



CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council

Meeting: September 16, 2024

Subject: Proposed amendments to Chapter 36.2, Zoning, of the Code of the City of Roanoke (1979), as amended, as initiated by Resolution No. 42957-061724, to implement the comprehensive plan and for purposes of public necessity, convenience, general welfare, and good zoning practice, to remove barriers to the production of housing and the creation of affordable housing, to create a new zoning district, and to amend the use tables for the residential, multiple purpose, industrial, and planned unit development districts, such amendments reflected in the attached ordinance.

Summary:

The proposed Zoning Amendments are substantially similar to the Zoning Amendments adopted by City Council on March 18, 2024 (the March 2024 Zoning Amendments). As discussed below, the March 2024 Zoning Amendments and the proposed Zoning Amendments implement specific provisions of City Plan 2040, adopted by City Council in 2020.

The Planning Commission held a public hearing and considered action on the Zoning Amendments on August 12, 2024. After the public hearing, the Planning Commission considered a resolution recommending that the City Council adopt the Zoning Amendments. By a vote of 2-3, with Commissioners Atwood and Glenn absent, the motion to approve the resolution recommending approval failed.

Mr. Berry, Mr. Smith, and Mr. Martin commended staff of the citizen engagement process and outreach. Mr. Smith was the only commissioner to provide an explanation for not supporting the amendments, citing that it should be something that workforce development or economic development should be working on.

On March 11, 2024, the Planning Commission recommended that the City Council adopt the March 2024 Zoning Amendments. The Planning Commission action on August 12, 2024 with respect to the proposed Zoning Amendments is inconsistent with the Planning Commission March 11, 2024 recommendation that City Council adopt the March 2024 Zoning Amendments.

A suit was filed in April 2024 challenging the March 2024 Zoning Amendments.

On June 17, 2024, the City Council adopted a resolution to initiate a process to adopt and/or readopt a substantially similar package of amendments as a more timely and efficient means of addressing the issues raised by the lawsuit. In addition, the process of considering and readopting the Zoning Amendments would allow additional opportunities for public comment, staff review, and Planning Commission review.

On July 31, 2024, the planning staff issued a report titled: “Zoning Amendments Report and Study.” This Report addresses the background, policy issues, and projected impacts of the Zoning Amendments (including the March 2024 Zoning Amendments). A copy of the Zoning Amendments Report and Study, Revision 3, is attached.

Background:

Since the adoption of a zoning code in 2005, City Council has adopted 20 amendments to ensure the code remains a relevant tool for implementing the comprehensive plan. The March 2024 Zoning Amendments represented the second set of amendments since the adoption of *City Plan 2040* in December 2020.

Roanoke’s residential zoning districts cover just over half of Roanoke’s land area (14,600 acres). Most of those districts were exclusionary because they permitted only one type of housing by-right. These now formerly exclusionary districts cover 13,319 acres, or 91% of the residentially zoned land.

The March 2024 Zoning Amendments made multiple important changes related to housing:

1. Regulate dwellings as a land use

Rather than regulating different housing types as uses (single-family, two-family, townhouse, multifamily, etc.), the fundamental activity occurring, which is “dwelling,” is now permitted in all residential districts and most multiple purpose districts. The code specifies how many dwellings are permitted on a given lot based on its zoning district and type of lot. The mixing of housing types is a familiar and common pattern of development in Roanoke’s neighborhoods.

2. Establish standards for dwelling types

Working from well-accepted housing models, the amendments created limits on scale and design standards for one- and two-dwelling buildings, small

apartment buildings, townhouses, and cottage court developments (see 36.2-409.1). These standards manage the form, location, and orientation of buildings so they will be compatible in neighborhood settings.

Another change expanded the use of accessory dwelling units so they can now be located within a house. Amendments would also remove prohibitions on separate utility metering.

Note that accessory dwelling units may only be accessory to a single-unit dwelling. An ADU cannot be accessory to a building with two or more dwelling units.

3. Define Household to include nonfamily living arrangements

The former code defined a household based on the familial relationships of the occupants and some forms of group living which are already classified as a family by Federal law. The March 2024 Zoning Amendments defined the term household in a way that retained existing family living arrangements, maintained federally required living arrangements, and added nonfamily living arrangements for up to eight people sharing a dwelling unit.

4. Create a Group Living land use

The March 2024 Zoning Amendments provide for permanent group housing for nine or more people in more areas and remove discriminatory limitations on housing choice. With the changes, the zoning code now governs the land use taking place rather than the condition or prior status of people. The code regulates group living just like multifamily dwellings.

In consideration of the ideas of equity expressed in City Plan 2040, someone's status as disabled, formerly homeless, veteran, in recovery, or formerly incarcerated should not be a consideration in regulating where people live. These distinctions work to severely limit where certain people can live, and therefore, compound whatever vulnerability they may experience. The amended code permits a dispersed, dignified, and low impact model for permanent housing for our vulnerable populations.

5. Create small scale Community Housing Services and larger scale Regional Housing Services

The March 2024 Zoning Amendments replaced "transitional living facility" with "Community Housing Services" and "Regional Housing Services." This approach provides for a small, limited community scale version that may be more broadly permitted around the City. Enabling a model of small-scale sheltering options distributed among higher intensity districts is a less impactful, more equitable, and more accessible alternative to a single large

facility. The Community Housing Services use allows a small-scale operation limited to twelve people and occupying no more than 10,000 square feet of gross floor area. These are permitted by right in CG, CLS, D, IN, ROS, and UF districts. Regional housing services continue to be very restricted, permitted only in the INPUD district with a special exception.

6. Ensure the City uses remaining land efficiently

The March 2024 Zoning Amendments changed the dimensional regulations of each residential zoning district to allow for the more efficient development of the limited vacant residentially zoned land by reducing minimum lot size requirements.

7. Remove Barriers to Child Care and Adult Care

The Zoning Amendments make Adult Day Care Homes and Family Day Homes as permitted uses in all residential districts. These are small-scale counterparts of Day Care Center uses and very beneficial services for communities. Under the current code, however, they require a special exception. The extra cost and effort are significant barriers. These services are extremely limited in Roanoke. The intent is to remove land use barriers to establishing these reasonable and compatible community uses in neighborhood settings.

8. Create a new UC Urban Center zoning district

The purpose of the UC - Urban Center District is to permit a mixture of retail, office, residential, and light industrial uses in a concentrated pedestrian-friendly area outside of Downtown.

9. Adjust use tables that determine where certain uses are permitted, not permitted, or require a special exception

These amendments were developed by planning staff, guided by priority and action items highlighted in *City Plan 2040*. All planning staff engaged in developing the zoning amendments were involved in the community engagement process that informed the recommendations of *City Plan 2040*.

Considerations:

The proposed Zoning Amendments are substantially similar to the March 2024 Zoning Amendments. The Zoning Amendments address the issues listed above. The lawsuit filed in April 2024 was directed at the amendments that allow multifamily dwellings in formerly single family districts. On July 31, 2024, planning staff issued a report titled "Zoning Amendments Report and Study". This

Report addresses the background, policy issues, and projected impacts of the Zoning Amendments (including the March 2024 Zoning Amendments). A copy of the Zoning Amendments Report and Study, Revision 3, is attached.

The Zoning Code is one tool (of several) that implements City Plan 2040. The March 2024 Zoning Amendments, and the proposed Zoning Amendments, implement the provisions of City Plan 2040. The discussion below reviews the supporting policies from City Plan 2040.

Interwoven Equity Theme

Priority One: Trust

Policy 1: Remove legal elements of institutional or structural bias

- Review and eliminate City codes and policies based on explicit or implicit biases, and advocate the same approach for state laws and policies.
- Enable complete neighborhoods to develop within the framework of the zoning code, providing access to affordable housing, services, and employment.

Policy 2: Lead community healing

- Build capacity (ability and experience) for neighborhood-based organizations to carry out or direct appropriate community improvements and services.

Priority Two: Break the Cycle of Poverty

Policy 2: Provide supportive interventions strategically

- Ensure preventive mechanisms are in place for helping at-risk people to prevent more serious issues (e.g., underemployment, homelessness, health issues, and unsafe housing conditions)
- Make gateways to services accessible in neighborhoods.

Priority Three: Neighborhood Choice

Policy 1: Identify and remove barriers to housing choice

- Reconsider housing policies rooted in racial segregation efforts such as exclusionary zoning districts that exclude all but single-family houses.
- Work to reduce tenure bias [which is the favoring of

owner-occupants over renter-occupants}} by reviewing City policy and plans to eliminate such bias.

Policy 2: Understand the connection between finances, housing, and literacy in order to remove barriers for vulnerable people like veterans, formerly incarcerated people, and people recovering from addiction.

- Review and reexamine how and where zoning codes permit group care facilities and group homes providing housing and supportive services and support distribution of such housing in neighborhood settings dispersed throughout the City
- Continue housing first programs and test other innovative housing approaches

Policy 4: Develop varied and affordable housing options in each neighborhood.

- Ensure affordable housing is available in all neighborhoods in the city.
- Promote complete neighborhoods, so all neighborhoods have a broad range of housing types, including multifamily housing.

Livable Built Environment Theme

Priority Four: Housing

Policy 1: Enable affordable and accessible housing options in all neighborhoods.

Policy 3: Enable a range of housing types in each part of the community to achieve inclusive, livable neighborhoods that prosper over time.

- Consider ways to introduce different housing types into neighborhoods that lack housing diversity while being mindful of and responsive to concerns about neighborhood character, design, and maintenance
- Explore opportunities for alternative living arrangements, such as group living and co-housing, near neighborhood centers.

Public outreach and comment:

The attached Zoning Amendments Report and Study details the public engagement process prior to the March 2024 Zoning Amendments and since the June 17, 2024 City Council Resolution. The topic of zoning reform has been well-publicized. As of mid-August, there have been over 40 media stories addressing the Zoning Amendments. Most City Council meetings in recent months have included at least one speaker addressing the Council on the zoning issues.

Staff briefed the Planning Commission and City Council on August 5 and responded to questions.

Additional meetings were held on August 27 and 29. Neighborhood groups in South Roanoke and Raleigh Court sponsored additional discussions led by planning staff. The results of these meetings are being provided to City Council.

Meanwhile, updates and additional information have been added to the content of the project home page: <https://planroanoke.org/zoning/>

Planning Commission:

The planning commission held a public hearing on August 12, 2024. Following a brief introduction of the item, the public hearing was opened. There were fifteen speakers, roughly evenly divided as supporters and opponents. A summary of their statements is provided below.

Generally supporting

- Artificially holding low density drives up costs of public services; drives up cost of housing; Roanoke cannot grow geographically; when a community stops growing it starts dying; People can't afford to buy for a number of reasons. Inefficient zoning practices post WWII. Inhibits growth; Great neighborhoods have a variety of housing.
- First thought proposal was bold but as examined closer, I saw how details limit too much. Planners created balance and scale.
- Home builder's organization has said we need land to build housing, but land is limited, therefore must increase density permitted.
- I live in OSW and have vacant lots; market will not support new single-family on those lots. Amendments increase flexibility. That neighborhood was originally built with a mix of duplexes and apartment buildings.

- I have developed housing in Roanoke for 30 years; why not fix up vacant homes? I agree. Many are too large and need too much work; by allowing a duplex you could get more people like me could to be interested; with parking we are not seeing issues where we are working; new apartment complex developments are expensive because of all the new infrastructure required, but a vacant lot where a duplex is allowed without having to speak to a board and ask permission makes it easier to do those things; historic areas will probably not be torn down because there are [historic rehab] tax incentives; we need affordable housing for young people to live in the city and hopefully at some point become home owners.
- Encourage approval with one caveat that they only apply to new construction. New construction is a positive in the neighborhood. Planning staff has done a good job. Provide for infill which is much better than project on Orange Avenue; neighborhoods can handle it on a small infill scale. Half my neighbors are renters; renters on my street are really good neighbors. The lot next door could be a 2,3, or 4 family home - doesn't scare me - I want to share my neighborhood. Not a bad idea for gentle infill development. The renters are often the essential workers.
- Instead of apartment developments, you could have more structures that are not as large.
- Speaking in favor of the amendments for Church Women United 80 members 35 congregations; we advocating for equity and affordable housing which is essential to reducing the number of unhoused. Single-family only zoning part of the scaffolding that continues systemic racism; perpetuates patterns of segregation; prevents equity; blocks generational wealth transfer; allowing duplexes and multifamily in all neighborhoods increases ability to create affordable housing. This issue is being characterized as "we" and "me" They fear their property values will diminish and have anxiety that conjures up even more fear - if you study the amendments, you see that is not the case.
- Apartments across the street raised the rents. A mixture of housing is good but how do you control the rents? I don't see anywhere where we set that; tell me how rents are affordable?

Generally opposing

- Speaking on behalf of Old Southwest Inc. Amendments should be tabled; Middle housing may not help with rents; Crime and safety concerns.

- Amendments are bit far reaching; Together with previous changes regarding ADUs and parking, headed toward controversy down the road; If you have units next to your house you feel a little different. You won't have any say in the matter; conversions not in character of neighborhood; Other localities have had unintended results, opposite results; not building housing for middle-income and low-income families; 2007 neighborhood plan tightened up the zoning¹. Neighborhood plan says the most important aspect is the fact that it is a single-family neighborhood.² Now seeing baby carriages and young families; hate to see the zoning changes completely undo that success.
- The term exclusionary zoning is loosely applied; Walk around Raleigh Court you'll see apartments, duplexes, people of different ages, colors, sometimes different languages. Neighborhood has a balance; introduce a tremendous amount of uncertainty next door with by right with no input concerns or engagements; takes away right of neighbors to engage in conversation about what the neighborhood should look like; ways to meet needs without using such a drastic measure; return for further work.
- How many people don't know? Those who know – how many can't make it to a meeting at 1:30? Oppose how the amendments were marketed by staff. So many vacant buildings and incentives to repurpose; not seeing impacts of stormwater addressed; floodplain doesn't even exist; rescind and do a better more comprehensive approach; corporations buying up houses.
- Sees a lot of positive but should be more discussion/collaboration
- My doctor moved to other locality instead of Roanoke because she didn't like streets full of parked cars. Moved from Asheville because too crowded, the homeless, and didn't feel safe downtown. 10-15 years profound negative effect on Roanoke for the same reason.
- Preservation concern; not opposed to equitably affordable housing and growth of Roanoke; concerned that increased density may encourage demolition. Seeing demolition in outskirts of historic districts in other localities like Charlottesville; need to not have such a broad stroke of rezoning; only single-façade apartment building has requirement for porch, not other types.³
- Owners I talk to believe their property values will go down; not to mention property enjoyment values; make it easy for developers to come into our

¹ No zoning changes were made as a result of the 2007 Greater Raleigh Court Plan;

² Raleigh Court is not a single-family neighborhood. The neighborhood plan actually says, "The neighborhood features a mix of residential zonings. However, the high concentration of single-family houses has long been cited as one of the neighborhood's foremost attributes."

³ New houses in the Neighborhood Design District have a porch requirement.

single-family neighborhoods and pack them with cheap multifamily units. People don't want to worry about property values being driven by high-rise multiunit complexes next door; engagement did not include polling of single-family owners; request that you review the documentation of these amendments.

Commissioner discussion

Mr. Berry: with the 40 units per year, are there more specifics on that such as where they would be? Could you see 20 in a neighborhood?

Staff responded that projection is not in a particular neighborhood but spread among all residential districts across the entire geography of the City. The 98 single-dwellings last year and 78 so far this year gives some idea of scale of change by comparison. Staff will track projects and their geographic distribution. New housing starts tend to happen in new subdivisions and in HUD target areas.

Mr. Berry noted that there could be a construction boom in a neighborhood.

Staff noted that a localized concentration is possible but unlikely based on the patterns of development we see. He added that there has been difficulty with people thinking about the worst-case-scenario and understanding the way things actually work out with what the zoning allows versus what actually ends up on the ground are two vastly different things. He said that R-12 district for example allows 3.3 units per acre but what is on the ground is 1.1 units per acre. Even with additions from amendments we project 1.3 in 30 years. We moderated our approach compared to other localities because we want to see what will happen with development outcomes and make adjustments after a year or two.

Mr. Smith inquired about the recommendation in the 2020 housing study to consider inclusionary zoning incentives.

Staff noted that the General Assembly now allows us to do inclusionary zoning incentives; Staff needs to consider if it's something to implement in Roanoke because there are mixed results; Staff noted that the 2020 housing study expressed concern about stifling development and having the opposite effect of what is intended; the approach would be incentive-based like loan fund.

Mr. Chittum noted there are additional meetings scheduled on August 27 and 29.

Neither Ms. Smith nor Mr. Terry-Cablier had any questions or comments

Mr. Berry said staff did great job in providing an accessible process providing

forums and outreach. He added this has been the most in-depth process by far. Amazing to see and really appreciate that.

Mr. Smith thank the public and said it's great when the public gets involved and thanked the staff for their work. He said he is all about accommodating growth and all about erasing exclusionary zoning laws and practices, but it seems like what's going on with the changes to make things more affordable are trying to do what workforce development and economic development should be doing; for that reason he would not support them. He said there are some great things in here but it's just too broad change and didn't think it will yield the return we think it's going to yield

Mr. Martin thanked staff for its work and research to bring this back a second time through. He said he would support the recommendation.

As information, when considering substantially similar amendments in March 2024, the Commission voted 5-1 to recommend approval, with Mr. Martin, Mr. Berry, Mr. Terry-Cabbler, Ms. Glenn, and Ms. Atwood voting in favor, Mr. Smith voting against, and Ms. Smith absent.

Conclusions and Recommendations:

Ms. Clark read the resolution prepared by the City Attorney's office. There was a motion and second. Upon a 2-3 vote, the motion to adopt the resolution failed.

Frank C. Martin, III

Frank C. Martin, III, Chairman
City Planning Commission

ATTACHMENTS:

- A. Summary of Zoning Amendments
- B. Zoning Amendments Report and Study

Summary of proposed amendments to the text of the City of Roanoke Zoning Code 2024

Roanoke adopted changes to its zoning code on March 18, 2024, in order to increase housing options and address issues of equity in our community. These changes are technical amendments to the text and do not change the zoning of any properties.

On June 17, 2024, City Council initiated a process to consider adopting amendments similar in substance to the March 18, 2024 amendments and, if necessary, to repeal the March 18 amendments. This process was initiated to address any uncertainty as to the adoption or effect of the March 18 amendments (in light of a lawsuit filed in April 2024), and to provide additional opportunities for further public comment, Planning Commission review, and City Council review.

This summary is intended to walk through the proposed amendments in plain language so people can understand the nature of the changes and what they mean. In the summary below, we use the term “amendments;” this refers to the changes adopted on March 18 (which are already in effect and part of the current zoning code), plus additional changes proposed to Section 36.2-403 and Section 36.2-409.1.

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|---|---|
| 36.2-100, 36.2-105 | |
| Title and rules of interpretation | Changes citation of zoning text from “ordinance” to “code.” For the purposes of zoning, City Council adopts an ordinance and then it becomes code. Assigns meaning to older terms that may remain in the code. |
| 36.2-201. Establishment of districts | |
| Naming convention | Establishes a new convention for the naming of the districts. The principal change is removing the term “single-family” in order to reflect the new code provisions for residential districts. |
| 36.2-205. Dimensional regulations | |
| How dimensional regulations are interpreted and applied | Various technical amendments were made to this section to reflect new code provisions. |
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| 36.2-300. Purpose | |
| Purpose statement for article | Improved wording |
| 36.2-310 Purposes of the residential districts | |
| Purpose statements for residential districts. | <p>The previous purpose statements actually described the exclusionary nature of the residential districts. Staff recommended amendment of these statements of purpose to make the descriptions of the residential districts more inclusive of other housing types and land uses. The proposed amendments resulted in these purpose statements:</p> <p>The purposes of the R-12, R-7, R-5, R-3, and RM-1 districts are to provide a range of housing options and to provide opportunities for compatible home-based entrepreneurship. Dimensional and supplemental regulations implement standards that control building form building placement and other characteristics of development. These districts cover the majority of the City’s land area and contain most of Roanoke’s housing supply.</p> <p>The purpose of the RM-2 district is to provide for all housing types with an emphasis on townhouses, cottage courts, and apartment buildings. This district is generally mapped in areas near or adjacent to neighborhood and other commercial centers, but also may be applied to existing apartment buildings in neighborhood contexts.</p> <p>The purpose of the RMF district is to provide for unified development of 10 or more dwellings.</p> <p>While these purpose statements have no effect on development, it is important for regulations to be consistent with these purpose statements.</p> |
| 36.2-311. Use table for residential districts | |
| Basic residential Uses | <p>The former code regulated residential uses by specifying different housing types in each district. The various housing types were single-family detached, single-family attached, two-family, multifamily, and townhouse.</p> <p>The amendment moved away from regulation by housing type and instead lists “dwellings” as a permitted use in all districts.</p> |

| | |
|---|---|
| | <p>This change is not fundamentally different from the current code because each district already permits some form of “dwelling” as a land use. However, the new code relies more properly on the dimensional regulations in Sec. 36.2-312 to control how many dwellings the code permits on a given lot.</p> |
| <p>Accommodations and Group Living Uses</p> | <p>The former code excluded certain types of group living based on the status of the residents rather than impacts of the land use. Decades of exclusionary zoning have limited housing opportunities for vulnerable populations and thus contributed to homelessness. The amendments eliminated the array of different housing arrangements and replaced them with a simplified and equitable approach. The amendments simplified group living arrangements into a small-scale version and a large-scale version.</p> <p>Group living, with 8 or fewer residents, meets the definition of household. In fact, federal and state laws reinforce this idea for certain protected classes of people. The amended code will permit a dispersed, dignified, and low impact model for permanent housing for our vulnerable populations.</p> <p>Large-scale group living, with nine or more residents, is permitted in multifamily districts and multiple purpose districts because it is fundamentally the same as a multiunit dwelling.</p> <p>The proposed approach treats these uses similar to their counterpart residential uses and eliminates discrimination based on the status or history of people.</p> <p>Note that all group living arrangements are for <i>permanent</i> housing (30 days or more). Sheltering operations remain excluded from residential districts.</p> |
| <p>Commercial Uses</p> | <p>The amendments made Adult Day Care Homes and Family Day Homes permitted uses in all residential districts. These are small-scale counterparts of Day Care Centers. Under the former code, they required a special exception. These services are extremely limited in Roanoke; the intent was to remove land use barriers to establishing these reasonable and compatible uses in neighborhood settings.</p> |

36.2-312 Dimensional regulations for residential districts

Minimum lot area for each dwelling unit

The amendments reduced the amount of lot area required for each dwelling unit, measured in square feet. To determine how many dwellings are permitted, the lot area is divided by the lot area requirement for each dwelling.

This regulation works hand-in-hand with a regulation that specifies an absolute limit on the number of dwellings allowed on a lot, regardless of the lot's size. This approach ensures the number of dwellings is within the norm found in traditional neighborhoods that are zoned R-12, R-7, R-5, R-3, and RM-1.

The minimum lot area per dwelling unit was as shown here:

| | RA | R-12 | R-7 | R-5 | R-3 | RM-1 | RM-2 | RMF |
|------------------------------------|--------|--------|-------|-------|-------|-------|-------|-------|
| Minimum lot area for each dwelling | 43,560 | 12,000 | 7,000 | 5,000 | 3,000 | 3,500 | 2,500 | 1,000 |

The resulting minimum lot area for each dwelling unit ranges from 1,000 square feet to 2,500 square feet. The lot area for RA and RMF was not changed.

| | RA | R-12 | R-7 | R-5 | R-3 | RM-1 | RM-2 | RMF |
|------------------------------------|--------|-------|-------|-------|-------|-------|-------|-------|
| Minimum lot area for each dwelling | 43,560 | 2,500 | 2,000 | 1,500 | 1,000 | 1,500 | 1,000 | 1,000 |

Maximum dwelling units on a corner lot; interior lot.

The amended code establishes an absolute maximum number of dwelling units for corner lots and for interior lots regardless of lot size. In general, corner lots can accommodate more dwelling units than interior lots. This regulation did not exist in the former code.

| | RA | R-12 | R-7 | R-5 | R-3 | RM-1 | RM-2 | RMF |
|---|----|------|-----|-----|-----|------|----------|----------|
| Corner lot maximum number of dwellings | 1 | 3 | 4 | 6 | 6 | 8 | No limit | No limit |
| Interior or through lot maximum number of dwellings | 1 | 1 | 2 | 3 | 3 | 4 | No limit | No limit |

Various housing types may or may not be permitted based on the number of dwellings permitted.

Minimum lot area and minimum lot frontage (for subdivision)

The minimum lot area and minimum lot frontages control the size of lots when subdividing land. Generally, larger lot sizes and lot frontages create inefficient development patterns that consume land and reduce housing development opportunities.

The lot size and frontage in the former code are shown here:

| | RA | R-12 | R-7 | R-5 | R-3 | RM-1 | RM-2 | RMF |
|----------------------|--------|--------|-------|-------|-------|-------|-------|--------|
| Minimum lot area | 43,560 | 12,000 | 7,000 | 5,000 | 3,000 | 5,000 | 5,000 | 15,000 |
| Minimum lot frontage | 150 | 70 | 60 | 50 | 30 | 50 | 50 | 150 |

The amendment decreased the minimum lot area and frontage for most residential districts, resulting in the following new lot area and lot frontage requirements:

| | RA | R-12 | R-7 | R-5 | R-3 | RM-1 | RM-2 | RMF |
|---------------------------|--------|-------|-------|-------|-------|-------|-------|--------|
| Minimum area of a lot | 43,560 | 8,000 | 5,500 | 4,000 | 3,000 | 4,000 | 4,000 | 15,000 |
| Minimum frontage of a lot | 150 | 60 | 50 | 40 | 30 | 40 | 50 | 50 |

36.2-314. Purposes of multiple purpose districts

Purpose statement

The amendment to the purpose statement of the MX district now provides a better reflection of the character of the district:

The purpose of the **MX District** is to accommodate residential uses and low intensity, small-scale commercial uses. Dimensional regulations implement neighborhood design principles for urban neighborhoods by controlling building size and building placement. The regulations of the district are intended to protect the character and scale of such a mixed-use development pattern by permitting low-intensity development at a scale that recognizes and respects residential patterns of development.

The amendments added a purpose statement for an entirely new district created: The **UC Urban Center District**. The purpose of the Urban Center District is to permit a mixture of retail, office, residential, and light industrial uses in a concentrated pedestrian-friendly area outside of Downtown. The streets form an interconnected grid and accommodate multiple modes of transportation: pedestrian, bicycles, transit, automobiles. Buildings are located adjacent to the sidewalk and often adjoin each other. Parking is generally concentrated in parking structures or is located to the side or rear of principal

buildings. Toward that end, the Urban Center District is intended to accomplish the following:

- (1) Facilitate pedestrian ways and create a convenient and harmonious development of buildings, streets, and open space;
- (2) Promote activity on public streets and to protect amenities provided through public investment; and
- (3) Provide for a mix of high-density residential, commercial, retail, government services, entertainment and cultural facilities, and live/work space.

36.2-315. Use table for multiple purpose districts.

Uses permitted in multiple purpose districts.

The amendment carried forward the same approach as residential districts by adding *dwelling* as a permitted use in all districts.

| District | MX | CN | CG | CLS | D | IN | ROS | UF | UC |
|-----------|----|----|----|-----|---|----|-----|----|----|
| Dwellings | P | P | P | P | P | P | P | P | P |

The simplified and equitable group living approach was carried over from residential districts into the multiple purpose districts, with small scale permitted by right and larger scale regulated by the special exception process in some districts.

| District | MX | CN | CG | CLS | D | IN | ROS | UF | UC |
|--------------|----|----|----|-----|---|----|-----|----|----|
| Group living | S | S | P | P | P | S | | P | P |

The amendments added certain low-intensity business development as permitted uses in the Multiple Purpose districts: Bed and Breakfast; short-term rental; business services; financial services; medical labs; R&D labs; commercial caterer; community market; workshop; personal service; assembly and entertainment uses.

Amendments expanded districts where child and adult care is permitted to remove barriers for creation of new services.

Certain automobile oriented activities change from permitted to special exception to provide more oversight: Drive through facilities and kiosks, rental, repair, service, sales, painting, body shop, limousine service.

Certain passive, low-activity uses were disallowed in multiple purpose districts: mobile home sales, storage building sales, self-storage building.

The former code classified a shelter as a “Group Care Facility, transitional living facility.” This use is extremely restricted; the zoning code permitted it only in the INPUD district and required a special exception from the board of zoning appeals.

Two new uses replaced the *transitional living facility*: **Community Housing Services** and **Regional Housing Services**. This approach provides for a small, limited community scale version which may be more broadly permitted around the City. Enabling a model of small-scale sheltering options distributed among higher intensity districts is a less impactful, more equitable, and more accessible alternative to one large facility.

Community housing services: a small-scale operation providing temporary occupancy, and may provide mental health counseling, employment services, permanent housing assistance, and other supportive services. The temporary housing capacity of a community housing services operation shall be limited to twelve people and occupy no more than 10,000 square feet of gross floor area.

Regional housing services: an operation providing temporary occupancy, and may provide mental health counseling, employment services, permanent housing assistance, and other supportive services. The temporary housing capacity of a regional housing services operation is not limited.

The amendments made Community Housing Services a permitted use in CG, CLS, D, IN, ROS, and UF districts and MXPUD and INPUD districts. Regional Housing Services would be very restricted, permitted only in the INPUD district with a special exception.

36.2-316. Dimensional regulations for multiple purpose districts

Lot area and lot frontage regulations

The amendments reduced the lot area required for each dwelling in the MX district. Residential density is not regulated in most Multiple Purpose Districts.

The lot size and frontage and frontage requirements, which apply when subdividing land into lots, were reduced to make more efficient use of land.

| | | MX | CN | CG | CLS | D | IN | ROS | UF |
|------------------------------------|---------|---------------|--------------|-----------|------------|------|-----------|------|-------|
| Minimum lot area for each dwelling | | 1,000 | None | None | None | None | None | None | None |
| Lot area | Minimum | 2,500 | 2,500 | 10,000 | 43,560 | None | None | None | None |
| | Maximum | 15,000 | 2 ac. | 3 ac. | None | None | 5 ac. | None | 3 ac. |
| Frontage | | 40 | None | 50 | 100 | None | 50 | None | None |

| | | | | | | | | | |
|--------------|---------|-----|-----|------|------|------|------|------|-----|
| Lot frontage | Maximum | 150 | 200 | None | None | None | None | None | 200 |
|--------------|---------|-----|-----|------|------|------|------|------|-----|

36.2-322. Use table for industrial districts

Industrial districts

Dwelling and group living uses were carried forward from residential districts. However, they require a special exception because the suitability can vary greatly depending on the context of existing industrial development.

| | I-1 | I-2 | AD |
|--------------|-----|-----|----|
| Dwellings | S | | |
| Group Living | S | | |

Roanoke has residential uses in industrial districts as a vestige of previous zoning remaps. Permitting residential uses by special exception allows them to continue, expand, and be maintained. Permitting residential uses can enable transition from underperforming industrial land to adaptive reuse for needed housing.

The amendments restrict or eliminate a number of hazardous and/or nonproductive uses: storage building sales; junkyard; wrecker yard; self-storage building, self-storage facility; storage of commercial motor vehicles; storage of motor vehicles for rental; and tank farm.

The new “community housing services” was added as a permitted use in the I-1 district.

Sec. 36.2-327. Use table for planned unit development districts

Use table

Dwelling uses were carried forward and short-term rental is added.

| | MPUD | INPUD | IPUD |
|-------------------|------|-------|------|
| Dwellings | P | P | |
| | | | |
| Short-term Rental | P | P | |
| Group Living | P | P | |

| | |
|---|---|
| | <p>Assembly uses were added.</p> <p>Regional temporary housing services replaced <i>transitional living facility</i> as a special exception in the INPUD District.</p> <p>Additional uses were added to allow for a more complete neighborhood development within a PUD including: gasoline station; workshop; exhibition, convention, and conference center; indoor recreation; and movie or performing arts theater.</p> |
| Sec. 36.2-328. Dimensional regulations for planned unit development districts. | |
| Dimensional regulations | The technical changes to this section enhance readability. The planned unit development plan controls these characteristics of development. |
| Sec. 36.2-332. Neighborhood Design Overlay District (ND). | |
| Design standards for dwellings | The amendments modified and refined residential design standards that apply in traditional neighborhoods. The requirement for a two-story building between two others was deleted. Some standards were moved to supplemental regulations that apply throughout the city (see new 36.2-409.1). |
| 36.2-402. Accessory apartments | |
| Accessory apartment supplemental regulations | This section was deleted, with new content created in supplemental regulations for “dwellings” in Sec. 36.2-409.1. |
| 36.2-403. Accessory uses and structures | |
| Regulations on accessory uses | <p>Delete prohibition on separate metering for accessory uses and structures.</p> <p><i>***Note, this amendment was NOT adopted March 18 and is to be considered in the upcoming action.</i></p> |
| Sec. 36.2-405. Bed and breakfast, homestay, and short-term rental establishments | |

| | |
|--|--|
| Supplemental regulations | Technical amendments reflected new terminology for dwelling type. |
| 36.2-409.1. Dwellings. (Supplemental regulations) | |
| Supplemental regulations for dwellings | <p>This new section provides standards for residential dwelling types, providing definition and guidance on form, building location, transparency, and orientation. The intent of these standards is to provide for compatibility within the context of existing neighborhoods.</p> <p>Accessory dwellings (also known as accessory dwelling unit (ADU), or accessory apartment). The standards limit an accessory dwelling to being associated with a single dwelling. The size is limited to 800 square feet or 80 percent of the gross floor area of the principal dwelling, whichever is less. The accessory building may contain other uses and shall otherwise be subject to the size and placement standards of 36.2-403.</p> <p>Cottage Courts. A cottage court development is a grouping of attached or detached dwellings arranged and oriented toward an interior courtyard rather than toward a street frontage. The standards limit the floor area and height of units as they are, by design, intended to be a grouping of small dwellings.</p> <p>One and two dwelling buildings. These buildings are the most common type in Roanoke. The standards call for de-emphasizing garage bay doors for compatibility with most of Roanoke’s neighborhoods. This will help new houses fit into existing neighborhoods. The standards also establish minimum window and door openings on the façade.</p> <p>Where permitted by the district, a lot may contain multiple one or two dwelling buildings. This means that where more than one dwelling is permitted on a lot, the dwellings do not necessarily need to be in one building.</p> <p>Single-façade apartment buildings. These buildings have a single mass with one primary façade like a typical house. Standards are designed to control the bulk of these buildings (height and width) so they will generally be “house sized.”</p> <p>The building shall have one entrance facing the primary front yard. No additional entrances shall face the primary front yard unless recessed at least four feet behind the primary building facade. Here, the regulations require a</p> |

| | |
|--|---|
| | <p>front porch, essential to making a small apartment building fit into a neighborhood context.</p> <p>Multiple façade apartment buildings. These buildings have a more complex shape with multiple primary facades. They often resemble the letter “C” or “H” or “W” when viewed from above. This feature enables a larger building to fit because the façade is broken into typical house-sized modules. The standards limit the width of the facades so they are comparable to other dwellings in a block.</p> <p>Townhouse buildings. These are buildings containing dwellings sharing common vertical walls. Standards provide additional controls on the width and building placement to encourage compatibility with neighborhood contexts. Front facing parking, garage doors, and driveways are also limited.</p> <p>Note that the large apartment building, containing 9 or more units, is not regulated because they are not permitted in the R-12, R-7, R-5, R-3, or RM-1 districts.</p> <p><i>***Note, additional changes are proposed since the March 18 amendments to clarify subsections (c) and (f) based on community feedback.</i></p> |
| <p>36.2-431. Townhouses and rowhouses.</p> | |
| | <p>Deleted supplemental regulations for townhouses and rowhouses. Standards were moved to Section 36.2-409.1</p> |
| <p>Appendix A. Definitions</p> | |
| <p>Community housing services, regional housing services</p> | <p>New definitions for <i>community housing services</i> and <i>regional housing services</i> as forms of temporary sheltering.</p> |

| | |
|---------------------|---|
| <p>Dwellings</p> | <p>Dwelling: a room or group of connected rooms designed for occupancy by a household as an independent housekeeping unit for 30 days or longer.</p> <p>Dwelling types: This code identifies the following types of dwellings for the purpose of providing supplemental regulations that prescribe form, location, and orientation.</p> <p>Accessory dwelling: an additional dwelling on a lot where the principal use is a single dwelling building. (synonyms: Accessory dwelling unit, ADU, accessory apartment)</p> <p>One and two dwelling building: a building that contains one or two dwellings.</p> <p>Cottage court: a group of two or more buildings that contain three or more dwellings that are limited to 1,000 square feet of gross floor area. Such located on an interior or through lot with limited size detached or connected dwellings, with such buildings oriented to create a central court for common access.</p> <p>Townhouse building: A building containing two or more dwellings connected by vertical walls, with each dwelling having an independent entrance.</p> <p>Single façade apartment building (house form): a building that contains three to eight dwellings and has a single primary façade.</p> <p>Multiple façade apartment building (courtyard form): a building that contains three to eight dwellings and has multiple primary facades.</p> <p>Large apartment building: a building containing nine or more dwellings.</p> |
| <p>Group living</p> | <p>Defines group living, small scale and group living, large scale as forms of permanent residential occupancy.</p> <p>Group living, large scale: permanent occupancy of a building by nine or more people who may be unrelated and who may receive supportive services or medical care. Large-scale group living is characterized by common areas and centralized food services and do not contain independent dwellings. Such living arrangements are commonly referred to as nursing homes, congregate care, or group care.</p> <p>Note: Occupancy by fewer than nine persons is a household.</p> |

| | |
|-------------------|---|
| Household | <p>Redefines household to include family and nonfamily living arrangements, including living arrangements of people protected by federal law.</p> <p>Household: a person or group of persons living within a dwelling and sharing kitchen facilities, sanitation facilities, and common areas. A household may have one of the following types of occupancy:</p> <ul style="list-style-type: none"> • A family of related persons of unlimited number. • A family defined as up to eight persons with mental illness, intellectual disability, or developmental disability who reside with one or more resident or nonresident staff persons in a residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to the Code of Virginia (1950), as amended. • A family defined as up to eight aged, infirm, or disabled persons who reside with one or more resident counselors or other staff persons in a residential facility for which the Department of Social Services is the licensing authority pursuant to the Code of Virginia (1950), as amended. • A group of up to eight unrelated persons who may or may not receive supportive services or medical care. |
| Occupancy | <p>Defines permanent occupancy as 30 days or more, and temporary occupancy as less than 30 days.</p> |
| Short term rental | <p>New definition for short term rental, which is rental of a dwelling for less than 30 days</p> |



Zoning Amendments Report and Study

Roanoke, VA

Initial version July 31, 2024

Revision 1 August 2, 2024

Revision 2 August 7, 2024

Revision 3 September 5, 2024

Introduction

On March 18, 2024, Roanoke City Council adopted zoning amendments (referred to in this report as the “March 2024 Amendments”), following the Planning Commission’s March 10, 2024 recommendation. Both the City Council and the Planning Commission conducted public hearings. In addition, their actions followed a robust public engagement process including work sessions, twelve public information meetings, and a survey conducted between September 2023 and March 2024. All public outreach was performed in the context of implementing City Plan 2040, which itself had an extensive stakeholder engagement process that spanned three years.

The effect of the March 2024 Amendments, in general, is to allow by right all types of dwellings, including some types of multifamily dwellings, in all the residential zoning districts and certain multiple purpose zoning districts in the City. The uses of land allowed by right¹ in these residential districts are no longer limited to single-family residential uses.

The March 2024 Amendments are in effect and part of the current zoning code. After the City Council’s adoption of the March 2024 Amendments, a number of citizens filed a lawsuit challenging their adoption and validity. On June 17, 2024, City Council initiated a process to consider adopting zoning amendments similar in substance to the March 2024 Amendments and, to the extent necessary, the repeal of the March 2024 Amendments. The City Council Resolution stated that the additional legislative process will address any uncertainty as to the adoption or effect of the March 2024 Amendments and provide additional opportunities for public comment, Planning Commission review, and City Council review.

Based on its review—both prior to and after adoption of the March 2024 Amendments—planning staff recommends zoning amendments that effectively readopt/reaffirm the March 2024 Amendments, with the only modifications made to Section 36.2-403 and Section 36.2-409.1 of the zoning code.² Given the near identity between the March 2024 Amendments and the proposed amendments, this report will use the term “Zoning Amendments” to refer to them both, and generally discusses changes that the “Zoning Amendments” make compared against Roanoke’s pre-March 18, 2024 zoning code (not the current zoning code).

There has been significant public support for the Zoning Amendments, and the underlying concepts, throughout the community engagement processes for both City Plan 2040 and the March 2024 Amendments.

This report assembles and presents the planning staff’s study of relevant information about the goals and results (projected and Roanoke’s experience since March 18, 2024) of the Zoning Amendments. For this study, planning staff has reviewed and considered these information resources (among others): City Plan 2040 ; the 2021 Housing Needs Assessment by the Virginia Tech Center for Housing Research; the December 2020 Citywide Housing Study prepared by RKG Associates, Inc., and JM Goldson/Community

¹ “By right” means the land use is permitted without any legislative action such a special exception or special use permit.

² Documents explaining the proposed amendments, the changes to the current zoning code, as well as the changes compared to the pre-March 18, 2024 zoning code are currently available at: <https://planroanoke.org/zoning/> and for physical inspection at the Office of the City Clerk, Suite 456, Noel C. Taylor Municipal Building, 215 Church Avenue SW, Roanoke, Virginia, 24011.

Preservation and Planning for the Roanoke Valley-Alleghany Regional Commission; extensive information collected by and resulting from planning staff study; citizen comments; the concerns identified by the plaintiffs in the lawsuit challenging the adoption of the March 2024 Amendments; the City's experience with the March 2024 Amendments since adoption; and the experience of other localities in Virginia and across the country.

Roanoke's residential zoning districts cover just over half of Roanoke's land area (14,600 acres). Under the pre-March 18, 2024 zoning, most of these residential districts permitted only single-family dwellings by right. These limited districts covered 13,319 acres, or 91% of the area zoned for residential uses in the Roanoke. In these single-family residential districts, multifamily dwellings were not allowed by right. Multifamily dwellings were allowed by right in only a small area of the City.

The Zoning Amendments address the need for additional housing in Roanoke, the need for more affordable housing, and the need to make the residential zoning provisions more inclusive and to reduce the effect of zoning regulations that exclude residents based on racial or economic factors. The Zoning Amendments allow different types of dwellings, including townhouses, small apartment buildings, cottage courts, one-unit dwellings, and two-unit dwellings by right in all residential districts and certain multiple purpose zoning districts. Supplemental regulations in Section 36.2-409.1 provide design standards for the various housing types to manage the form, location, and orientation of structures so they are compatible in neighborhood settings.

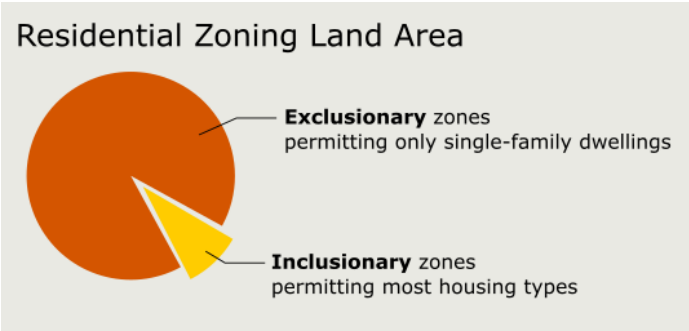
These revisions are intended to allow different types of dwellings and thus increase the diversity of housing available in Roanoke over the long range. More specifically, the Zoning Amendments address multiple needs: to generally increase the supply of housing ; to increase the supply of affordable housing; and to address the exclusionary history of zoning provisions that limited a large geographic area of Roanoke to single-family residential uses and the persistent exclusionary effects of such zoning restrictions today. Furthermore, the Zoning Amendments implement specific policies stated in City Plan 2040 .³

This study analyzes the expected effect of the Zoning Amendments, over time, while taking into account the expected rate of change related to the Zoning Amendments and the expected effects on infrastructure, parking, traffic and public services. As explained in this report, staff concludes that the expected rate of change on the number of new dwelling units and related density will inherently be incremental and gradual over time with limited, if any, effects on infrastructure and public services.

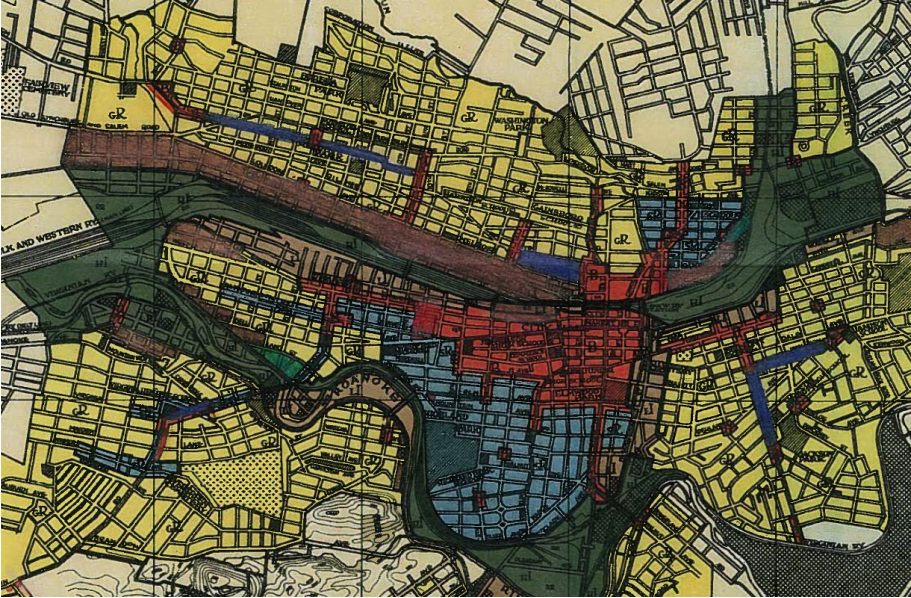
³ The Planning Commission's March 18, 2024 report to City Council (pp. 6-8) includes a summary of policies and statements from the City Plan 2040 that relate to the Zoning Amendments.

Background

Prior to the March 2024 Amendments, half of Roanoke’s land area was limited to single-family only zoning restrictions. These single-family only restrictions, and the related effect of excluding people from those districts, were difficult to square with the interwoven equity goals stated in City Plan 2040.



John Nolen, on the heels of his 1928 plan, drafted Roanoke’s first zoning ordinance in 1932. Only five districts were established; two of those were General Residence and Special Residence. **General Residence** permitted single-family and two-family dwellings while **special residence** permitted apartment buildings and multiple dwellings.



During the ensuing 90 years, zoning evolved into a regulating system that micromanaged the residential land uses that had previously developed according to need and market conditions. City Plan 2040 notes that Roanoke was not unique in this evolution:

“The idea of regulating and arranging uses of land began almost as soon as human settlement began and remains the very essence of city planning. Early planning prescribed how various essential uses—the public square, sites for civic buildings, and the streets—are organized on the landscape.

During the 20th century, rapid urbanization led to land use regulation becoming a core activity of local governments. Rather than organizing important activities, however, land use regulation evolved into a practice of excluding urban activities from one another. City planning during the second half of the 20th century had a heavy focus on separating land uses. Zoning emerged as a tool to exclude noxious industrial uses from residential areas, but then cities started using it to exclude commercial uses from residential areas. Eventually, it became common to designate vast areas of the city exclusively for single-family dwellings, prohibiting all other uses including other types of residential buildings.”⁴

Roanoke’s 2005 zoning code contains seven residential zones. Prior to amendments in 2024, in five of those districts, single-family dwelling was the only principal residential use permitted by right.

City Plan 2040 states:

“This plan recommends continued long-range *movement away* from obsolete policies of excluding land uses and continued *movement toward* policies that promote (or permit) mixing and diversity.... Each neighborhood should welcome people of varied demographic dimensions such as income, race or ethnicity, life stage, familial status, housing preference, housing type, and mobility. Such diversity tends to occur naturally in the absence of artificial and deliberate actions to prevent it, so local government’s role is to remove or relax barriers (e.g., exclusive zoning practices).”⁵

The planning staff’s recommended Zoning Amendments address the ongoing effects of single-family only zoning restrictions that continue racial and economic exclusion. The Zoning Amendments also open up land to other types of housing as part of a larger strategy to address chronic housing shortages and escalating housing costs in Roanoke. As noted above, there has been significant public support for the concepts underlying the Zoning Amendments.

From the community engagement sessions and after adoption of the March 2024 Amendments, planners have also heard concerns ranging from mild inconvenience to grave concern. These concerns have resulted in considerable discussion on Nextdoor and the imprecisely-named “Mass rezoning” Facebook page.⁶ In these forums, and in the lawsuit filing, there are assertions that the changes will overtax the city’s infrastructure, result in overcrowding, increase traffic, depopulate the city, increase “parking congestion”, increase property values, decrease property values, reduce tree canopy, and generally affect the “character” of neighborhoods. Some opponents say the City did not engage the

⁴ City Plan 2040 City Design: Land Use Background

⁵ City Plan 2040 City Design: Land Use Interventions

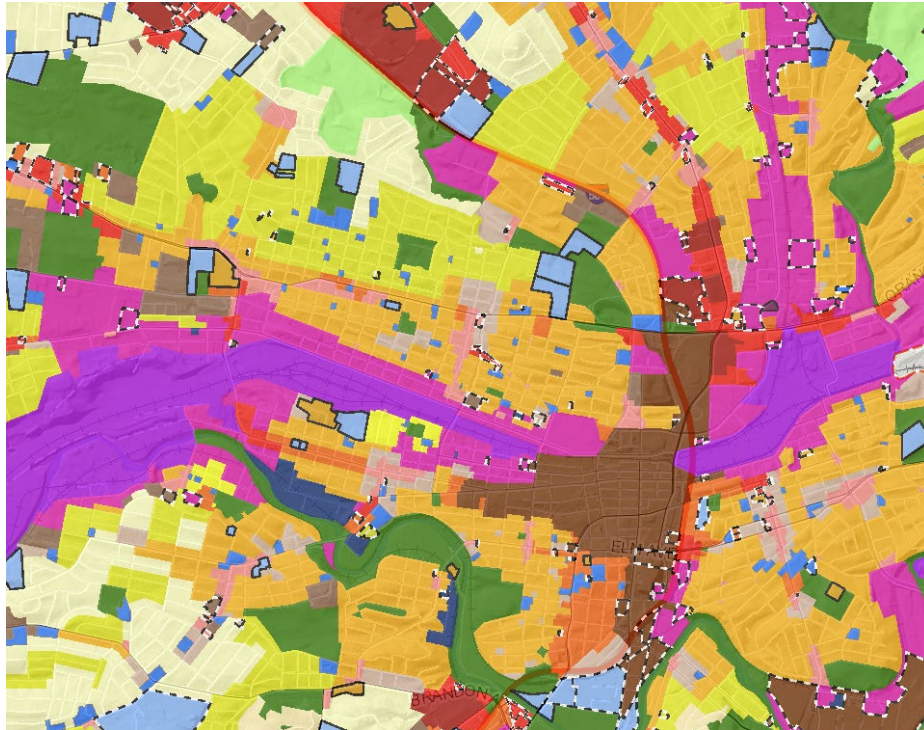
⁶ A rezoning is a change or amendment to the zoning map. The Zoning Amendments do not change the zoning map.

public and assert that “people don’t know,” despite the unprecedented engagement process and considerable news coverage prior to adoption.

In the study that follows, planning staff concludes the increases in housing units will be modest and therefore readily accommodated by our existing civic and infrastructure capacity and that the potential negative effects cited by opponents are not likely to be realized.

Description of Zoning Amendments

The zoning code has two parts. The first is the zoning map, which draws districts over the entire city. Every part of the city is zoned a specific district. Below is an excerpt from the Roanoke zoning map. The yellow and orange areas are residential districts.



The second part of the zoning code is the text, which spells out what can happen in each district. The regulations are the same in each district, meaning the regulations for an RM-1 district in Old Southwest are the same as an RM-1 district in the Hollins Road area.

The Zoning Amendments make changes only to the **text**. They change the names of some districts, but there was no remapping of districts. The new district names represent the more inclusive character of the districts after amendment.

Each district has a list of permitted land uses and a table of dimensional regulations like setbacks, height, lot coverage, and so on. These dimensional regulations address lot size, frontage, and the number of dwellings allowed on a lot. Each type of dwelling is subject to development standards that require that any new dwellings are compatible with existing uses. Accessory dwelling units are allowed only as an accessory to a single-unit dwelling.

The Zoning Amendments change how Roanoke regulates housing. Since 1932, housing was regulated by **type** (single-family, two-family, townhouse, multifamily). This became increasingly complex over time, as each housing type had to be defined meticulously so it could be included or excluded from districts. The Zoning Amendments simplify the code by focusing on the actual activity occurring, which is a **dwelling**.

The number of dwellings permitted on a lot is moved to the dimensional regulations. There is a minimum land area required for each dwelling. Each district also has a maximum number of dwellings permitted on a corner lot and on an interior lot. These two specifications work together to determine how many dwellings the code permits on a given lot.

Sec. 36.2-311. Use table for residential districts.

| District | RA | R-12 | R-7 | R-5 | R-3 | RM-1 | RM-2 | RMF |
|-------------------|----|------|-----|-----|-----|------|------|-----|
| Dwellings | P | P | P | P | P | P | P | P |
| P means permitted | | | | | | | | |

Sec. 36.2-312. Dimensional regulations for residential districts.

| District | RA | R-12 | R-7 | R-5 | R-3 | RM-1 | RM-2 | RMF |
|---|--------|-------|-------|-------|-------|-------|----------|----------|
| Minimum lot area for each dwelling (square feet) | 43,560 | 2,500 | 2,000 | 1,500 | 1,000 | 1,500 | 1,000 | 1,000 |
| Corner lot - maximum number of dwellings | 1 | 3 | 4 | 6 | 6 | 8 | No limit | No limit |
| Interior or through lot - maximum number of dwellings | 1 | 1 | 2 | 3 | 3 | 4 | No limit | No limit |

This change makes the R-12, R-7, R-5, R-3, and RM-1 zones more inclusive by allowing other housing types. RM-2 and RMF already permitted other housing types. The RA zone is an agricultural zone mapped on the few farms and pastures remaining in the city.

The following page contains a few examples of the maximum capacity of selected lots. These examples illustrate the operation of the dimensional regulations and the provisions addressing the maximum number of dwelling units. As noted, each type of dwelling is subject to development standards that require that any new dwellings are compatible with existing uses.



R12 Corner lot

2,500 per dwelling with absolute max of 3 dwellings

28,042 sf of land area ÷ 2,500 yields up to 11 dwellings

Max per lot is 3

Permitted: 3 dwellings



R5 Interior lot

1,500 per dwelling with absolute max of 3 dwellings

6,673 sf of land area ÷ 1,500 yields up to 4 dwellings

Max per lot is 3

Permitted: 3 units



RM-1 Interior lot

1,500 per dwelling with absolute max of 4 dwellings

6,500 sf of land area ÷ 1,500 yields up to 4 dwellings

Max per lot is 4

Permitted: 4 dwellings

These amendments made other important changes to the Zoning Code:

- Defined Household to include Family and Nonfamily Living Arrangements.
- Simplified Group Care Facility types into a single Group Living land use
- Replaced Transitional Living Group Care Facility with small scale Community Housing Services and larger scale Regional Housing Services
- Removed barriers to child care and adult care by making Adult Day Care Homes and Family Day Home permitted uses in all residential districts.
- Created a new UC Urban Center zoning district
- Adjusted where certain uses are permitted, not permitted or require a special exception, among the various districts.

Community Engagement

The development of the Zoning Amendments—including adoption of the March 2024 Zoning Amendments—was preceded by an extensive process of community engagement. The first step was City Council’s adoption of City Plan 2040 in December 2020. The plan describes the public participation process in developing the new comprehensive plan (pp. 18-23). The Zoning Amendments implement the priorities and policies recommended by the plan.

Next, in 2021, City Council repealed minimum parking requirements for new developments on private property. This action removed a barrier to economic development and housing development.

Third, planning staff crafted a process to provide meaningful opportunities for citizens to participate through a series of meetings and virtually. The planning staff organized a first round of public, in person, workshops, between September 2023 and October 2023. The first round of workshops was intended to inform residents about the current situation and identify possible ideas on how to address the affordable housing and equity issues.

To maximize participation, staff based the open house workshops at community libraries to reach out into neighborhoods and provide venues that were accessible, familiar and comfortable. The staff scheduled the workshops from 4pm to 6pm to accommodate a span of work schedules. Any resident could attend any of the workshops.

This first series of workshops occurred before the planning staff developed any specific zoning proposals so that the staff could consider citizen concerns before developing specific language or proposals. Staff used feedback from these sessions to craft specific possible amendments.

Following the initial input sessions, planning staff began to look at options for addressing housing barriers and the issues presented above. The planning staff conducted the second set of workshops in February 2024. The second set of workshop meetings allowed citizens to consider the specific proposals developed by the planning staff for consideration by the Planning Commission and the City Council.

In addition to the twelve workshop meetings, the planning staff, in conjunction with the Office of Community Engagement and RVTV, developed and produced several Public Service Announcements that were shared through the planroanoke.org/zoning page, the City’s Main Facebook page, and the Planning, Building and Development Department’s Facebook page. These PSAs were developed over several months and were updated in order to reflect changes in the timing of the Planning Commission’s and City Council public hearings. Additionally, these informational PSAs were cross-posted among all of the City’s other social media channels.

As shown above, prior to adoption of the March 2024 Amendments, the planning staff chose an “all of the above” approach to getting the word out, using media releases and direct email blasts to community members. There was a great deal of interest by the media in the effort. There were 18 different news stories in print media and broadcast news outlets. Planning staff placed nearly 300 yard signs around the community to drive people to the web page containing information about the effort and its progress.

The workshop/open house meetings had good attendance considering the subject matter. As important as they are, zoning text amendments typically garner limited community interest. In 2005, there was a complete rewrite of the code and map. Every property owner in the city was affected by the new code, but only one representative of a large land owner attended the City Council public hearing.

First Round

September 2023 Main Branch Library (10 attended)
September 2023 Williamson Road Library (4 attended)
October 2023 Raleigh Court Library (21 attended)
October 2023 Gainsboro Library (5 attended)
October 2023 Melrose Library (16 attended)
October 2023 Belmont Library (6 attended)

Between October 2023 and January 2024, staff tested various ideas and formulated specific possible zoning text amendments. These changes were published online in advance of the second tour of neighborhoods along with explanatory notes and an ‘explainer’ video that provided an additional way to understand the changes.

Second Round

February 2024 Belmont Library (14 attended)
February 2024 Melrose Library (6 attended)
February 2024 On-line Meeting (12 attended)
February 2024 Gainsboro Library (6 attended)
February 2024 Main Library (7 attended)
February 2024 Williamson Road Library (12 attended)
February 2024 Raleigh Court Library (30 attended)

Additional community meetings

August 13 Neighbors in South Roanoke meeting
August 26, Northwest Neighborhood Development Roundtable at Melrose Library
August 27, Melrose Library (Planning, Building, and Development)
August 29, Belmont Library (Planning, Building, and Development)
September 3, Raleigh Court Neighborhood Association meeting

Briefings/Public Hearings before Planning Commission and City Council

The Planning Commission and the City Council participated in a series of briefings, workshops and public hearings before the Planning Commission’s recommendation and the City Council’s adoption of the March 2024 Amendments.

- September 5, 2023 – discussed the initiative in the joint session of Planning Commission and City Council
- November 10, 2023 – Discussed in the Planning Commission work session
- January 12, 2024 – Staff provided a 5-page briefing memo to City Council via the City Manager.
- February 5, 2024 – Staff provided a one hour briefing to City Council on the planned engagement process and content of amendments.

- February 9, 2024 – Details of code amendments discussed in the Planning Commission work session
- March 8, 2024 Details of code amendments discussed in the Planning Commission work session
- March 11, 2024 Planning Commission held a public hearing
- March 18, 2024 City Council Public Hearing
- August 5, 2024 Briefing to joint meeting of Planning Commission and City Council
- August 12, 2024 Public hearing by the Planning Commission

In all, print and broadcast media ran **18 articles** or stories about the amendments and the open houses to discuss them, prior to March 18, 2024. Since adoption, the Zoning Amendments have been the subject of additional 20-30 media articles. There was extensive discussion on social media for and against, particularly on the Next Door platform.

Outreach Related to Proposed Amendments

As discussed above, on June 17, 2024, City Council initiated a process to consider proposed zoning amendments similar in substance to the March 2024 Amendments. As with the March 2024 Amendments, the planning staff, in conjunction with the Office of Community Engagement and RVT, has developed PSAs shared through the planroanoke.org/zoning page, the City's Main Facebook page, the Planning, Building and Development Department's Facebook page, and cross-posted on the City's other social media channels. Additional PSAs were issued in the weeks prior to the August 12 Planning Commission hearing. .

The Planning Commission and City Council held a joint work session on August 5, 2024, which included a briefing and discussion on the proposed amendments. The Planning Commission held a public work session regarding the proposed amendments on August 9, 2024. It held a public hearing on August 12, 2024, prior to its action.

City Council will hold another public hearing prior to any action on the proposed amendments.

Conclusion

The planning staff implemented an extensive community engagement process that provided for meaningful discussion and consideration of the housing issues Roanoke faces and ideas to address those issues. Extensive media coverage since September 2023 has maximized public awareness of the issue. The Planning Commission and City Council have provided continuing opportunities for citizens to express their support and concerns through public hearing and public comment sessions and in writing.

Affordability and Housing Supply

Roanoke has a significant shortage of affordable housing and needs more and different types of housing, including “missing middle” housing. In the context of the Zoning Amendments, “middle” housing means 2-8 dwelling units on a single lot.

Virginia’s zoning statutes provide that localities should improve the public health, safety, convenience and welfare of their citizens and plan for the future development of communities.⁷ Zoning ordinances should be designed to give reasonable consideration to facilitating the creation of a convenient, attractive and harmonious community, and to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality.⁸

Findings

City Plan 2040 addresses the need for additional housing in a range of types and affordability,⁹ and includes specific observations of the need for a wide range of housing options, including “missing middle” housing¹⁰ and the need for more affordable housing.¹¹

In addition to City Plan 2040, there were two significant studies of housing needs in Roanoke. The 2020 Citywide Housing Study includes the following points:

- The population of Roanoke has been gradually increasing, with the percentage of elderly population also increasing.
- The housing stock in Roanoke is older, resulting in lower residential real estate values.
- Median rents are increasing.
- A significant number of households are “cost burdened,” meaning they are spending 30% or more of their income for housing costs.
- There is a lack of affordable rental housing.

Recommendations of this study included regional coordination, developer recruitment, leveraging city owned land for housing production, and establishing an affordable housing loan fund. The first strategy was a recommended regulatory strategy that would “consider zoning changes that allow and potentially incentivize new housing types.”¹² The study continues on this point:

⁷ Section 15.2-2200 of the Code of Virginia.

⁸ Section 15.2-2283 of the Code of Virginia.

⁹ City Plan 2040, p. 13.

¹⁰ City Plan 2040, pp. 25, 35, 77, 82.

¹¹ City Plan 2040, pp. 35, 39, 40, 81, 83.

¹² Citywide Housing Study p. 86

“The city’s growing population is concentrated in two primary age cohorts – younger professionals and seniors. National trends show housing preferences of both groups in close alignment with a preference toward housing in walkable locations with amenities nearby, attached ownership units or multifamily rental structures with minimal maintenance responsibilities, and amenitized buildings. If the city wants to continue to attract people to live here and retain the residents who are here already, increasing housing choice and diversity should be a key to moving forward.

“Zoning changes should respond to resident needs and desires for new housing types and structures that provide additional housing choices yet are still compatible with the built environment in which they are placed. Zoning is one of the few tools the city and local partners can change almost immediately and at very little cost that can have a direct impact on housing production. Zoning can also be used to integrate new housing types across a wide variety of area or neighborhood types in the city...”¹³

The study also recommends consideration of inclusionary zoning approaches that either incentivize or mandate a certain percentage of new units be designated as affordable, but cautions that mandates could prove counterproductive because they may slow the pace of development.¹⁴

A 2021 study¹⁵ of housing needs revealed surprising data on how Roanoke’s housing supply is occupied by households of different income ranges. As expected, there is a significant deficit of affordable housing for extremely low income households (3,020 unit deficit). What is surprising is the pronounced deficit of units with rents that align with higher household incomes (4,905 unit deficit), and the apparent excess supply of housing units in the middle ranges.

Unit Rent Range vs Family Income Range¹⁶

| Income Range | Deficit of units in rent range | Excess units in rent range |
|----------------------------|---------------------------------------|-----------------------------------|
| Extremely low income | -3,020 | |
| Very low income | | +3,920 |
| Low income | | +5,435 |
| Moderate income and higher | -4,905 | |

¹³ Citywide Housing Study p. 87

¹⁴ Citywide Housing Study p. 93

¹⁵ Virginia Eviction Reduction Pilot (VERP) Planning Grant Needs Assessment. Jones, Choi, Castro, Moore, and Nagle. Virginia Tech Center for Housing Research and Virginia Tech Institute for Policy and Governance, October 2021.

¹⁶ VERP assessment; adapted from Table 9 p. 24. Source Data: 2013-2017 CHAS

What this means is that families are renting outside of their presumed affordability, *both upward and downward*. Because the extremely low cost rental units are scarce, extremely low income families are forced to seek units where there is available supply, but are beyond what they can comfortably afford. Moderate income and higher families, faced with a tight supply of units in their rental range, tap into the excess supply available in the lower cost ranges. This shift to higher rent units results in a cost-burdening situation where those households are paying more than 30% of their income for housing costs.

The need for housing affordable for extremely low income families must be addressed by government intervention in the form of assisting nonprofit or for-profit housing developers in the form of financial incentives and direct funding.

The pronounced deficit at the higher end of the housing market means that the largest cohort of households must seek housing that is in the lower income rental ranges. When new market-rate housing units are developed, the market would respond to the undersupply of housing in that price range. Presumably, many of those moderate and higher income households would move to new units in their rent range, making more lower-rent units available. The important conclusion is that ALL new housing development, regardless of the rent or cost, will have some benefit to affordability for two reasons. First, increased supply would stabilize rents throughout the market and, second, more existing affordable units would become available as moderate and high income households shift toward units in their rent range.

In this context, *all new and additional housing production helps address the need* throughout the housing market.

Zoning policies that limit allowed dwellings to single-family units contribute to the shortage of housing. In Roanoke, these policies have been in place since before World War II. During this period, much land in around Roanoke and other cities was consumed by low density development, facilitated by zoning restrictions that allowed only single-family units in residential districts.

Conclusion

The Zoning Amendments are intended to allow the development of different types of dwelling units and more affordable housing. Provisions limiting the development in residential areas to single-family uses have been in place since the first zoning ordinance was adopted in 1932.

The change in trends of land development resulting from the Zoning Amendments will be incremental, over time. As discussed below, the housing unit gains expected under the Zoning Amendments are expected to be modest, but important, particularly to those who need housing. These expected gains will play a relatively small role in increasing affordable housing in any single year. The Zoning Amendments, however, are only one part of comprehensive efforts by the City to improve the availability, affordability, and quality of housing. Over the course of decades, the Zoning Amendments are expected to be an important factor in increasing the supply of housing and, therefore, stabilize or reduce the rate of increase in housing costs.

Projected Housing Units Created

What will happen as a result of the Zoning Amendments? This is an important and fair question. Understanding the expected rate of change that may result from the Zoning Amendments is key to understanding the potential impacts on population, transportation, environmental concerns, infrastructure and public services.

During citizen engagement sessions, in social media threads, and in the lawsuit challenging the March 2024 Amendments, there were concerns expressed about the possibility of the rapid conversion of neighborhoods into overcrowded places of high density. Related concerns included potential impacts on parking and the character of neighborhoods.

Findings

The data, information available, and local demographic and development trends actually suggest a slow pace of change of a few dozen new units per year spread across the entire residential geography of Roanoke. Any future change in the number of dwelling units on a lot may occur from construction of a building on a vacant lot, or by conversion to add new units within an existing or expanded building.

The expected rate of change is a projection of the net number of additional dwelling units that would result if an owner were to add one or more units to a single-unit building or build a new building with two or more units as permitted (and limited) by the Zoning Amendments.

The existing conditions in Roanoke reflect the market's reaction to longstanding constraints and limitations on the types of residential uses allowed. The development market's reaction to the Zoning Amendments will inherently be incremental. It takes time to organize and implement any real estate development project and only a limited number of lots will be available and suitable for development at any time. In these circumstances, rapid changes are unlikely.

The planning profession has established reliable tools to project capacity for new housing units on vacant land with a given zoning. There are more variables and factors that affect the projection of expected change resulting from changes to zoning provisions in the context of a fully developed city, making accurate predictions challenging.

Demographic factors affect the estimate or projection of the rate of change that may result from the Zoning Amendments. These demographics factors include population growth in Roanoke and the region over time, including the number of households, and median household income. In Roanoke, there has been slow population growth over time with an increase in the percentage of elderly people. There has also been a small increase in the number of households, and median household income is lower in Roanoke than it is in the region.

Development patterns are another factor. The analysis of development patterns includes:

Residential Building Permits: The number of building permits issued in recent years for residential structures, including single dwelling, two-dwelling, and multifamily structures (up to eight units); including conversions.

Residential building permit applications 2018-2024 (YTD)

| Year | Single unit Building Permits | Two-unit Building Permits | Small Multifamily Building Permits (3 to 8 units) |
|----------------------------|------------------------------|---------------------------|---|
| 2024 (YTD through July 15) | 74 | 3 | 0 |
| 2023 | 98 | 5 | 0 |
| 2022 | 67 | 0 | 0 |
| 2021 | 46 | 4 | 6 |
| 2020 | 39 | 0 | 0 |
| 2019 | 50 | 1 | 0 |
| 2018 | 33 | 5 | 0 |

Sales price trends for residential sales: In Roanoke, sales prices for one-unit dwellings increased 4.8% compared to last year to an average of \$241,000. This is a pronounced increase since June 2019, when the average was just \$140,000.¹⁷

Rent rate trends: In Roanoke, average rental rates are volatile from month to month (increasing and declining). The overall trend is a pronounced increase from \$1,016 to \$1,225 during the period January 2023 through March 2024.¹⁸

Construction and development cost trends: In Roanoke, as in the rest of Virginia, construction and redevelopment costs trends have been increasing.

Vacancy rate trends in rental housing: Vacancy rates were steady in the years prior to 2014, remaining around 1,000 units that are vacant *and for rent*. A trend of increase began in 2014 and peaked at 2,500 vacant, for rent units in 2021.¹⁹ An increase in vacancy usually indicates a lower demand in the rental market. We know, however that rents were escalating rents during that time period; it is unlikely they were vacant due to easing demand. Rather, owners may have been increasing rents in response to a strong market and holding units vacant longer until there is a willing taker for the higher rent. Another possible explanation could be the mismatch of rents and quality of available units to household incomes.

Available units in the single-unit dwelling market: In Roanoke, the inventory of single-unit dwellings for sale has been low. In the past year, 44% sold above the listing price and there were no price drops. There were only 115 sales and the median time on the market is a mere 8 days. Roanoke is classified as “very competitive” market.²⁰

¹⁷ [Roanoke Housing Market: House Prices & Trends | Redfin](#)

¹⁸ [Average rent in Roanoke, VA & rental prices by neighborhood | Redfin](#)

¹⁹ US Census ACS B25004 Vacancy Status; <https://data.census.gov/table/ACSDT5Y2022.B25004?q=B25004&g=050XX00US51770> retrieved July 2024.

²⁰ [Roanoke Housing Market: House Prices & Trends | Redfin](#)

Market suitability of a lot for development: The suitability and feasibility of building multifamily dwelling units on a specific lot are subject to variable factors, including:

- The number of units allowed on a lot based on its size.
- The number of units allowed based on corner vs interior lot;
- Other lot characteristics such as width, depth, topography, and amount of street frontage;
- Vehicle access from the adjacent street and alley;
- Minimum yard requirements (another way of expressing setback requirements);
- The application of development standards for specific types of multifamily dwelling units. See Zoning Code § 36.2-409.1.

In addition, some neighborhoods have more vacant lots and unoccupied structures than others. Taken together, these factors specific to Roanoke suggest moderate demand for new housing of all types, including both single family and multifamily dwelling units.

The building permit data is perhaps most relevant. Generally, construction of new single- dwelling buildings is now exceeding pre-Covid rates, while construction of buildings with 2-8 units has been negligible. “Missing middle housing” is clearly missing from Roanoke’s housing supply. Since the adoption of the March 2024, Amendments, the City received three applications for middle housing types that would net only five additional units as a result of the Zoning Amendments. By comparison, there were 44 applications for single-unit dwellings.

Experience in Virginia

Another factor to consider is the experience and expectations of other Virginia localities. Alexandria City, Charlottesville City, and Arlington County have adopted zoning ordinance amendments that are similar to the March 2024 Amendments. The zoning ordinance amendments in these three localities allow multifamily residential uses in formerly single-family districts, with a higher number of dwelling units allowed per lot than are allowed under the Roanoke Zoning Amendments. These three localities all have higher growth and more development pressure than Roanoke. Alexandria City (159,467) and Arlington County (238,643) also have populations larger than Roanoke’s (100,014).

Alexandria. Alexandria adopted changes that permit up to four units on any type of lot in all residential zones. “Expanded Options in Single Family Zones” are expected to create 178 net new units over 10 years.²¹ Adjusted for differences in population, this figure would equate to 11 units per year in Roanoke.

Charlottesville. Charlottesville (pop. 46,423) adopted a much more ambitious approach than Roanoke in their four residential zones. Their new code permits up to six units on a lot in two districts and up to 12 units on a lot in the other two zones. Charlottesville anticipates a maximum of approximately 1,300 net new units over a three-year period across the formerly single-family zoning districts. Their study notes the projection is not a likely outcome, but is rather a theoretical upper maximum used to evaluate a

²¹ <https://www.alexandriava.gov/sites/default/files/2023-09/Zoning-for-Housing-Units-Infrastructure-20230925.pdf>

maximum impact scenario for infrastructure capacity (water, sewer, stormwater, and transportation).²² In its *Inclusionary Zoning Analysis*, the middle housing figure is 619 units over about five years, or about 124 units per year, which would equate to 267 units in Roanoke when adjusted for population.

Arlington. Arlington County adopted amendments that will allow up to six units on a lot in five residential zones. Their study projects 94 to 108 “missing middle” new units per year.²³ If adjusted to Roanoke’s population, that figure would equate to 39 to 45 units per year.

National Experience

Portland

Portland, Oregon (population 652,503) implemented its “Residential Infill Project” in 2021 and published a report examining the first twelve months of data after the zoning changes.²⁴ During that time, 271 middle housing units were constructed and 46 older middle housing units were replaced, resulting in a net gain of 225 units total (this net number includes the single units that would have been permitted prior to the zoning changes). This report notes that the most (86%) new missing middle housing units are within a quarter mile of “centers and corridors” with transportation (public transit) and other amenities. Adjusted for Roanoke’s population, this would be equivalent to 35 units in buildings with 2-6 units.

Minneapolis

In 2020, Minneapolis (population 429,954) began to implement its Minneapolis 2040 comprehensive plan, which included provisions to eliminate exclusionary zoning. From 2020 through 2022, Minneapolis averaged 57 units for 2-4 unit housing, a 45% increase over the annual average for 2017 through 2019. Data from the Federal Reserve Bank of Minneapolis, however, indicates that most of the 2-4 unit housing is in areas not previously zoned for single-family housing.²⁵ Adjusting proportionally for Roanoke’s population, this level of production would equate to 13 units.

Expected Rate of Change

The planning staff acknowledges the uncertainty in projecting an expected rate of change given the range of variable factors involved. Based on the available information, planning staff expects the rate of change resulting from the Zoning Amendments will be incremental and gradual over the long range. This conclusion is based on the demographic factors and development trends specific to Roanoke as discussed above. In developing this analysis, the planning staff applied its experience with and knowledge of development patterns and other factors in Roanoke.

²² City of Charlottesville, *Inclusionary Zoning Analysis*, August 2022, p. 43; City of Charlottesville, *Infrastructure Capacity Memorandum*, July 7, 2023.

²³ Arlington County/Partners for Economic Solutions, *Missing Middle Housing Financial Analysis Results for Developments*, April 8, 2022, pp. 10-11.

²⁵ Bipartisan Policy Center, *Comprehensive Zoning Reform in Minneapolis, MN*, October 3, 2023; <https://bipartisanpolicy.org/blog/comprehensive-zoning-reform-in-minneapolis-mn/>

Based on the information available, planning staff has created a model of the net new housing units expected to result from the Zoning Amendments. This model projects that 2% of the parcels in formerly single-family only districts will convert to some higher number of units over a thirty year period. The 2% rate of change was applied to each zoning district to derive a number of net new units expected to be added to each district over thirty years. The 2% can easily be adjusted up or down to understand the results of a higher or lower rate of change. Also, with a year or two of experience, the percentage can be adjusted to modify projections based on actual permit applications.

Based on the information available and considering the demographic factors and development trends affecting Roanoke, planning staff projects that the Zoning Amendments allowing multifamily dwelling units on lots in formerly single-family only districts will result in a net increase of new units of 1,151 over thirty years, or 39 units per year. When adjusted for population, the projections and actual experiences of other localities indicates a range of 11 to 45 units per year, with Charlottesville seeming an outlier in terms of its projection. As noted, Charlottesville’s analysis includes a theoretical upper maximum, rather than a likely outcome. Also, Charlotte’s zoning amendments allow more units on different types of lots as compared to the Roanoke Zoning Amendments. A projection of 40 units is consistent with the high end of the range of estimates and experience reported by Arlington, Alexandria, Portland, and Minneapolis.

For context, these figures represent very small percentages of Roanoke’s 44,543 housing units.

Additional units projected as a result of March 18, 2024 Zoning Amendments

| Zoning District | PROJECTED additional units |
|------------------------|---------------------------------------|
| R-12 | 18 |
| R-7 | 208 |
| R-5 | 338 |
| R-3 | 11 |
| RM-1 | 577 |
| 30-year TOTAL | 1151 |
| Per year | 38.3 ²⁶ |

Conclusion

The results of the model indicate minimal growth in a given year and modest but meaningful growth over 30 years. Actual experience during the first four-plus months since the March 2024 Amendments were adopted seems to confirm small rates of change: there were only three permit applications, that will create five additional net new units on lots in formerly single-family-only zones.

²⁶ Staff refined and revised these projections for Revision 3.

Residential Density Changes

In each zoning district, a target or allowable density for the district is expressed by the minimum lot area per dwelling unit requirement.

Allowable Density Prior to March 18, 2024, Zoning Amendments

| District | Lot area/dwelling required | Equivalent density |
|-----------------|-----------------------------------|---------------------------|
| R-12 | 12,000 sf per unit | 3.1 units per acre |
| R-7 | 7,000 sf per unit | 5.2 units per acre |
| R-5 | 5,000 sf per unit | 7.3 units per acre |
| R-3 | 3,000 sf per unit | 12.1 units per acre |
| RM-1 | 3,500 sf per unit | 10.4 units per acre |

The planning staff calculated the area of each district, and the number of existing lots in each district, to determine the actual development lot density that exists in 2024. We used the term “lot density” because the number of lots and the number of dwelling units permitted are the same. The planning staff then calculated the potential density of lots in the district based on the expected number of net new units allowed by the Zoning Amendments, as projected by the planning staff’s expected rate of change model.

Findings

The actual, existing density in the residential districts in Roanoke is far below the target/allowable density as shown in the table above. There is considerable capacity to increase the number of dwelling units in all the affected residential districts and remain well below the target/allowable density.

The table below shows the projected effect on density. The net new dwelling units expected to be generated by the Zoning Amendments will result in very small increases in density that remain well below the pre-March 18, 2024, code’s target/allowable density; in most cases, remaining below half of the allowable density.

Changes in density projected over 30 years

| | ALLOWABLE Density before Amendments (units per acre) | ACTUAL Density (Lots per acre) | PROJECTED Density 2054 (lots per acre) |
|------|--|---|--|
| R-12 | 3.1 | 1.1 | 1.1 |
| R-7 | 5.2 | 2.1 | 2.2 |
| R-5 | 7.3 | 2.6 | 2.7 |
| R-3 | 12.1 | 5.8 | 6.0 |
| RM-1 | 10.4 | 3.9 | 4.1 |

Conclusion

The analysis shows that, even in the unlikely event of a flood of new conversions and new construction of middle housing, none of the residential districts will approach 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 small increases in density that remain well within the allowable densities under the prior zoning code. The expected results of the Zoning Amendments are minimal with respect to density.

Equity and Exclusionary Effects

During the early decades of the 20th century, governments, developers, and corporations enforced a host of racial segregation policies. Segregation ordinances, restrictive covenants, financial redlining, and single-family zoning worked hand in hand to make it impossible for Black families to move into most neighborhoods. Fortunately, those segregation ordinances, redlining, and restrictive covenants were discarded as unconstitutional, but one tool of government-enforced segregation persists: the single-family zoning district.

City Plan 2040 has a central theme of “Interwoven Equity” which includes elements of: housing priorities; the need to dismantle the existing segregated landscape; and the need to address a history of inequity.²⁷ City Plan 2040 also states the need for and goal of a variety of housing types and affordable housing in all neighborhoods of the city.²⁸

As noted in the Introduction, one goal of the Zoning Amendments is to reduce the persisting effects of single-family only zoning restrictions that exclude residents on the basis of race and economic status. When we hear the terms “institutional racism” or “structural racism,” they refer to effects that are not necessarily overt or direct, but rather are baked into political and social institutions and that work almost invisibly behind the scenes. Such is the case with the exclusionary effects of the single-family only restrictions in place prior to the March 2024 Amendments.

Findings

Zoning in the United States has an unfortunate past. The overt tools of segregation, such as race based zoning ordinances, redlining, and restrictive covenants, have been prohibited by the courts and ended by other reforms. Nevertheless, most U.S. Cities remain racially segregated. The origins and genesis of single-family only zoning restrictions help explain why segregated housing patterns persist. Single-family zoning restrictions have the effect of excluding potential residents on the basis of cost and economics; single-family housing is among the most costly type of housing to develop and maintain. Single-family only zoning restrictions have the effect of continuing the exclusion of Black Americans because of their historic relative economic standing due to racist policies. In Roanoke, the zoning code prior to the March 2024 Amendments limited the use of land in most of the residential districts to single-family uses; these restrictions increased the cost of housing and effectively exclude citizens from living in those areas. This continuing exclusionary effect is a compelling reason to eliminate single-family only zoning districts.

²⁷ City Plan 2040, pp. 4, 7, 23, 30-43.

²⁸ City Plan 2040, pp. 38 (Policy 1: Identify and remove barriers to housing choice); 39-41 (Policy 4: Develop varied and affordable housing options in each neighborhood); 79 (Policy 1: Develop all neighborhoods to be complete neighborhoods); 81 (Policy 1: Enable affordable and accessible housing in all neighborhoods); 82 (Policy 3: Enable a range of housing types in each part of the community to achieve inclusive, livable neighborhoods that prosper over time); 109 (“Each neighborhood should welcome people of varied demographic dimensions such as income, race or ethnicity, life stage, familial status, housing preference, housing type, and mobility. Such diversity tends to occur naturally in the absence of artificial and deliberate actions to prevent it, so local government’s role is to remove or relax barriers (e.g. exclusive zoning practices); 110-111 (Policy 1: Promote complete neighborhoods by allowing a mix of housing types in each neighborhood).

The historical record establishing the exclusionary intent of early zoning ordinances is clear. The issue for policy makers today is how to address the continuing effects of zoning provisions that continue patterns of racial and economic segregation.

In the recent Arlington County zoning amendments litigation, the NAACP Arlington Branch—which most would recognize as a subject matter expert—submitted a detailed explanation of the discriminatory intent of early zoning restrictions and the continuing effect of such restrictions. See “Pretrial Brief of NACCP Arlington Branch as Amicus Curiae” in *Nordgren v. County Board of Arlington*, Case No. CL23001513-00; dated July 1, 2024.

Below is a sampling of quotes by notable scholars and policy commentators on the effects of exclusionary zoning restrictions in the United States:

“Across Virginia’s three metro areas, residential racial segregation endures at moderate to high levels, and the pattern of segregation noted by scholars at the height of segregation—largely black urban centers surrounded by largely white suburbs—persists.

“Other factors such as redlining, private covenants, urban renewal, tax policies, etc., contributed to segregation during the 20th century, but *zoning remains one of the few governmental actions that perpetuate segregation today*. [Emphasis added]

McGuireWoods, *Zoning and Segregation in Virginia*, parts 1 and 2, 2021²⁹

“... patterns and processes of racial segregation in the post-civil rights American city are strongly affected by density zoning. At any point in time from 1990 to 2000, inter-metropolitan variation in black-white segregation and black isolation was strongly predicted by a metropolitan area’s relative openness to housing construction as embodied in maximum zoning rules---the greater the allowable density, the lower the level of racial segregation.”

Rothwell and Massey, *The effect of density zoning on racial segregation in US urban areas*, National Library of Medicine, 2009

“How can we, at last, end our embrace of segregation? The most important thing we can do is to replace exclusionary zoning policies.... We cannot in good faith claim that our communities are antiracist or antipoverty if they continue to uphold exclusionary zoning—our politer, quieter means of promoting segregation”

Matthew Desmond, *Poverty, By America*, 2023, p 161

²⁹ <https://media.mcguirewoods.com/publications/2021/Zoning-And-Segregation-In-Virginia-Study-Part1.pdf> and <https://media.mcguirewoods.com/publications/2022/Zoning-And-Segregation-In-Virginia-Part2.pdf>, retrieved 7/31/2024

“Density restrictions work to increase segregation, mainly by exacerbating the concentration of affluence. This contradicts the commonly held belief that exclusionary zoning leads to the concentration of the poor. Instead, the authors find that the main effect of density restrictions is to enable the wealthy to wall themselves off from other groups.”

Richard Florida, *How Zoning Restrictions Make Segregation Worse*, Bloomberg, 2016

“Reversing the effects of more than a century of discriminatory housing policy will require new approaches to land use.... The first is rethinking single-family residential zoning designations. These classifications were originally designed to cement racial and socioeconomic segregation, and the inequality they enforce persists today. Limiting and eliminating single-family residential zoning will help diversify segregated neighborhoods.

George Fatheree, *A Brief History of Racial Zoning and How to Reverse the Lasting Effects of Housing Discrimination*, Urban Land, 2024

Conclusion

As can be seen, Roanoke published its intent to take action on its zoning code in City Plan 2040, adopted by City Council in December 2020. The Zoning Amendments remove exclusionary provisions of the zoning code to implement multiple policies and actions of the Interwoven Equity theme of City Plan 2040:

- Review and eliminate City codes and policies based on explicit or implicit biases, and advocate the same approach for state laws and policies. (p. 34)
- Enable complete neighborhoods to develop within the framework of the zoning code, providing access to affordable housing, services, and employment. (p. 34)
- Identify and remove barriers to housing choice.(p. 38)
- Reconsider housing policies rooted in racial segregation efforts such as exclusionary zoning districts that exclude all but single-family houses. (p. 38)
- Work to reduce tenure bias [...] the favoring of owner-occupants over renter occupants, by reviewing City policy and plans to eliminate such bias. (p. 38)
- Ensure affordable housing is available in all neighborhoods of the City. (p. 40)
- Promote complete neighborhoods, so all neighborhoods have a broad range of housing type, including multifamily housing. (p. 40)
- Pursue legislative opportunities to increase affordable housing options and opportunities. (p. 40)

Population Change

Impact on Schools, Public Facilities, and Infrastructure

Using the projected new housing units resulting from the Zoning Amendments, the impact on the population can be extrapolated. Roanoke has had a consistent average household size of about 2.25 people over the past two decades.

Findings

The model projects approximately 1,200 net new households over 30 years. Assuming the current 2.25 persons per household remains constant, the resulting population increase would be 3,000, in addition to the forecast by Weldon Cooper Center of 105,079 in 2050. Over 30 years, the Zoning Amendments will potentially contribute about a tenth of a percent (0.1%) of growth each year. This variance is well within the scale of change seen between decennial Census counts.

The enrollment in Roanoke City Public Schools is approximately 14,000. The projected growth from Zoning Amendments would add less than 15 school age children per year and 450 students over 30 years. This level of variance is well within the scale of change from year to year.

The Western Virginia Water Authority indicates considerable excess capacity for growth and that the projected growth resulting from the Zoning Amendments can readily be met. The Authority indicates it has 18 million gallons per day of water supply capacity available and 22 million gallons per day of sanitary sewer capacity available to accommodate growth in the City of Roanoke.

An estimated 10,000 to 11,000 additional trips per day would be generated by the projected new households created. These would be spread across the City's developed network of local streets, collector streets, and arterial streets and would not result in any appreciable impact on the street system.

The City's system of parks and recreation facilities are distributed around the City and would easily accommodate the additional population projected from the Zoning Amendments.

Conclusion

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

Rental vs Ownership

Some residents have expressed concern that removing exclusionary zoning will reduce homeownership in Roanoke.

Findings

Prior to adoption of the March 2024 Amendments, Roanoke's ownership rates had been falling and renter households had been increasing. Most cities in Virginia have considerably more renter households than owner households. As of 2022, Roanoke was about half and half, with slightly more owner households. Accordingly, restricting units to single-unit detached housing (*i.e.*, the pre-March 18, 2024 zoning) does not necessarily increase ownership rates.³⁰

Although the nature of middle housing does mean it is more likely to be renter occupied, there is nothing in a zoning code that specifies an ownership or rental arrangement. About 1,600 owner households live in types of housing other than detached single-unit structures. A third of renter households live in detached single-unit structures. (6,549 households).

Conclusion

The nature of zoning and the projected new units created indicate that the Zoning Amendments will have little to no impact on rates of ownership. Other factors, such as general cost of housing, interest rates, availability, etc., have much greater impact on the tenure of a household.

³⁰ 2022 1-year ACS, US Census Bureau

Neighborhood Traffic Impacts

With respect to traffic impacts, planners looked at **maximum build out scenarios allowed by the Zoning Amendments** for neighborhood blocks. Daily and peak hour traffic volumes were calculated using trip generation factors. The results were compared to the capacity of the street.

Generally, residential streets start to reach their capacity at 1,000 trips per day or more than 100 trips in a peak hour. The City of Roanoke subdivision code only requires a wider street when capacity is projected to exceed 1,500 vehicles per day. A VDOT standard is 2,000 vehicles per day.

Single-unit dwellings generate 10 vehicle trips per day with 10% in the peak hours. Each unit of multiple dwelling residential generates eight trips per day with 10% in the peak hours.

Findings

In all the sampled neighborhood streets, **even with the unlikely full build out**, projected trips never exceed 900 daily trips or 90 peak trips. All projections were well within the capacity of existing streets.

R-12 District: 3200 block Allendale SW contains 25 interior lots and 4 corner lots. The maximum buildout of 25 one-dwelling units and 12 units on the corner lots would yield 346 trips per day.. (10 trips x 25 units) + (8 trips x 12 units) = 346 vehicle trips per day. Maximum build out would be well within the capacity of the street

R-7 District: 2400 and 2500 block Dorchester Court NW contains 28 interior lots and four corner lots. Each interior lot could have two units and each corner lot could have four units, leading to a maximum buildout of 72 units, which would yield 576 vehicle trips per day. Maximum build out would be well within the capacity of the street.

R-5 District: 2200 block Denniston SW contains 25 interior lots and four corner lots. Each interior lot could have three units and each corner lot could have six units, leading to a maximum buildout of 99 units, which would yield 792 vehicle trips per day. Maximum build out would be well within the capacity of the street.

RM-1 District: 400 block Washington Ave SW contains 19 interior lots and four corner lots. Each interior lot could have four units and each corner lot could have eight units, leading to a maximum buildout of 108 units, which would yield 864 vehicle trips per day. Maximum build out would be well within the capacity of the street.

Conclusion

The traffic scenarios below demonstrate that development under the Zoning Amendments will not lead to undue congestion of public streets, **even in an unlikely full build out situation**. A qualitative statement such as, "There will be more traffic." May be true, but planning staff sees no evidence that the Zoning Amendments will result in traffic that exceeds the capacities of residential streets.

On-Street Parking

The City of Roanoke repealed minimum parking requirements for new development on private property in 2021. In doing so, the City made a policy decision that it would no longer make off-street parking a consideration in making development decisions. This action removed a barrier to economic development and housing development. In creating a development, a developer will decide if off-street parking is warranted and construct it if so. Experience with development projects since 2021 demonstrates that developers almost always include off-street parking, even when it is not required.

Some residents have expressed concern that new units resulting from the Zoning Amendments will overcrowd on-street parking.

Findings

On-street parking is a public resource that may or may not be available to the adjacent properties based on factors such as street width and traffic volumes. Generally, all local residential access streets are open to parallel parking on both sides. In rare cases, the street is so narrow that parking must be eliminated on one or both sides to ensure at least one lane of travel. The on-street parking supply is often affected through the private action of establishing a private driveway, which reduces the opportunity of on street parking, effectively reducing the supply by a full space.

Projecting the expected rate of change over 30 years at the block level yields less than one new unit for most blocks in Roanoke. That would mean 1-3 additional vehicles if all of that unit's occupants used on-street parking. There are few, if any, blocks that could not absorb this small increase in demand.

With the prior elimination of minimum parking requirements and other zoning reform measures, the City implemented policies that place a **higher value on places for people to live** than on places for people to park.

There is no doubt that on-street parking demand and occupancy increases with more housing units. More often than not, there is unused capacity to absorb this demand. However, should on-street parking become less available or less convenient, the response should be consistent with the higher value placed on housing. Planning staff does not support prioritization of the on-street parking supply that would sacrifice potential increased housing supply. Any individual property owner who seeks parking that is always available and convenient can create that in the form of off-street parking. Indeed, many have already provided their exclusive parking with driveways off the street or spaces off alleys where available.

Conclusion

As the scale of expected change is minimal, it is unlikely that the Zoning Amendments will contribute to on-street parking problems.

Consistent with other policy, planning staff concludes that on-street parking availability should not be a consideration for the number of housing units permitted in a zoning district.

Assessments and Property Values

Some property owners expressed concern that increasing the number of units permitted on a lot will result in an increase in property assessments. Generally, the greater the development potential of a property, the greater its value. It may initially seem, therefore, that allowing multifamily dwelling units will result in the real estate assessment office increasing assessments on all the properties where more dwelling units are allowed under the Zoning Amendments. However, such a conclusion is questionable. As noted below, real estate assessments are based on fair market value with reference to actual sales of similar properties and actual income for similar rental properties.

Assessments will likely go up because they generally increase incrementally over time along with the actual market value of real estate, regardless of what the zoning allows. Residential assessments rarely fall and do so only in times of general economic distress such as a severe recession. The question is whether any increment of increase can be attributed to the Zoning Amendments.

Findings

Planning staff compared dozens of multiunit zoning (RM-2) properties to properties in abutting R-12, R-7, R-5, R-3, and RM-1 districts. The comparison of land assessments reveals no distinguishable difference in the land assessments based on the difference in zoning. The data supporting this analysis is publicly available on the City's online GIS.

Differences in per-square-foot value become evident only where there is a change in class of zones (i.e., residential compared to commercial). It is true that a single property would probably be re-assessed if it moved to a different class of zoning, such as residential to commercial, through a map amendment. That is because of its development potential *relative to* other properties in the area. A zoning change that stayed within the same class, however, is likely to have little impact on the assessment. A change in zoning from one residential zone to another, say R-12 to the higher density RM-1, would have little impact on the assessment.

Likewise, if a single property's development potential is increased by a map amendment, while the property around it stays the same, it could probably become more valuable than the surrounding properties.

It is unlikely that the Zoning Amendments alone will have any measurable effect on property values. Zoning changes are unlikely to increase assessments in any case because residential land assessments are based on *actual sales* of properties in the neighborhood, not the individual speculative development potential of a property.

Conclusion

The Zoning Amendments are unlikely to have any noticeable impact on the value of property or the assessments. In any case, an increase in assessment would be due to an actual increase in market value, indicated by comparable sales in the neighborhood.

Environmental Concerns

Some property owners assert that the Zoning Amendments will have negative environmental impacts. Specifically, opponents cite loss of tree canopy, degraded water quality, and degraded air quality. There is no explanation of how the Zoning Amendments could have these effects.

Findings

Every new dwelling unit that may result from the Zoning Amendments will constitute infill development within the context of a developed city. Infill development is the opposite of urban sprawl and is environmentally superior in most every aspect. There is agreement among city planners and environmental advocates that infill development is far more environmentally friendly because it uses or extends existing infrastructure systems rather than create new housing in undeveloped areas. This avoids considerable environmental impacts of developing greenfield sites in disconnected exurbs.

Planning staff considers the national Sierra Club to be a subject matter expert. Their ***Guidance For Smart Growth And The Urban Infill Policy*** holds the following view on the environmental and social considerations of housing policies:

“When the Sierra Club Board of Directors adopted a position opposing redlining in 1986, it clearly signaled an intent to treat housing, and particularly housing discrimination and segregation, as an environmental issue. The Board has reinforced this commitment in the new Infill Policy.

“As the lack of housing options forces people to live farther from jobs and services, we are driving more and increasing greenhouse gas emissions. For example, more than 70% of “extremely low-income renters”—those earning 30% or less of area median income—pay more than 50% of their income on rent and utilities. When the costs of transportation are taken into account, especially for households in locations lacking access to transit, the cost burden is even greater.

“This guidance focuses on expanding housing choices in neighborhoods that offer access to educational and economic opportunity, particularly for residents who, because of race, ethnicity, and/or income, have historically been marginalized and displaced in land use decisions. It also follows the Urban Infill Policy’s recommendation that every neighborhood should host its fair share of affordable and low-income housing through equitable zoning, regulation, and investment.”

This document goes on to recommend ending exclusionary zoning (p. 62).

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 Issues

Roanoke has about 50 vacant, derelict house structures and many more in need of rehabilitation. Moreover, there are thousands of vacant lots going unused that are sometimes nuisances. Some of these code enforcement cases are resolved each year through demolition or rehabilitation. Nevertheless, each year, additional residential structures are vacated or need rehabilitation, adding to the inventory.

Findings

Zoning restrictions that limit permitted uses to single-family dwellings contribute to neighborhood blight because these restrictions narrow a property's development potential to one option: a single-family dwelling. Derelict structures result from many root causes, but they all share a common theme: There is no viable economic use that is motivating an owner to action. Derelict houses are "upside down" financially. That is, the individual benefit, speculative sales price, or rental income would not support the costs of rehabilitation. Likewise, for a vacant lot—the income from the sale or rental of a single-dwelling house would not justify the cost of new construction.

By increasing the possible number of units, it is far more likely that rehabilitating an old house will make financial sense. Likewise, the ability to build more housing units may motivate an owner of a long-vacant lot to return it to a beneficial use.

In the first four months since the amendments were adopted, there were three permits for middle housing to be built on vacant lots in former single-family only zoning districts. All three lots had been vacant for at least 30 years; two of those lots also had multiple weed/trash violations in the past.

Conclusion

Allowing multi-family dwellings in residential districts increases development options and therefore will **reduce blight**, by creating more economic opportunity for rehabilitation or new construction. The Zoning Amendments will aid in blight reduction.

Redevelopment of vacant houses and lots will be tracked by the planning staff.

Objections to the Zoning Amendments

Opponents of the Zoning Amendments assert a number of policy, timing, and process objections to the Zoning Amendments—both to the March 2024 Amendments and the proposed amendments now. The “policy” objections include: the City Council should defer to the preferences of specific neighborhoods that wish to maintain single-family only zoning restrictions; the City should not allow new multifamily uses in neighborhoods that are developed for primarily single-family uses; allowing multifamily units in primarily single-family areas could change the character of those areas; and allowing multifamily units by right may result in an increase in poor quality rental housing, particularly in “vulnerable” neighborhoods. The timing and process objections include: the City should delay the Zoning Amendments to evaluate the effect of similar zoning changes in other places; the planning staff should undertake more research on the expected effect of the Zoning Amendments; the City should undertake more public outreach and allow more citizen input before implementing the Zoning Amendments. Opponents of the Zoning Amendments have stated their objections as concepts; they have not provided proposed revisions to the March 2024 Amendments that would address the stated concerns.

The planning staff has considered the objections presented and does not agree with the policy conclusions, speculative conclusions about the impact of the Zoning Amendments, nor the conceptual remedies presented, for reasons provided in this report.. As explained throughout this report, the March 2024 Amendments are already in effect. The Zoning Amendments implement provisions of the 2040 City Plan, including the provisions addressing the need for additional housing, the need for more affordable housing, the need for all neighborhoods in Roanoke to participate in providing additional housing, and the elimination of Code and other restrictions that artificially limit the supply of housing and the types of housing that are developed. Allowing the development of multifamily units in all neighborhoods is consistent with the interwoven equity provisions of City Plan 2040. Many of the most desirable areas in Roanoke include a mix of single-family and multifamily units. And the expected rate of change resulting from the Zoning Amendments is projected to be incremental and gradual over time.

City Plan 2040, and the December 2020 Citywide Housing Study and the October 2021 Housing Needs Assessment, state the need for additional housing in Roanoke. The zoning code, as it existed before March 18, 2024, restricted the development of new housing in much of Roanoke. The effect of the Zoning Amendments is expected to be incremental, but important; the Zoning Amendments will allow development of additional housing of different types, in all areas of Roanoke. Single family units are the most expensive type of housing; allowing the development of more multifamily units by right will help address the need for additional housing of all types and for more affordable housing.

The City has undertaken significant study and public outreach efforts in connection with City Plan 2040 and the March 2024 Amendments. During the comprehensive plan review process, and the process for adopting the March 2024 Amendments, there has been consistent public support for the need to address the housing, affordability and equity principles stated in City Plan 2040 and addressed in the Zoning Amendments. There has been additional study and opportunities for public input in connection with the proposed zoning amendments. There is and has been extensive information available to citizens, the planning staff, the Planning Commission, and the City Council as part of the continuing staff review and the legislative process. The adoption of the Zoning Amendments involve changes, and the

City had undertaken appropriate study and outreach to identify the need for change, and the expected effects of the changes proposed and adopted.

Conclusions and Recommendation

In connection with the zoning amendments, staff considered community input and recommended a moderate and reasonable zoning reform package that provides for proportional increases in each formerly exclusionary residential district. As stated earlier in this report, the projected 40 new units per year created under the Zoning Amendments is modest. The new units projected are unlikely to play a substantial role in easing the current housing shortage over the short term. Zoning codes work over decades and significant gains could be realized over the long term. Staff does not expect that zoning reform will alone solve the problem of housing scarcity and affordability. It is, however, an important piece of a larger strategy that includes incentives and removing barriers to housing development.

In the process of readopting the Zoning Amendments, opponents of the Zoning Amendments raised the idea of general modifications to the Zoning Amendments, primarily to reduce the potential density of future multifamily development. The planning staff has carefully considered and analyzed these general suggestions. The planning staff continues to view the Zoning Amendments as moderate and reasonable. Despite the community discussion about theoretical worst case scenarios, staff has not seen evidence presented that supports reducing the number of dwellings permitted on a lot in the various zoning districts.

Staff is committed to monitoring and reporting the results of the Zoning Amendments to the Planning Commission and City Council. In the first four-plus months since the March 2024 Amendments were adopted, there were three permits for eight units that were able to go on vacant lots in formerly single-family only zones. These developments will result in five additional units. At that rate, there would be approximately 15 new middle housing units created over the course of a year, which is below the projections. It should be noted that all three lots had been vacant for at least 30 years, and two of the lots had multiple prior citations for weed violations.

In addition, staff anticipates that the neighborhood plans will be updated over time for consistency with City Plan 2040 and the Zoning Amendments. The effects of the Zoning Amendments over time can be evaluated as part of this process.

In summary, following its additional study after adoption of the March 2024 Amendments, staff recommends substantially the same zoning reform package (i.e., the Zoning Amendments) to the Planning Commission. Staff further commits to documenting and reporting the development outcomes that result from the reforms to inform future adjustments.