unique Features of the Program:

1. One program with two optional standards of accessibility.
2. Voluntary: follows National Association of Homebuilder's guidelines that support voluntary programs.
3. Targets new construction and renovation of existing homes.
4. Successful informal partnership of county, building/business community and advocates.
5. Administered by the County as part of the regular permitting process, not a special process: -A checkbox for review and certification is on the standard application for permit. There are no additional permitting costs, beyond the standard fees.

Features included in the Design for Life Montgomery program generally follow principles in the national Visit-ability movement and studies of an emerging design principle called Universal Design. This unique program was specifically designed to meet basic accessibility standards and is NOT intended to meet the requirements of the Federal Fair Housing Amendments Act of 1988, the Americans with Disabilities Act, or of Universal Design.”

(Montgomery County, Maryland: Design for Life Montgomery Guidelines, 2009)

Administrative Procedure:

“1. Applicant must indicate on the permit application that the building design includes:

- Visit-Ability or Live-Ability per Montgomery County Guidelines.

2. Applicant must submit two sets of construction drawings including Site planes drawn to scale showing the accessible route from parking to accessible building entrance.
3. After final building inspection, DPS will issue Montgomery County Design for Life Montgomery Certificate for Visit-ability or Live-Ability.”
(Montgomery County, Maryland: Design for Life Montgomery Guidelines, 2009)

Two Tiers of Certification:

The following is a summary of the accessibility standards included in the guidelines. Detailed design standards are also provided.

“Level I — Visit-Ability meaning that the home has three basic elements

1. at least one no-step entrance located at the front door, back door, side door(any door), deck or through the garage connected to an accessible route to a place to visit on that level,
2. a useable powder room or bathroom,
3. 32 inch or 2' x 10" nominal clear width interior door(s).

Level II — Live-Ability includes the three basic design features of Level I, but also requires a circulation path that connects the accessible entrance to at least one bedroom, full bath, and kitchen. Please also see definition of Alternative Design.”

(Montgomery County, Maryland: Design for Life Montgomery Guidelines, 2009)