



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