

2024 ZONING AMENDMENTS

A BRIEFING TO THE JOINT SESSION OF
PLANNING COMMISSION AND CITY COUNCIL
AUGUST 5, 2024

REVISED 8/2/24

BACKGROUND

Comprehensive plan, a housing plan, and a housing needs assessment studied Roanoke's issues.

The March 2024 Zoning Amendments were recommended by the Planning Commission and adopted by City Council as one tool to begin addressing our community's housing needs (March 18).

Lawsuit challenging Zoning Amendments (April 17).

City Council resolution to initiate re-adoption as a more efficient approach (June 17).

Amended code remains in effect.

Zoning Amendments Report and Study transmitted to Planning Commission and City Council (July 31).

There was significant public support for the underlying concepts leading to City Plan 2040 and the March 18 Zoning Amendments.

Effects projected to be gradual, incremental, and moderate.

The Amendments will provide important long-range benefits to current and future citizens over time.

EFFECT OF ZONING AMENDMENTS

Permits two or more dwellings on lots in all districts.

Limitations on number of dwellings on a lot:

- Absolute maximum by district
- Fewer units on interior lots
- Minimum land area per dwelling

Development standards added for each housing type to control physical compatibility with existing neighborhood contexts.

Amendment of text only; not a rezoning; not map change.

Implemented recommendations of the comprehensive plan.

Removed barriers to private development of housing.

Market and practical factors such as lot size and shape, existing structures, location, etc. continue to limit decisions to develop, redevelop, or rehabilitate housing

COMMUNITY ENGAGEMENT

2018-2020 comprehensive plan engagement

3-year process of community discussions.

Community discussions about housing diversity and neighborhood choice that could not occur under exclusionary zoning.

Fall 2023

Staff hosts a round of six neighborhood based workshops.

October 2023 - February 2024

Planning staff develops proposed amendments that balance community needs for equity and housing diversity and concerns expressed about neighborhood change and compatibility.

February 2024

City Council briefing on content and process

2nd round of six neighborhood based workshops, plus a virtual workshop.

COMMUNITY ENGAGEMENT

March 2024

Public hearings by the Planning Commission

Public hearing by City Council

August - September

Joint Planning Commission/City Council briefing and discussion

Planning Commission Work Session August 9

Planning Commission Public Hearing August 12

City Council Public Hearing September 16

Conclusion

The planning staff designed and implemented an all of the above approach that provided for meaningful discussion of the housing issues we face and ideas to address them.

The City's efforts led to abundant media and social media coverage.

There was strong public participation in open house meetings and public hearings.

There was significant public support for the underlying concepts leading to City Plan 2040 and the March 18 Zoning Amendments.

City Plan 2040

Specific observations of the need for a wide range of housing options, including “missing middle” housing and the need for more affordable housing.

2020 Housing Study by RKG Associates

Zoning changes provide additional housing choices compatible with the built environment

Zoning is a tool that can have a direct impact on housing production. The city can change it almost immediately and at little cost.

2021 Housing Study by Virginia Tech

Deficits of deeply affordable units. Even greater deficit of market rate units (above 80% AMI). There is a need for increased development of affordable housing and market rate housing.

Mismatch of rents and household incomes.

Conclusion

ALL new housing development, regardless of the rent or cost, will have some benefit to affordability.

Increased supply would stabilize rent increases throughout the market.

More existing affordable units would become available as moderate and high income households shift toward units in their rent range.

PROJECTED HOUSING UNITS CREATED

Construction Data

Large number of single-unit housing starts in recent and current year.

Apartment complex construction activity is strong.

Middle housing construction nearly nonexistent.

Projection Model

Informed by projections and actual experience of other localities.

2% rate of change over 30 years; 2% properties will build or convert to a greater number of units.

Conclusion

The results of the model indicate a high range estimate of 40 additional units per year.

Growth is meaningful over 30 years (1,191 units), making the changes worthwhile over the long term.

First four months of actual experience suggests smaller rate of change (15 additional units per year).

RESIDENTIAL DENSITY CHANGES

Density

R-12, R-7, R-5, and RM-1 zones are populated at less than 40% of their allowable density prior to March 18.

Confirms that development rarely gravitates to the maximum development potential of what the zoning permits.

Projection Model

After 30 years, the density of the R-12, R-7, R-5, and RM-1 zones would be populated at 43% or less of the allowable density prior to March 18.

Conclusion

Projections indicate no residential district will get near the density allowable under the prior zoning code.

The projected post-amendment density is about half of the allowable density under the prior zoning code.

The zoning amendments in R-12, R-7, R-5, R-3, and RM-1 are projected to result in imperceptible density increases.

EQUITY AND EXCLUSIONARY EFFECTS

The case for eliminating exclusionary zoning

Segregation ordinances, restrictive covenants, and redlining declared unconstitutional.

Exclusionary zoning was designed to segregate.

Exclusionary zoning continues to have the effect of segregating.

City Plan 2040 priorities for housing, dismantling segregated landscape, and addressing a history of inequity, are implemented by allowing development of a variety of housing types and affordable housing in all neighborhoods.

Notable Citations

NAACP Arlington Chapter Amicus Curiae brief (2024)
McGuire Woods, Zoning and Segregation in Virginia (2021)
Matthew Desmond, Poverty by America (2023)
Richard Florida (2016)
George Fatheree, Brief History of Racial Zoning (2024)

Conclusion

The March 18, 2024, Zoning Amendments implement multiple policies and actions of the Interwoven Equity Theme of City Plan 2040, adopted by City Council in December 2020:

- Enable complete neighborhoods to develop within the framework of the zoning code.
- Remove barriers to housing choice.
- Reconsider housing policies rooted in racial segregation efforts such as exclusionary zoning.
- Develop varied and affordable housing options in each neighborhood.

POPULATION CHANGE

Population increase

Estimated at 3,000 additional people over 30 years.

Within the range of changes seen with decennial Census counts.

Weldon Cooper Center estimates population of 105,079 in 2050.

Impact on schools, public facilities, and infrastructure

About 15 additional school age children per year and 450 over 30 years.

Excess capacity of water and sanitary sewer systems can handle such an increase.

11,000 vehicle trips per day spread across street network.

Population accommodated by existing and future parks and recreation facilities.

Conclusion

The small population change projected to result from the Zoning Amendments will be negligible and readily accommodated by existing infrastructure and public facilities.

OCCUPANCY TYPE

Renter and owner households

Despite exclusionary zoning, renter occupied households have increased. Zoning does not regulate ownership or leasehold arrangements.

Renter households are the majority in most cities in Virginia.

There are considerable deviations from traditional assumptions:

- 1,630 owner households live in attached and multiunit buildings or mobile homes.
- A third of renter households live in detached single-unit houses.

Conclusion

Zoning is not designed to regulate renter or owner occupancy.

Owner occupancy rates declined under exclusionary zoning.

Other factors such as housing supply and its cost, interest rates, availability, and etc., have much greater influence on tenure.

An important equity consideration in City Plan 2040 is that policy should not be shaped by pro-owner/anti-renter biases.

NEIGHBORHOOD TRAFFIC

Traffic increase vs street capacity

Capacity of a neighborhood residential street is 1,000-2,000 vehicles per day

Sampled streets with max buildout.

All streets sampled remained well within their capacities.

Conclusion

Traffic scenarios demonstrate development will not lead to undue congestion, even with a highly unlikely full buildout situation.

The Zoning Amendments will not increase traffic to the extent that it would exceed the capacity of any residential street.

Observations on Residential Parking

Repeal of off-street minimum parking requirements removed a barrier to housing development.

Developers usually provide off-street parking, even when not required.

Zoning does not regulate on-street parking.

On-street parking has no guarantee of exclusive use or availability.

Few streets outside of downtown are overburdened.

Driveways have a far greater influence on the supply of street parking.

Conclusion

The expected rate and scale of change are minimal; it is unlikely that Zoning Amendments will contribute to on-street parking problems.

On-street parking availability should not be a consideration for the number of housing units permitted.

Observations on real estate valuation

There is generally no difference in the per square foot assessment of residential zoning districts in the same vicinity.

Single map amendments may affect an individual property's development potential relative to the property next door.

General text amendments, because no development potential is gained relative to other properties, are unlikely to have any impact on property assessments.

An increase in assessment would be due to an actual increase in market value as indicated by comparable sales in the neighborhood.

Conclusion

The Zoning Amendments are unlikely to have any noticeable impact on the value of property or the assessments.

ENVIRONMENTAL CONCERNS

Infill development is better for the environment

Infill development in the context of a developed city is the opposite of urban sprawl.

Uses existing infrastructure and transportation systems.

The Sierra Club recognizes the superiority of infill development and advocates the elimination of exclusionary zoning.

Conclusion

The infill development resulting from the Zoning Amendments will have a positive environmental benefit, providing needed housing in existing developed areas with minimal disturbance to natural landscapes.

BLIGHT REDUCTION

A tool to battle neighborhood blight

The City of Roanoke has a number of houses that need rehabilitation and vacant lots that can be developed for beneficial uses such as housing.

These properties have been economically “upside down” with exclusionary zoning permitting only one use.

Permitting additional units on a property could make a rehab or redevelopment project feasible.

Promising part of an overall strategy to deal with blight.

Works on the root cause economic issue.

Conclusion

Increasing development options will reduce blight by creating more economic opportunity for rehabilitation or new construction.

Planning staff will track redevelopment of vacant houses and lots when a feasible use, facilitated by the Zoning Amendments, incentivizes a rehabilitation or construction project.

OBJECTIONS TO THE ZONING AMENDMENTS

What we heard

Defer to preferences of specific neighborhoods that wish to maintain single-family only zoning.

Allowing multifamily units will change neighborhood character.

Allowing multifamily may increase poor quality rental housing in vulnerable neighborhoods.

Delay to evaluate the effect of similar zoning changes in other places.

Conduct more research on the expected effect of the Zoning Amendments.

Conduct more public outreach.

Considerations

Zoning Amendments are in effect now and the results are now being monitored.

Planning staff, the Planning Commission, and City Council are obliged to consider the collective and overall housing needs of the City.

The Zoning Amendments provide an incremental, but important, benefit by allowing expansion of housing choices in all areas of Roanoke.

Roanoke has neighborhoods of exemplary character with varied housing types and higher density.

Considerations (continued)

Significant study and a multitude of public engagement opportunities for City Plan 2040 and the Zoning Amendments.

Consistent public support for the need to address the housing, affordability, and equity principles as stated in City Plan 2040 and as addressed by the Zoning Amendments.

Additional study and additional time for public input in connection with the proposed zoning amendments.

Detailed information has been available to citizens throughout the process.

There was significant public support for the underlying concepts leading to City Plan 2040 and the March 18 Zoning Amendments.

Conclusion

Planning staff heard and considered objections and suggestions.

Zoning Amendments are in effect now and the results are now being monitored.

The comprehensive plan speaks to a range of housing needs and options in all neighborhoods.

Neighborhoods that contain a diversity of housing types are considered desirable and stable. The presence of a variety of housing types in a neighborhood is not untested or risky.

CONCLUSIONS AND RECOMMENDATIONS

Staff Recommendation

Reasonable proposal that considered community concerns. The Zoning Amendments moderate the degree of change with the regulatory approach:

- Increased proportionally by district
- Absolute maximum of units per lot
- Limited units on interior lots
- Minimum land area per dwelling

Market and practical factors continue to limit development decisions (lot size and shape, existing structures, location, etc.)

The Zoning Amendments address compatibility with development standards for each housing type.

Projections show a modest increase of 40 units per year citywide. Early results suggest even fewer.

Conclusion

Staff recommends the Zoning Amendments be reaffirmed/readopted as proposed.

Commitment to document and report development outcomes that result from the reforms to inform future adjustments.