

# Zoning Text Amendments Questions and Comments

## Community Meetings August 27 & 29, 2024

Comments and questions in black text are those of meeting attendees. Comments in BLUE text are those of planning staff.

Equity Concerns – How do these changes positively affect affordability? Conflict with proposed development only accommodating higher incomes versus the goals of this project.

The zoning amendments are intended to address housing scarcity and affordability but should not be expected to guarantee affordability or be the sole solution for housing production. We characterize the zoning amendments as necessary but not sufficient. The idea of creating affordable housing or increasing housing production begs the question of “where?” The zoning amendments work to expand opportunities in the zones that cover half of the Roanoke’s geography. Other interventions will be necessary for housing production and housing affordability. It is necessary, however, to expand the locations for new housing development as an early action in a larger housing development strategy.

What is inclusionary zoning?

Inclusionary zoning is a policy that does guarantee affordability. It allows greater density when a developer agrees to make a certain percentage of units affordable. There are versions that require a set-aside that work only in very high demand markets. Roanoke plans to explore this idea as part of a housing strategy. Note that the term inclusionary zoning is not the opposite of exclusionary zoning.

Will these changes lead to excessive increased construction?

The increase in construction that is projected to result from the zoning amendments is less than 40 additional units per year. This amount of new construction is not a significant increase in activity. That figure is less than half of the 98 single-dwelling units constructed in 2023.

What is the definition of affordable housing?

Affordable relative to the income of the household. Affordable housing is that which the total housing cost is 30 percent or less of the household’s income.

Concerns with stated number of units needed – is this increase in population from new or existing City residents? Is there any evidence to suggest the shortage could be satisfied by current citizens providing rental units within the existing home?

Our projections show that it is unlikely that the amendments to the Residential districts alone will generate the amount of new housing needed to address a shortage.

Can the City take a more conservative approach to adding density?

Planning staff asserts that the March 18 Zoning Amendments are a conservative approach. They are less broad than those adopted by other localities in Virginia. Because the projected results are modest, we

plan to review and may need to propose adjustments in a future zoning amendment package that would increase housing production.

Does the City plan to compensate homeowners adding units as incentive?

Not at this time. The Workforce Housing Loan Program was structured to provide very low interest loans for up to 80% of the cost of affordable accessory dwelling units.

What is the City's plan to add to existing infrastructure to meet the demands of additional density?

We studied traffic, schools, parks and rec, water and sewer infrastructure and determined that the increased units over a 30-year period can be easily accommodated by existing infrastructure.

There was a reported decrease of approximately 937 converted units – why did this happen? Could these units be responsible for the missing middle housing?

Planning staff consulted with the real estate valuation office. Mr. Bratton shared that earlier years' Housing Profile reports contained an error that double counted duplexes. Those figures were corrected in the 2023 and 2024 reports.

With City Council, Planning Commission, and community concerns – does the Planning Department still intend to keep the changes in effect as adopted in March 2024?

The Department of Planning, Building, and Development stands by its March 2024 recommendation as a modest and conservative step in the right direction. City Council is the decision maker on this legislation and would make the decision to keep, repeal, or modify it. For any future amendment that reduces allowable residential density, there would need to be a different public notification process that involves written notification to all affected property owners. That is not the direction City Council provided to staff and the Planning Commission in the June 2024 resolution.

Why do inner lots within the R-12 District only have the capability to add one additional unit?

As part of a conservative and proportional addition of more units across all the Residential zoning districts, the R-12 district still retains this element of exclusionary zoning. Because the R-12 districts cover such large a large land area and have very low densities, they should be considered in future years for increases in the number of dwellings permitted on a lot.

Does the City know how many units are currently rental properties in Southeast Roanoke? Will increased rental units create a greater burden for Code Enforcement?

Yes. Increases in the proportion of rental households were occurring under the previous zoning and are likely to become the majority. We do not anticipate the amendments alone will result in significant increases in the proportional numbers of rental versus ownership. We may need to assess staffing resources with more units. We do not consider rental housing to be a "burden."

Concerns with increased density's effects on historic districts. Will these changes encourage developers to demolish existing homes due to rising building costs?

We favor conservation and deem demolition as a last resort and hope no policy results in the loss of historic houses. Because of the way historic tax credit programs are structured, the amendments could provide for the type of rehabilitation projects that could be incentivized to save old houses. A house would need to be of low value AND the replacement building to be of very high value before it would make economic sense to demolish. Maxing out at 8 units in RM-1, it is unlikely to make sense with a viable building. There may be isolated areas with higher rents and higher density permitted where this could happen. Overall, we believe that the net result will be in favor of preservation.

The study spoke of creation of units over time. An attractive aspect is the decrease of blight – will Staff study the effect of blight over time?

Absolutely yes.

Since the City permits residents to add ADUs by right, could these changes add too much density in addition to the Text Amendments?

Given where we are in terms of actual neighborhood densities, our projections tell us that is extraordinarily unlikely. We have not seen any actual places in Roanoke that have too much density.

What will be the impact of increased density in rural areas of the City that do not have access to typical services, such as public transit, or streetscape improvements. Are there plans to make these services more accessible to meet the need?

We do not project significant increases in density that would warrant enhancements to infrastructure and transit services.

How can the City encourage development of ADUs? Are there incentives that can be provided?

Low interest loans for up to 80% of the cost. Pre-approved, off-the-shelf designs to make permitting simple.

Can City Council repeal the Zoning Amendments adopted in March 2024 and table them for at least two years?

They can, but not on September 16. The City Council resolution in June specified readoption of “substantially similar” amendments. A new public notice procedure would be required to repeal or modify the zoning code to reduce densities.

Does the City plan to work with the Roanoke Times to cover the Zoning Text Amendments?

We advertise each public hearing twice in the Roanoke Times.

Have similar zoning changes addressed equity without a huge inflow of State and Federal funds?

No state or federal funds are involved in the zoning amendments.

Did the bulk of public outreach occur before or after the Text Amendments were adopted?

Most outreach occurred BEFORE adoption of the amendments in March 2024. We had 13 workshops in all sectors of the city.

Are there any requirements in place to ensure the Planning Department will assess and report on the outcome of these changes? How often will these assessments occur?

We have committed to City Council in writing that we will monitor and report.

Are Section 8 housing units (project or voucher) inspected for safety and code violations?

Yes. Section 8 housing is inspected. The City does not replicate those inspections. We inspect all rental units in the rental inspection districts every four years.

When was zoning first adopted in the City of Roanoke?

1932

Is Roanoke considered a “sanctuary city”?

This question is unrelated to the zoning amendments.

Concerned that increased density leads to higher crime and that renters cannot earn equity.

We do not agree with the false premise that increased density leads to higher crime. The zoning amendments will do nothing to hinder the ability to build equity through home ownership.

Can you explain why City Council is considering these Text Amendments again at the September 16<sup>th</sup>, 2024, meeting? If not approved by City Council at that meeting, what would be the process to repeal these amendments? How would the City provide public notification?

City Council initiated a process to readopt substantially similar amendments with a new process. Planning staff was not authorized to make substantial changes. Under Virginia law, localities may not reduce the permitted residential density of property without a process of written notification to all affected property owners.

City Council could vote to delay action; however, the March 18, 2024 Zoning Amendments are currently in effect and would continue to be in effect.

To repeal or reduce the scope of the changes, City Council would need to pass a resolution directing staff and the planning commission to study and recommend those actions. This would involve an expanded public notice in writing to all affected property owners because their land development rights would be diminished by the action of reducing density.

Could these changes be implemented by neighborhood only?

No. Zoning districts apply the same regardless of location. RM-1 in Raleigh Court is the same as RM-1 in Gainsboro. Staff would not support implementation by neighborhood. We have heard from quite few people who say the amendments might be good, but they should apply in someone else’s neighborhood.

Have driveway requirements changed since the adoption of these Text Amendments?

We did not change driveway requirements. We still regulate the location and size of driveways for all types of dwellings.

Corner lots permit 8 units – does the architecture have to fit the current character of the neighborhood? Are the Neighborhood Design Guidelines still regulated?

We still have Neighborhood Design District overlay zoning in core traditional neighborhoods. We have moved some regulations to apply to all parts of the city (such as consistent setback, use of windows and doors on the front)

Q: Concerned with changes to definition of “Household” and lack of parking requirements.

A: On-street parking is an unreserved, publicly available resource. Few places outside of downtown have high levels of on-street parking occupancy. Most developers provide off-street parking even when it is not required.

Q: Missing middle housing was able to be done at certain periods, but zoning was changed in the 90’s to address neighborhood concerns, was that still exclusionary?

A: Yes. The term exclusionary applies to what can be permitted now. What happened under a prior zoning or prior to zoning is not relevant. Prior to March 2024, Roanoke had exclusionary zoning applying to some of its mixed housing neighborhoods.

Q: If large apartments will be market rate (\$1,400/month), why would I rent that if something cheaper was available?

A: Not exactly relevant to the amendments but invites speculation that someone may move to a more expensive unit because it may be nicer, newer, larger, have more amenities available, and they like the location better. Not all will move, but some will. At least they would have a choice available that they did not have before.

Citizens have concerns with parking and some existing duplexes have made 4 parking spaces in front – how can you make sure that that does not become a problem?

Too much parking in the front yard is most often a problem with single-unit dwellings (because there are so many of them). The regulations we have in place today were developed in response to the situation described and limit the location and coverage of parking in the front yard of any dwelling. (See Zoning Code Section 36.2-654).

[https://library.municode.com/va/roanoke/codes/code\\_of\\_ordinances?nodeId=CORO1979\\_CH36.2ZO\\_ART6DEST\\_DIV5PALO\\_S36.2-654PALOARST](https://library.municode.com/va/roanoke/codes/code_of_ordinances?nodeId=CORO1979_CH36.2ZO_ART6DEST_DIV5PALO_S36.2-654PALOARST)

We already have 1,100 units going in, so why do we need to do anything?

1,100 units is good, but not enough. More important, we have a comprehensive plan that calls for all neighborhoods to be inclusive and have a variety of housing types.

Concerned with stated number of units needed - is this increase in population from new or existing City residents? Is there any research to suggest the shortage could be satisfied by current citizens providing rental units within existing home?

Zoning does not control or track the origin of people. We need to spur production of housing until levels of cost burdening fall to lower levels and we see a significant lessening in the mismatch of household income vs unit rents.

Is there a way to prevent "sore thumb" properties and protect the character of the neighborhood?

Historically, this has been a concern mostly with single-dwelling houses. Regardless of the type of housing, Neighborhood Design District and new development standards have been enacted to encourage compatibility in existing neighborhoods.

We need affordable units, builders say they are building more expensive homes.

Single-dwelling housing is the most expensive type of housing. They may have to build for the high-end market to make a project feasible. New housing tends to be more expensive just because it's new.

HUD formulas are flawed because it does not account for more than one person working. Why are we approving these changes if they only make a drop in the bucket.

A little concerned that we are chasing numbers - approximate need of 3,000 units. People in new units are from out of state.

Older people have homes and they could make rental income by renting the homes. How many people have properties that could be valuable in adding more units.

2020 study references number of single family that were lost by being converted. Some of the missing middle in our neighborhood happened even after 1960. Worried about what the next steps are that you are mentioning. Despite opposition, is the planning department still going forward.

Don't agree with how you are doing it. You tried to increase duplexes in the past, in 2016, can you go back to what you were doing in 2016. Worried about density affect. Does NDD still exist. I read through guidelines, and was concerned about them not requiring porches.

The RM-1 Amendments being considered in 2016 were withdrawn because they were not broad enough to yield much increase in housing.

We still have Neighborhood Design District that requires porches in core neighborhoods where porches are commonplace.

What bothers me is that trying to achieve 40 units, it is throwing a lot at neighborhoods. You did not mention that we have already allowed ADU.

We do not agree that the zoning amendments "throw a lot at neighborhoods" given the projected results and the evidence of results so far.

Greater Deyerle was annexed and doesn't have city streets and sidewalks and lots previously on septic and well water. There are some large lots that might sell. Mismatch of city services, will they be expanded as part of the zoning changes.

Most parts of Roanoke were annexed into the City as Roanoke grew. Most parts of Deyerle enjoy public water and sanitary sewer as well as City maintenance of streets. It is unlikely that neighborhoods like Deyerle would ever be outfitted with sidewalk as this is an obligation of a neighborhood developer to install. As new development occurs in those areas, the expectation will be that sidewalks are installed in significant developments.

Median income is 50k, equated 1,200 rent a month. Lower income can only afford \$600. Do you agree repealing is prudent. Are these meetings posted in the newspaper.

We do not agree that repeal is prudent.

We sent media releases to all media.

You mention news coverage, most were after it was adopted.

We found a large number of stories (16) that ran prior to March 18.

I appreciate that this presentation looks at other overlaying rules, to keep people from thinking about worse case. A rental unit could be a one bedroom or could be three-bedroom, but underlying rules keep it limited.

Relating to equity and exclusionary zoning, they take issue that people with higher income want to spend more. The City Councilman said they wanted higher income homes and that brings better people. Current apartments being built are not bringing affordable housing units. How does this change the affordable housing issue that we have in Roanoke? Zoning should address the affordability issue.

Referring to data, and specifically where shortages exist, we conclude that ALL NEW HOUSING PRODUCTION is helpful to affordability.

HUD's rent burden ... income over household income. Housing costs are driven by the market and if both people are working that number is smaller. You stated that you are disappointed in how few opportunities that this zoning change will create. The City has hundreds of vacant lots.

Provide estimates for the number of citizens that will be impacted.

The amendments will have a generalized impact.

Does the City plan to compensate homeowners for decreased property values?

There is no evidence whatsoever that property values would decrease as a result of the zoning amendments. However, assuming a fixed real estate tax rate, if your property value went down then so would your assessment. Your real estate taxes would decrease.

What is the City's plan to provide increased infrastructure?

Our projections show growth that can be accommodated with existing infrastructure and public services.

Concerned that we are chasing numbers. Is there an increase in population numbers. I'm a mover and people are moving in from out of state. Who is this housing for? Some older people with homes could provide rental properties (with this change?) ... have you studied this?

2020 Housing study references 12-1300 single family houses lost to ? Missing middle housing occurred in neighborhood over years. You mentioned that there would be more.

We need to understand the source data. No other data sources that corroborate any loss. We note ACS data often has very high margins of error.

PC did not recommend approval. The candidates running for CC do not recommend approval. Will the Planning department consider making any changes at this point?

No significant changes such as repeal or reduction, because we are working from a City Council resolution adopted in June 2024.

What about ADU's allowed on every single residential property and exempted it from the lot coverage requirements. 28,000 dwelling units would allow 28,000 ADUs. Two in his neighborhood that are operating as Air B&B's, change to the definition of family, ... The problem is too many cars on the street and this exacerbates the problem.

An accessory building operating as a homestay is not an accessory dwelling unit. We did not change homestay regulations in March 2024.

There was no change to the definition of family. We ADDED a definition of household that includes family.

2-bedroom houses in SE, 3 bedroom only one tenant; the duplexes are stacked with one above and one unit below, when we rehabbed them, we made the bottom floor handicap. Good relationship between tenants. They rent \$500-\$700. I like renting the smaller units, seems to fill appropriate niche. These new zoning changes allow me to convert single family into a duplex by right.

Anything new will be more expensive, but the nice thing about middle housing allows me to do what I do best, at a reasonable price. Large apt complexes new will be expensive, but here in SE we have opportunity with the zoning changes to tip the scale, allow more renters that are good quality people.

Our house built in 1929, previously subdivided to accommodate RR workers. What you are talking about would be like going back to what we had 50 years ago. Not necessarily changing character of neighborhood taking it back to what it was.

OSW has a lot more people living in it, and study (VT) related crime to high density. N'hood working to reduce density. Equity- having buy-in to your neighborhood, typically applies to homeowners - renters can't earn equity. Need to get money together for programs, not zoning. Large apartments will be market value (\$1,400/month), why would I rent that if something cheaper was available?

If the citation of the Virginia Tech study is accurate, we disagree with the students' conclusion that crime was a result of high density.

The study spoke about creation of units over time, what I think is most attractive is the decrease of blight, does your study speak to that? Can you look at effect/decrease to blight over time?

Yes, we are especially excited about the prospects of reducing blight by increasing the redevelopment and development options for properties. We will monitor this closely. We really have no reliable way to project numbers for this yet.

Are we 40% lower density in our neighborhoods based off of previous zoning?

Under the prior zoning we only reached percentages of what was permitted. The density percentages for each zone shown below use counted unit data that is more precise than counting lots. All districts except the sparsely-used R-3 district are at 41%-45% of the density allowed prior to March 18, 2024.

|      | Permitted<br>lots per acre<br>pre-March 18<br>2024 | Actual lots<br>per acre<br>2024 | % of target<br>density |
|------|--|---------------------------------|------------------------|
| R-12 | 3.17   | 1.29                            | 41%                    |
| R-7  | 5.12   | 2.30                            | 45%                    |
| R-5  | 6.97   | 2.88                            | 41%                    |
| R-3  | 11.62  | 7.83                            | 67%                    |
| RM-1 | 9.17   | 4.13                            | 45%                    |

Now a person who owned a single unit home could convert it to duplex? You are hoping that these homes that need a lot of work, this will convince developers into putting money into it.

Addendums to discussion ... pillars built on are affordable housing, history of exclusionary zoning, ... and this omits the history of exclusionary zoned areas as the missing middle housing was able to be done at certain periods, including 1960's ... changed in 1990's to address neighborhood concerns ... so that last change was not based on segregation.

Yes, and regardless of modern intentions, exclusionary zoning STILL has the effect of economic segregation and racial segregation.

Going back to Section 8 housing ... how many Sec 8 dwellings have you researched and looked at for the quality of housing? ... he knows of immaculate Section 8 units and units in poor condition.

The section 8 program is important but is not relevant to the zoning discussion.

Clarification that there are no other grouped units that are Section 8 units except for the housing Authority. No property owner may not say they don't accept Section 8 vouchers. With the housing units he owns, two-bedroom houses and duplexes have 1 person living in them, with duplexes you (top and bottom) you can make the bottom unit handicap accessible. He likes renting the smaller units because it fills the needs that exists. Before he had to go through a public process to be able to change a single unit to a duplex. New will be more expensive unless you can do multiple units. Trying to get some of the good things that they have in Old Southwest. The definition of an up-and-coming neighborhood is look

at where the single people are buying. Duplexes with handicap units on the bottom tend to have older people below and younger people above ... it builds community.

Old SW wants the text amendment to be repealed as they do not improve equity. What is the step- by- step [process](#) to have City Council repeal the text amendments?

To repeal or reduce the scope of the changes, City Council would need to pass a resolution directing staff and the planning commission to study and recommend those actions. This would involve an expanded public notice in writing to all affected property owners because their land development rights would be diminished by the action of reducing density.

Apartments built by out of town developers have a very good internet presence and so out of town people go to those units.