



PLANNING BUILDING AND DEVELOPMENT

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CITY OF ROANOKE PLANNING COMMISSION
Noel C. Taylor Municipal Building
City Council Chamber, Fourth Floor, Room 450
August 12, 2024 – 1:30 p.m.
AGENDA

I. Call to Order and Welcome:

Welcome to the August public hearing of the City Planning Commission. This meeting is being broadcast via Facebook Live. Please make sure that sound on all cellular phones and electronic devices is turned off during the meeting. If you wish to speak to any matter, the chair will recognize you in turn. Each speaker must state his or her name and residential address so that the Commission's secretary may record the proceedings accurately.

All persons shall be afforded an opportunity to speak and state their views concerning all aspects of these matters.

II. Approval of Agenda: August 12, 2024

III. Approval of Minutes: July 8, 2024

IV. Unfinished Business: None.

V. New Business

A. Proposed amendments to Chapter 36.2, Zoning, of the Code of the City of Roanoke (1979), as amended, by amending and reordaining, adding, or deleting the following code sections to remove barriers for the creation of affordable housing, to make the zoning code consistent with state code, to create an additional zoning district (UC Urban Center), and to make changes to the use tables for residential, multiple purpose, industrial, and planned unit development districts; such amendments not constituting a comprehensive rezoning or change of any densities that would decrease permitted density in any district, unless otherwise noted. The proposed Zoning Amendments are similar in substance to the Zoning Amendments adopted by City Council on March 18, 2024.

VI. Other Discussion

VII. Adjourn

Any person with a disability requiring any special accommodation to attend or participate in the hearing should contact Planning, Building, & Development at (540) 853-1730.

CITY OF ROANOKE PLANNING COMMISSION

Minutes

July 8, 2024 – 1:30 p.m.

Public Hearing

The Planning Commission of Roanoke held its Public Hearing on Monday, July 8, 2024, at 1:30 p.m. This meeting was streamed on Facebook Live. Planning Commissioners met in the City Council Chambers, Fourth Floor, Noel C. Taylor Municipal Building, with Chair Frank Martin presiding.

PRESENT: Commissioners Ms. Karri Atwood, Mr. Kevin Berry, Ms. Sarah Glenn, Mr. James Smith, and Mr. Frank Martin, Chair – 5.

ABSENT: Commissioners Mr. Scott Terry-Cabbler and Ms. Pamela Smith – 2.

OTHERS PRESENT: Laura Carini, Deputy City Attorney; Mrs. Katharine Gray, Principal Planner; and Ms. Emily Clark, Secretary.

The meeting was called to order by Chair Martin at 1:30 p.m.

I. Approval of the agenda for July 8, 2024:

Commissioner Atwood made a motion to approve the agenda for July 8, 2024. The motion was seconded by Commissioner Berry and the agenda was approved by unanimous voice vote.

II. Approval of the minutes of June 10, 2024:

Commissioner Berry made a motion to approve the minutes of June 10, 2024. The motion was seconded by Commissioner Smith and the minutes were approved by unanimous voice vote.

III. New Business:

Chair Martin informed the Commissioners that due to the number of speakers registered to speak on the matter of Unfinished Business for Medmont Circle, the matter under New Business for Orange Avenue would be considered first.

Chair Martin read into record:

Application by Orange Avenue Development, LLC, to amend the Planned Unit Development Plan that specifies uses, location of buildings and infrastructure, site access, and building design for the property located at 2843, 2814, 0, 2838, 2828, 2842, and 2920 Orange Avenue NE; 2802 and 0 Daleton Road NE; 0 Scott Road NE; 2519, 2525, and 0 Manning Road NE; and the portion of right-of-way previously approved for vacation between Official Tax Map Nos. 7120208 and 7170201; bearing Official Tax Map Nos. 7070114, 7130104, 7130105, 7130106, 7130107, 7130108, 7130109, 7130113, 7130123, 7130121, 7130122, 7120208, and 7170201 (respectively). The zoning of the property will remain MXPUD, Mixed Use Planned Unit Development District.

Daniel Cyrus, 103 West Edge Way, was present to speak on the application.

Ms. Gray presented the staff report: Staff finds the proposal is consistent with the general principles within the City's comprehensive plan with respect to the proposed land use. The proposed

addition of gasoline station as a use within the commercial areas MXPUD development plan is generally consistent with the City's planning and urban design principles.

The development proposal will provide new neighborhood-focused commercial development and 768 new dwelling units on mostly undeveloped land that is located adjacent to an existing major commercial corridor. The comprehensive plan supports the idea of increased residential density around such corridors. The MXPUD development plan provides for an arrangement of buildings, parking, and access that is responsive to the many challenges of the site.

Staff supports the proposed rezoning and recommends approval.

Mr. Martin asked the Commissioners if they had any questions for the applicant or staff. There was none.

Mr. Martin opened the public hearing.

Chris Craft, 1501 East Gate, was present to speak in support of the application. They cited the positive impacts of this development in the community and added housing to the city.

Hearing no one else, Chair Martin closed the public hearing.

Chair Martin asked the Commissioners if there was any further discussion. Hearing none, Chair Smith asked Ms. Clark to call the roll. The application was approved by the following vote:

AYES: Commissioners Ms. Karri Atwood, Mr. Kevin Berry, Ms. Sarah Glenn, Mr. James Smith, and Mr. Frank Martin, Chair – 5.

NAYS: None.

ABSENT: Commissioners Ms. Pamela Smith and Mr. Scott Terry-Cabbler – 2.

Mr. Martin declared that the application would move to City Council with a positive recommendation.

IV. Unfinished Business:

Chair Martin read into record:

Application by ABoone Real Estate, Inc. to (i) close by vacation an approximately 0.05 acre portion of Medmont Circle SW at the curve in the street being adjacent to Official Tax Map Nos. 5140123, 5140124, 5140125, and 5140126, for incorporation into the larger master plan; and (ii) to rezone the property located at 8 parcels addressed as 0 Medmont Circle SW, Official Tax Map Nos. 5140121, 5140122, 5140123, 5140124, 5140125, 5140126, 5140127, and 5140128; and the portion of right-of-way to be vacated adjacent to Official Tax Map Nos. 5140123, 5140124, 5140125, and 5140126, from R-12, Residential Single-family District, to MXPUD, Mixed Use Planned Unit Development District.

Alexander Boone, 5760 Reserve Point Lane, and Court Rosen, XXX were present to speak on the application.

Ms. Gray presented the staff report: Staff finds the proposal is consistent with the general principles within the City's comprehensive plan with respect to the proposed land use. The proposed MXPUD development plan is generally consistent with the City's planning and urban design principles.

The development proposal will provide 24 new dwelling units on undeveloped land at the northernmost edge of a neighborhood adjacent to a collector street across from a large regional healthcare center and nearby commercial center. The comprehensive plan supports the idea of increased residential density and housing types in all neighborhoods and especially in this type of area. The MXPUD development plan provides for an arrangement of buildings, parking, and access that is responsive to the many challenges of the site.

Staff supports the proposed rezoning and recommends approval.

John Carter, 5527 Orchard Villas Circle, the owner of the property, clarified that it was not economically possible to build single family homes as originally planned. Court Rosen, Director of ABoone Development, spoke to address the concerns of stormwater and streetscape impacts, including their intent to widen the roadway to 26 feet and slow traffic through the neighborhood with on street parking. Mr. Rosen also clarified that there was no indication this property was identified to be wetlands.

Chair Martin asked the Commissioners if they had any questions for the applicant or staff. There was none.

Mr. Martin opened the public hearing.

The following speakers were present to speak in opposition of the application, citing concerns of traffic safety, environmental impact, wetland evaluation, trespassing and privacy, and increased density:

David Bowers, 355 Church Avenue SW
David Harrison, 5305 Medmont Circle SW
Jeff Cutright, 5527 Medmont Circle SW
Leonita Cutright, 5527 Medmont Circle SW
Dixie Huff, 5514 Medmont Circle SW
Suzanne Turner, 5332 Medmont Circle SW,
Charlotte McCauley, 5105 Medmont Circle SW
Adam Mastrangelo, Windsor Avenue
John Parker, 1547 Coral Ridge Road SW
John Dilauro, 1438 Barnhart Drive SW
Jan Kiester, 817 Marshall Avenue SW
Paul Glassbrenner, 5221 Medmont Circle, SW
Caroline King, 5394 Medmont Circle SW
Kelly King, 3925 South Lake Drive
Randy Davis, 1515 Red Oak
Jim Garrett, 3652 Keagy
Anne Wilson, 5526 Medmont Circle SW

Clay Taylor, 4226 Clay Street, spoke in support in regard to the housing shortage crisis, and these added units giving more options for homeownership.

Hearing no one else, Mr. Martin closed the public hearing.

Commissioner Smith asked Staff if there were any anticipated issues with busses. Ms. Gray clarified that 26 feet was sufficient, and opposing cars could yield to one another. There were no concerns during the reviews of the application by City departments, and an analysis would be required for curve width before development began.

Staff also clarified to the Commissioners that Virginia DEQ would work with the developers through the process to confirm the concerns of wetland disruption.

Chair Smith asked if there were any further questions. Hearing none, Chair Smith asked Ms. Clark to call the roll. The application was approved by the following vote:

AYES: Commissioners Ms. Karri Atwood, Mr. Kevin Berry, Ms. Sarah Glenn, Mr. James Smith, and Mr. Frank Martin, Chair – 5.

NAYS: None.

ABSENT: Commissioners Ms. Pamela Smith and Mr. Scott Terry-Cabbler – 2.

Mr. Martin declared that the application would move to City Council with a positive recommendation.

VII. Adjourn

There being no further business to come before the Commission, Chair Martin declared the hearing adjourned at 3:02 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emily G. Clark", written in a cursive style.

Emily G. Clark,
Secretary to the Planning Commission

PLANNING COMMISSION OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION to recommend that the City Council ordain, reordain, amend, reamend, adopt and/or readopt the March 18, 2024 Zoning Amendments adopted by the City Council and as proposed by the planning staff and as attached; the proposed Zoning Amendments are similar in substance to the Zoning Amendments adopted by the City Council on March 18, 2024.

WHEREAS, City Plan 2040, adopted by the City Council in 2020, called for new policies that would allow a range of housing options in all residential zoning districts;

WHEREAS, on March 18, 2024, and following a public hearing, the City Council adopted zoning amendments to improve the availability of housing and housing alternatives, and to address concerns related to the effects of district regulations that allow only single-family residential uses, as set forth in Ordinance No. 42902-031824 (the “March 2024 Zoning Amendments ”);

WHEREAS, the March 2024 Zoning Amendments amended the text of the City Zoning Ordinance, including the text of the district regulations for residential districts. The March 18 Ordinance did not amend the Official Zoning Map, nor did the March 2024 Zoning Amendments change any district boundaries;

WHEREAS, a primary effect of the March 2024 Zoning Amendments was to allow for residential uses in residential districts, by right, in addition to single-family uses;

WHEREAS, the City Council’s adoption of the March 2024 Zoning Amendments followed the Planning Commission’s March 11, 2024 public hearing;

WHEREAS, following the March 11, 2024 public hearing, on that same day the Planning Commission deliberated and recommended adoption of the March 2024 Zoning Amendments;

WHEREAS, the Planning Commission recommended approval of the amendments in the March 2024 Zoning Amendments and supported its recommendation in a report to the City Council, dated March 18, 2024;

WHEREAS, the City Council's adoption of the March 2024 Zoning Amendments were preceded by years of study and review by the Planning Staff;

WHEREAS, the Planning Staff had briefed the Planning Commission on its progress regarding the March 2024 Zoning Amendments, in two Planning Commission work sessions;

WHEREAS, in addition to the March 11, 2024 and March 18, 2024 public hearings referenced above, there was extensive community engagement and opportunities for public participation related to the March 2024 Zoning Amendments, including: a dozen open house sessions held at City libraries; a virtual meeting; and an online survey.

WHEREAS, on or about April 17, 2024, a lawsuit was filed in Roanoke City Circuit Court, CL24-723, challenging the March 2024 Zoning Amendments (the "Lawsuit");

WHEREAS, the Lawsuit, in part, asserts procedural challenges to the adoption of the March 2024 Zoning Amendments, including alleged deficiencies in the public notices for the March 11, 2024 and March 18, 2024 public hearings;

WHEREAS, on June 17, 2024, City Council initiated a process to consider adopting zoning amendments similar in substance to the March 2024 Zoning Amendments and, to the extent necessary, the repeal of the March 18 Ordinance. The City Council Resolution stated that the additional legislative process will address any uncertainty as to the adoption or effect of the March 2024 Zoning Amendments and provide additional opportunities for public comment, Planning Commission review, and City Council review;

WHEREAS, the Planning Commission held a work session regarding the proposed Zoning Amendments on June 28, 2024;

WHEREAS, Planning staff published a Zoning Amendments Report and Study (“Zoning Study”) dated July 31, 2024. The Zoning Study discusses the background of zoning and the reasons the City pursued the amendments. The report also analyzes the expected effect of the Zoning Amendments, including projections of new housing units expected to be created as a result of the less restrictive regulations. The Zoning Study uses the projections to assess potential population change, density changes, impacts on city infrastructure, traffic, parking, environmental considerations, and blight reduction. Staff developed the Zoning Study in order to respond to community concerns and for consideration by the Planning Commission and City Council. This Zoning Study was made available to the community through several methods of communication;

WHEREAS, the City Council and Planning Commission held a Joint Meeting on August 5, 2024, which included a briefing and discussion on the proposed Zoning Amendments;

WHEREAS, the Planning Commission held a work session regarding the proposed Zoning Amendments on August 9, 2024;

WHEREAS, the Planning Commission held a public hearing on August 12, 2024 to consider and to provide the Planning Commission’s recommendation to the City Council with respect to proposed Zoning Amendments; The Planning Commission’s public hearing was preceded by public notices on July 26 and August 2, 2024.

WHEREAS, the Planning Commission considered the City’s Comprehensive Plan, the Zoning Study, public comments, and the matters presented at the public hearing.

WHEREAS, as with the March 2024 Zoning Amendments, the planning staff, in conjunction with the Office of Community Engagement and RVTv, 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;

WHEREAS, additional community meetings are planned to occur before the September 16 City Council Public Hearing;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Roanoke as follows:

1. The Planning Commission recommends that the City Council ordain, reordain, amend, reamend, adopt and/or readopt the March 18, 2024 Zoning Amendments adopted by the City Council and as proposed by the planning staff and as attached to this Resolution; the proposed Zoning Amendments are similar in substance to the Zoning Amendments adopted by the City Council on March 18, 2024.

ATTEST:



Secretary, City of Roanoke

Planning Commission

Zoning text amendments for Planning Commission public hearing August 12, 2024

On March 18, 2024 by Ordinance No. 42902-031824, City Council adopted amendments to the zoning code. The proposed amendments are the similar in substance to the March 18, 2024 amendments (which are already in effect and part of the current zoning code), and include new modifications made to Section 36.2-403 and Section 36.2-409.1.

For illustrative purposes, the changes shown below reflect the proposed amendments **compared against the pre-March 18, 2024 zoning code**. Please refer to the companion document for changes in the proposed amendments compared against the current zoning code.

As explained above, this document is illustrative of the amendments to the City's zoning text that will be considered by the City of Roanoke Planning Commission on August 12, 2024, at 1:30 pm. A physical copy of this document is made available for public examination on or before July 26, 2024, in the Office of the City Clerk, Fourth floor of the Noel C. Taylor Municipal Building at 215 Church Avenue, SW, and will be posted as a downloadable PDF document at <https://www.roanokeva.gov/1088/Planning-Commission>.

Inserted text appears in blue text and is underlined. Deleted text is shown in red with strike through. A series of three ellipses (***) indicate other material in the section that remains unchanged.

Sec. 36.2-100. Title.

This chapter shall be known, cited, and referred to as the "zoning ~~ordinance~~ code" and shall include all provisions contained herein, together with the City's zoning map.

* * *

Sec. 36.2-105. Rules of interpretation and construction.

* * *

(c) General construction of language.

* * *

(9) Where amendments to use names or definitions are made, the amended meaning shall be applied to older terms that remain in the zoning code (e.g., a single-family dwelling means a one dwelling building, two dwelling building means two-family dwelling, and so on).

* * *

(f) Zoning district boundaries.

* * *

(2) In case of annexation to the City, or in case property comes into the territorial jurisdiction of the City other than by annexation, the regulations applying to the R-12, Residential ~~Single Family~~ District, shall apply to all such annexed or new territory pending an amendment of this chapter.

* * *

Sec. 36.2-201. - Establishment of districts.

In order to carry out the purposes of this chapter, the City of Roanoke shall be divided into zoning districts as established below:

(a) Base districts. The following base zoning districts are hereby established:

(1) *Residential zoning districts:*

~~Residential Agricultural District (RA)~~
~~Residential Single Family District (R-12)~~
~~Residential Single Family District (R-7)~~
~~Residential Single Family District (R-5)~~
~~Residential Single Family District (R-3)~~
~~Residential Mixed Density District (RM-1)~~
~~Residential Mixed Density District (RM-2)~~
~~Residential Multifamily District (RMF)~~

RA Agricultural District
R-12 Residential District
R-7 Residential District
R-5 Residential District
R-3 Residential District
RM-1 Residential District
RM-2 Residential District
RMF Residential District

(2) *Multiple purpose zoning districts:*

~~Mixed Use District (MX)~~
~~Commercial Neighborhood District (CN)~~
~~Commercial General District (CG)~~
~~Commercial Large Site District (CLS)~~
~~Downtown District (D)~~
~~Institutional District (IN)~~
~~Recreation and Open Space District (ROS)~~
~~Urban Flex District (UF)~~

MX Mixed Use District
CN Commercial-Neighborhood District
CG Commercial-General District
CLS Commercial-Large Site District
D Downtown District
IN Institutional District
ROS Recreation and Open Space District
UF Urban Flex District
UC Urban Center District

Sec. 36.2-205. Dimensional regulations.

* * *

(b) ~~Density.~~ Dwellings permitted on a lot.

(1) When using minimum lot area for each dwelling ~~calculating the maximum allowable density for any lot,~~ any fractional dwelling count shall be equal to zero dwelling units.

(2) Any lands normally submerged under water shall not be included in computing the allowable number of dwelling units for any lot.

(3) ~~For single-family detached dwellings, except in the MXPUD District, no maximum number of total permitted dwellings is established because the total number of dwelling units shall be governed by the minimum lot area.~~

* * *

- (d) *Lot frontage.*

* * *

~~(4) Lot frontage requirements for townhouses and rowhouses shall be governed by Section 36.2-431.~~

~~(5)~~ (4) In addition to the lot frontage required by the applicable zoning district, all structures shall be located on lots so as to comply with any adopted ordinances of the City relating to public service and fire protection.

* * *

- (i) *Yards—Corner lots and through lots.*

- (1) Corner lots having two (2) street frontages shall provide yards as follows:

* * *

(B) In the MX, CN, CG, D, IN, ~~and UF~~, and UC Districts, the primary front yard shall be established according to Section 36.2-319.

* * *

- (2) Corner lots having more than two (2) street frontages shall provide a front yard for each frontage:

(B) In the MX, CN, CG, D, IN, ~~and UF~~, and UC Districts, two (2) maximum yards shall be established according to Section 36.2-319.

* * *

- (3) Through lots shall provide a front yard for each frontage:

(B) In the MX, CN, CG, D, IN, ~~and UF~~, and UC Districts, the primary front yard shall be established according to Section 36.2-319 and shall be provided with the minimum and maximum depths of the district or as determined by Section 36.2-313, as applicable. The other front yard shall be subject to only the minimum front yard depth required by the district.

* * *

ARTICLE 3. REGULATIONS FOR SPECIFIC ZONING DISTRICTS

Sec. 36.2-300. Purpose.

The purpose of this article is to establish use, dimensional requirements, and other special requirements, ~~open space, and certain specific regulations~~ for each zoning district.

DIVISION 1. RESIDENTIAL DISTRICTS

Sec. 36.2-310. Purposes of the residential districts.

* * *

- (b) The purposes of the R-12, R-7, R-5, ~~and R-3, and RM-1 -d~~Districts are ~~to protect residential neighborhoods, to provide a range of housing options., including single unit dwellings and other housing types on corner lots. Choices~~ and to provide opportunities for compatible home-based entrepreneurship, and to incorporate neighborhood principles, including lot frontages, building setbacks and densities, that are customary in urban and suburban neighborhoods 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.
- (c) The purpose of the ~~RM-1 and~~RM-2 district is to provide for all housing types with an emphasis on townhouses, cottage courts, and apartment buildings. Districts is to multi-unit dwellingsallow for a mix of single family detached, single family attached, two family, townhouse, and multifamily dwellings in order to provide a range of housing choices. 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.
- (d) The purpose of the RMF District is to provide for unified development of 10 or more dwellings. ~~permit dense housing development by providing for multifamily and townhouse dwellings.~~

[illegible]

Temporary health care structure	P	P	P	P	P	P	P	P	36.2-403
Wind turbine, commercial	S								36.2-403
Wind turbine, small	S	S	S	S	S	S	S	S	36.2-403
<p>"P" indicates a use permitted as of right. "S" indicates a use permitted only by special exception. A blank cell indicates the use is not permitted; any use not listed in this table is not permitted in residential districts.</p>									

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 per dwelling unit (square feet)		43560	12000	7000	5000	3000	3500	2500	1000
Lot area (square feet)	Minimum	43560	12000	7000	5000	3000	5000	5000	15000
	Maximum	None	None	None	None	None	None	None	None
Lot frontage (feet)	Minimum	150	70	60	50	30	50	50	150
	Maximum	None	None	None	None	None	None	None	None
Minimum lot area for each dwelling		43,560	2,500	2,000	1,500	1,000	1,500	1,000	1,000
Minimum lot area for each group living adult resident or room							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
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
Front yard (feet)	Minimum	30	20	20	15	15	10	10	10
	Maximum	None	None	None	40	25	30	30	None
Section 36.2-313 Front yard requirements for infill development apply		No	No	Yes	Yes	Yes	Yes	Yes	No
Side yard minimum depth (feet)		10	5	3	3	3	3	3	15
Rear yard minimum depth (feet)		50	15-5	15-5	15-5	15-5	15-5	15-5	15-5
Height maximum (feet)		45	35	35	35	35	35	45	45
Impervious surface area maximum (percentage of lot area)		25	50	50	60	70	60	70	70
Principal structures, maximum number		No limit	1	1	1	1	1	No limit	No limit

Accessory structure minimum setback from rear and side lot lines (feet)	5	0	0	0	0	0	0	5
Minimum parking requirement applies	No	No	No	No	No	No	No	No
Tree canopy coverage <u>minimum</u> (Minimum percent of lot area)	20	20	20	20	15	15	10	10
<p><u>Lot area is expressed in square feet</u></p> <p><u>Frontage, yard depth, height, and setback are expressed in feet</u></p> <p><u>Impervious surface area and tree canopy coverage are expressed as a percentage of lot area.</u></p> <p><u>An accessory dwelling shall not be considered in determining compliance with minimum lot area for each dwelling.</u></p> <p>Where a maximum lot frontage is specified for a district, such maximum shall apply to only one frontage of a corner lot.</p> <p>"Yes" means the requirement applies.</p> <p>"No" means the requirement does not apply.</p> <p>"None" means there is no requirement.</p>								

* * *

DIVISION 2. MULTIPLE PURPOSE DISTRICTS

Sec. 36.2-314. Purposes of multiple purpose districts.

- (a) 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. ~~-, office uses, and support services within the same district. The intent of the district is that no retail sales uses be permitted and that the district facilitates a harmonious mixture of office and residential uses.~~ 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.

* * *

- (i) 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.

Sec. 36.2-315. Use table for multiple purpose districts.

District	MX	CN	CG	CLS	D	IN	ROS	UF	<u>UC</u>	Supplemental Regulation Section
<i>Residential Uses</i>										
Dwelling, single family attached	P							P		
Dwelling, single family detached	P									
Dwelling, two family	P									
Dwelling, multifamily with 10 or fewer units	P	P	P	P	P			P		
Dwelling, multifamily with 11 or more units	S	S	P	P	P			P		
Dwelling, townhouse or rowhouse	P	P	P	P	P			P		36.2-431
<u>Dwellings</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>36.2-409.1</u>
<i>Accommodations and Group Living</i>										
Bed and breakfast	<u>SP</u>	<u>P</u>	<u>P</u>			<u>SP</u>		<u>P</u>		36.2-405
Campground			S	S			S	S		
Dormitory					P					
Group care facility, congregate home, elderly	S									
Group care facility, nursing home	S									
Group home	P	P			P	P				
<u>Group living</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>		<u>P</u>	<u>P</u>	
Hotel or motel		<u>SP</u>	P	P	P	<u>P</u>		P	<u>P</u>	
Short-term rental	<u>SP</u>	P	P	P	P	<u>P</u>		P	<u>P</u>	<u>Sec. 36.2-405</u>
<i>Commercial Uses: Office and Related Uses</i>										
Business services establishment , not otherwise listed	<u>SP</u>	P	P	P	P			P	<u>P</u>	
Financial institution <u>services</u>	<u>P</u>	P	P	P	P			P	<u>P</u>	
Laboratory, dental, medical, or optical	<u>P</u>	P	P	P	P			P	<u>P</u>	
Laboratory, testing and research	<u>P</u>	<u>P</u>	P	P	P			P	<u>P</u>	
Medical clinic	P	P	P	P	P			P	<u>P</u>	
Office, general or professional	P	P	P	P	P			P	<u>P</u>	
Outpatient mental health and substance abuse clinic			S							
<i>Commercial Uses: Miscellaneous</i>										
Animal hospital or veterinary clinic, no outdoor pens or runs		P	P	P	P			P	<u>P</u>	
Animal hospital or veterinary clinic, outdoor pens or runs		S	S	S	S			S	<u>S</u>	
Animal shelter			S	S	S			S	<u>S</u>	
Caterer, commercial	<u>P</u>	<u>P</u>	P	P	P			P	<u>P</u>	

Community market	<u>P</u>	P	P	P	P	P	P	P	<u>P</u>	
Drive-through facility		S	P <u>S</u>	P <u>S</u>	S					36.2-409
Drive-through kiosk		S	P <u>S</u>	P <u>S</u>	S					36.2-409
Flea market, outdoor			S	S						
Funeral home			P	P	P					
Kennel, no outdoor pens or runs			P	P	P			P	<u>P</u>	
Kennel, outdoor pens or runs			S	S	S			S	<u>S</u>	
Live-work unit	P	P	P	P	P			P	<u>P</u>	36.2-416
Mixed-use building	P	P	P	P	P	<u>P</u>		P	<u>P</u>	36.2-416
Outdoor advertising sign			P		P					36.2-675
Studio/multimedia production facility	P	P	P		P			P	<u>P</u>	
<i>Commercial Uses: Retail Sales and Service</i>										
Bakery, confectionary, or similar food production, retail		P	P	P	P			P	<u>P</u>	
Building supplies and materials, retail			P	P				P		
Car wash, not abutting a residential district			P <u>S</u>	P <u>S</u>						36.2-406
Car wash, abutting a residential district			S	S						36.2-406
Contractor or tradesman's shop, general or special trade		S	P	P	S			P	<u>P</u>	
Dry cleaning plant or commercial laundry			P							
Gasoline station		S	P	P	S					36.2-411
General service establishment, not otherwise listed		P	P	P	P			P	<u>P</u>	
Laundromat		P	P	P	P			P	<u>P</u>	
Manufactured or mobile home sales			P							
Motor vehicle rental establishment, without inventory on-site		P <u>S</u>	P <u>S</u>	P <u>S</u>	P					
Motor vehicle rental establishment, with inventory on-site			P	P	S					
Motor vehicle repair or service establishment			P <u>S</u>	P <u>S</u>	S			S	<u>S</u>	36.2-419
Motor vehicle sales and service establishment, new			P <u>S</u>	P <u>S</u>						36.2-420
Motor vehicle sales and service establishment, used			P <u>S</u>	P <u>S</u>						36.2-421
Nursery or greenhouse, commercial			P	P				S		
Personal service establishment, not otherwise listed in this table	P	P	P	P	P	<u>P</u>		P	<u>P</u>	
Retail sales establishment, not otherwise listed		P	P	P	P	<u>S</u>		P	<u>P</u>	
Storage building sales			S	P						
<i>Industrial Uses</i>										
Bakery, confectionary, or similar food production, wholesale								P	<u>P</u>	
Borrow or Fill Site	S	S	S	S	S	S	S	S	<u>S</u>	36.2-405.1

[illegible]

Microbrewery or microdistillery not abutting a residential district		P	P	P	P			P	<u>P</u>	
Microbrewery or microdistillery abutting a residential district		S	S	S	S			P S	<u>P</u>	
Park or playground	P	P	P	P	P	P	P	P	<u>P</u>	
Place of worship		P	P	P	P	P		P	<u>P</u>	
Recreation, indoor		<u>P</u>	P	P	P	<u>P</u>	P	P	<u>P</u>	
Recreation, outdoor			P	P		<u>P</u>	P	P	<u>P</u>	
Sports stadium, arena, or coliseum				<u>P</u>	P				<u>P</u>	
Theater, movie or performing arts	<u>S</u>	P	P	P	P	<u>P</u>		P	<u>P</u>	
Zoo							P			
<i>Public, Institutional, and Community Facilities</i>										
Aquarium or planetarium					P					
Artist studio	<u>P</u>	P	P	P	P	P		P	<u>P</u>	
Cemetery							P			
Community food operation		<u>P</u>	P	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
Community garden	P	P	P	P	P	P	P	P	<u>P</u>	36.2-407.1
<u>Community housing services</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
Day care center, adult	P	P	P	P	P	P		P	<u>P</u>	
Day care center, child	S <u>P</u>	P	P	P	P	P		P	<u>P</u>	36.2-408
Day care home, adult	S <u>P</u>	S <u>P</u>	<u>P</u>	<u>P</u>	S <u>P</u>	<u>P</u>		S <u>P</u>	<u>P</u>	
Day care home, child	P	P	<u>P</u>	<u>P</u>	P	<u>P</u>		P	<u>P</u>	
Educational facilities, business school or nonindustrial trade school	S <u>P</u>	P	P	P	P	P		P	<u>P</u>	
Educational facilities, college/university		<u>P</u>	P	P	P	<u>P</u>		P	<u>P</u>	
Educational facilities, elementary/middle/secondary		P	P	P	P	P		P	<u>P</u>	
Educational facilities, industrial trade school		<u>P</u>	P	P	<u>P</u>	<u>P</u>		P	<u>P</u>	
Educational facilities, school for the arts	S <u>P</u>	P	P	P	P	P		P	<u>P</u>	
<u>Family day home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
Fire, police, or emergency services	P <u>S</u>	P	P	P	P	P		P	<u>P</u>	
Government offices or other government facility, not otherwise listed	P	P	P	P	P	P		P	<u>P</u>	
Hospital				<u>P</u>	P			<u>P</u>	<u>P</u>	
Library	P	P	P	P	P	P		P	<u>P</u>	
Museum	P	P	P	P	P	P		P	<u>P</u>	
Post office		P	P	P	P	P		P	<u>P</u>	
Supply pantry		P	P	P	P	P		P	<u>P</u>	

Training facility for police, fire, or emergency services			<u>P</u> <u>S</u>			S				
<i>Transportation Uses</i>										
Limousine service			P		P					
Parking lot facility		S	P <u>S</u>	<u>S</u>	S	<u>S</u>		<u>S</u>	<u>S</u>	
Parking, off-site	P <u>S</u>	S	P <u>S</u>	P <u>S</u>	S	P <u>S</u>	P	P <u>S</u>	<u>S</u>	36.2-652
Parking structure facility		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u> P	<u>S</u>		S	<u>S</u>	36.2-426
Railroad passenger terminal or station					P					
Transit station			<u>S</u>	<u>S</u>	P	<u>S</u>		<u>S</u>	<u>S</u>	
<i>Utility Uses</i>										
Broadcasting studio or station	<u>P</u>	P	P	P	P	<u>P</u>		P	<u>P</u>	
Broadcasting tower			S	S				S		36.2-432
Utility distribution or collection, basic	P	P	P	P	P	P	P	P	<u>P</u>	
Utility distribution or collection, transitional	S	S	S	S	S	S	S	S	<u>S</u>	
Wireless telecommunications facility, small cell on existing structure	P	P	P	P	P	P	P	P	<u>P</u>	36.2-432
Wireless telecommunications facility, stealth	P	P	P	P	P	P	P	P	<u>P</u>	36.2-432
Wireless telecommunications facility, not otherwise listed	S	S	S	S	S	S	S	S	<u>S</u>	36.2-432
<i>Agricultural Uses</i>										
Agricultural operations	S	S	S	S	S	S	S	S	<u>S</u>	
Stable, commercial							P			36.2-428
Wildlife rescue shelter or refuge area							P			
<i>Accessory Uses</i>										
Accessory uses, not otherwise listed in this Table	P	P	P	P	P	P	P	P	<u>P</u>	36.2-403
Accessory Dwelling Unit apartment	S <u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	36.2- 402 <u>409.1</u>
Home occupation, excluding personal service	P	P	<u>P</u>	<u>P</u>	P	P		P	<u>P</u>	36.2-413
Electric Vehicle Charging Stations	S <u>P</u>	P	P	P	P	P	P	P	<u>P</u>	36.2-403
Home occupation, personal service	P	P	<u>P</u>	<u>P</u>	P	P		P	<u>P</u>	36.2-413
Homestay	S <u>P</u>	P	P	P	P	<u>P</u>		P	<u>P</u>	36.2-405
Outdoor display area		P <u>S</u>	P <u>S</u>	P <u>S</u>	P <u>S</u>			P <u>S</u>	<u>S</u>	36.2-422
Outdoor recreation facility lighting or sports stadium lighting		S	S	S	S	S	S	<u>S</u>	<u>S</u>	36.2-403
Outdoor storage			S	S			P	S	<u>S</u>	36.2-423
Recycling collection point		S	P	P						36.2-403
Resident manager apartment								P		36.2-403
Solar Energy System	P	P	P	P	P	P	P	P	<u>P</u>	36.2-403
Temporary health care structure	<u>P</u>									
Wind turbine, commercial			S	S		S	S	S		36.2-403

Height maximum (feet)	Property abutting a residential district	45	45	45	1 foot for each foot of setback from any abutting residential lot	1 foot for each foot of setback from any abutting residential lot	40	1 foot for each foot of setback from any abutting residential lot, not to exceed 60 feet	60	<u>60</u>
	Property not abutting a residential district	45	45	None	None	None	40	60	60	<u>60</u>
Floor area ratio maximum		1.0	5.0	5.0	5.0	15.0	None	None	None	<u>None</u>
Impervious surface area maximum (percentage of lot area)		70	100	85	80	100	80	80	100	<u>100</u>
Minimum parking requirement applies		No	No	No	No	No	No	No	No	<u>No</u>
Section 36.2-318 Pedestrian access requirement applies		Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	<u>Yes</u>
Maximum building footprint (square feet)		None	15,000	None	None	None	None	None	None	<u>None</u>
Section 36.2-319 Building placement and façade transparency standards (minimum transparency, percent of façade area) <u>Minimum façade transparency</u>	Ground floor	15	50*	50*	None	50*	15	None	15	<u>30*</u>
	Upper floors	15	20	20	None	20	15	None	15	<u>20</u>
Minimum tree canopy (percentage of lot area)		10	0	10	10	0	10	20	0	<u>0</u>

~~* Except townhouses and multifamily dwellings, minimum façade transparency for these uses is 20 percent.~~
Façade transparency references standards of Section 36.2-319 Building placement and façade transparency standards.
* Minimum façade transparency for any building containing only residential uses is 20 percent.

Lot area and building footprint are expressed in square feet

Frontage, yard depth, height, and setback are expressed in feet

Impervious surface area and tree canopy coverage are expressed as a percentage of lot area.

An accessory dwelling shall not be considered in determining compliance with minimum lot area for each dwelling.

Where a maximum lot frontage is specified, the maximum shall apply only to a primary street frontage as determined by application of section 36.2-319(b).

A numeric entry means the dimension shall apply based on the unit of measurement indicated.

"Yes" means the requirement applies.

"No" means the requirement does not apply.

"---" or "None" means there is no requirement.

* * *

Sec. 36.2-322. Use table for industrial districts.

District	I-1	I-2	AD	Supplemental Regulation Section
<i>Residential Uses</i>				
Dwelling, single family detached	S			
Dwelling, two family	S			
Dwelling, multifamily	S			
Dwelling, townhouse or rowhouse	S			36.2-434
<u>Dwellings</u>	<u>S</u>			<u>36.2-409.1</u>
<i>Accommodations and Group Living Uses</i>				
<u>Group Living</u>	<u>S</u>			
Hotel or motel			P	
<i>Commercial Uses: Office and Related Uses</i>				
Business services establishment , not otherwise listed	P			
Employment or temporary labor service	P			
Financial institution services	P		P	
Laboratory, dental, medical, or optical	P	P	P	
Laboratory, testing and research	P	P	P	

Office, general or professional	P			
<i>Commercial Uses: Miscellaneous</i>				
Animal hospital or veterinary clinic, no outdoor pens or runs	P			
Animal hospital or veterinary clinic, with outdoor pens or runs	S			
Caterer, commercial	P			
Drive-through facility	P			36.2-409
Kennel, no outdoor pens or runs	P			
Kennel, outdoor pens or runs	S			
Live-work unit	S			36.2-416
Mixed-use building	S			36.2-416
Outdoor advertising sign	P	P		36.2-675
Pet crematorium	P			
Studio/multimedia production facility	P			
<i>Commercial Uses: Retail Sales and Service</i>				
Bakery, confectionary, or similar food production, retail	P			
Building supplies and materials, retail	P		P	
Car wash, not abutting a residential district	P			36.2-406
Car wash, abutting a residential district	S			36.2-406
Commercial motor vehicle rental establishment	P			
Commercial motor vehicle sales and service establishment, new	P			36.2-407
Commercial motor vehicle sales and service establishment, used	P	P		36.2-407
Contractor or tradesman's shop, general or special trade	P	P		
Dry cleaning plant or commercial laundry	P			
Gasoline station	P			36.2-411
General service establishment, not otherwise listed	P			
Lumberyard	P	P		
Manufactured or mobile home sales	P			
Motor vehicle rental establishment, without inventory on-site	P		P	
Motor vehicle rental establishment, with inventory on-site	P		P	
Motor vehicle repair or service establishment	P	P		36.2-419
Nursery or greenhouse, commercial	P			
Recreational vehicle or boat sales	P			
Retail sales establishment, not otherwise listed	P		P	
Storage building sales	P <u>S</u>			
<i>Industrial Uses</i>				
Asphalt or concrete plant		S		
Bakery, confectionary, or similar food production, wholesale	P	P		

Borrow or Fill Site	S	S	S	36.2-405.1
Biosolids field		S		
Building supplies and materials, wholesale	P	P	P	
Commercial printing establishment	P	P	P	
Composting facility	S	S		36.2-407.2
Contractor's shop, heavy construction	P	P		
Dairy products, processing, bottling, and wholesale distribution	P	P		
Electrical component assembly, wholesale distribution	P	P	P	
Fuel oil distribution	S	P		
Fueling station, commercial or wholesale	P	P		
Junkyard	S ---	S ---		36.2-414
Manufacturing: Beverage or food processing, excluding poultry and animal slaughtering and dressing	P	P		
Manufacturing: Chemical, refining or processing, including the manufacture, refining or processing of ammonia, bleach, bluing, calcimine, chlorine, corrosive acid or alkali, dyes, fats, fertilizer, gutta percha, gypsum, lampblack, oils, oxygen, paints, plaster of Paris, potash, rubber, shellac, tar, turpentine, vinegar, yeast		S		
Manufacturing: Chemical, refining or processing, not otherwise listed in this table	P	P		
Manufacturing: General, not otherwise listed in this table	P	P	P	
Manufacturing: Steel or metal production, fabrication, or processing	P	P	P	
Manufacturing: Wood products, including the shredding or grinding of wood to create mulch.	S	P		
Meat packing and poultry processing		S		
Milling or feed and flour mills	S	S		
Motor vehicle or trailer painting and body repair	P	P		36.2-418
Outdoor storage lot	S	S	S	
Quarry		S		
Recycling center	S	S		36.2-414
Tire recapping		S		
Towing service	P	P		36.2-430
Welding or machine shop	P	P		
Workshop	P	P	P	36.2-433
Wrecker yard	S ---	S ---		36.2-414
<i>Warehousing and Distribution Uses</i>				
Distribution center, not otherwise listed	P	P	P	

Self-storage building	P <u>S</u>	P <u>S</u>	P	
Self-storage facility	P <u>S</u>	P <u>S</u>	P	
Storage of commercial motor vehicles	P <u>S</u>	P <u>S</u>		
Storage of motor vehicles for rental (no on-site rental or leasing facility)	P <u>S</u>		P	
Tank farm, petroleum bulk station and terminal, or other aboveground storage of flammable liquids		S __		
Warehouse	P	P	P	
<i>Assembly and Entertainment Uses</i>				
Amphitheatre	P		P	
Amusement, commercial, outdoor	P			
Eating establishment	P		P	
Eating and drinking establishment, abutting a residential district	P	P	P	
Eating and drinking establishment, not abutting a residential district	P		P	
Entertainment establishment, abutting a residential district	P		P	
Entertainment establishment, not abutting a residential district	P		P	
Go-cart track	S			
Health and fitness center	P	P	P	
Microbrewery or microdistillery	P	P	P	
Paintball facility, outdoor	S			
Park or playground	P	P	P	
Recreation, indoor	P			
Recreation, outdoor	P	P	P	
Theater, movie or performing arts	P	P	P	
<i>Public, Institutional, and Community Uses</i>				
Artist studio	P			
Community garden	P	P	P	36.2-407.1
<u>Community housing services</u>	<u>P</u>			
Educational facilities, business school or nonindustrial trade school	P		P	
Educational facilities, industrial trade school	P	P	P	
Educational facilities, school for the arts	P	P	P	
Fire, police, or emergency services	P		P	
Government offices or other government facility, not otherwise listed	P		P	
Military reserve or National Guard center	P		P	

Post office	P		P	
Supply pantry	P			
Training facility for police, fire, or emergency services	P		P	
<i>Transportation Uses</i>				
Airport or airport-related commercial and personal service uses			P	
Bus maintenance, including repair and storage	P	P		
Limousine service	P	P	P	
Motor freight terminal or truck terminal	P	P	P	
Parking lot facility			P	
Parking, off-site	P	P	P	36.2-652
Railroad freight yard, repair shop, and marshalling yard		P		
Taxicab business	P	P	P	
Transit station	P			
<i>Utility Uses</i>				
Broadcasting studio or station	P	P		
Broadcasting tower	S	S		36.2-432
Hazardous materials facility		S		
Utility distribution or collection, basic	P	P	P	
Utility distribution or collection, transitional	P	P	S	
Utility generation or treatment		P		
Utility maintenance and service facility	P	P		
Wireless telecommunications facility, small cell on existing structure	P	P	P	36.2-432
Wireless telecommunications facility, stealth	P	P	P	36.2-432
Wireless telecommunications facility, not otherwise listed	S	P	S	36.2-432
<i>Agricultural Uses</i>				
Agricultural operations	P	P	P	
Animal shelter	P	P		
<i>Accessory Uses</i>				
Accessory uses, not otherwise listed in this Table	P	P	P	36.2-403
Electric Vehicle Charging Station	P	P	P	36.2-403
Outdoor recreation facility lighting or sports stadium lighting	S	S	S	36.2-403
Outdoor storage	P	P	P	36.2-423
Portable storage container	P	P		36.2-403
Recycling collection point	P			36.2-403
Resident manager apartment	P	P		36.2-403
Temporary health care structure				

Solar Energy System	P	P	P	36.2-403
Wind turbine, commercial	P	P		36.2-403
Wind turbine, small	P	P	P	36.2-403
"P" indicates a use permitted as of right. "S" indicates a use permitted only by special exception. A blank cell indicates the use is not permitted; any use not listed in this table is not permitted in industrial districts.				

* * *

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

	MXPUD	INPUD	IPUD	Supplemental Regulation Section
<i>Residential Uses</i>				
Dwelling, single family attached	P		P	
Dwelling, single family detached	P		P	
Dwelling, two family	P		P	
Dwelling, multifamily	P	P	P	
Dwelling, townhouse or rowhouse	P		P	36.2-434
<u>Dwellings</u>	<u>P</u>	<u>P</u>		<u>36.2-409.1</u>
<u>Short-term Rental</u>	<u>P</u>	<u>P</u>		<u>Sec. 36.2-405</u>
<i>Accommodations and Group Living</i>				
Bed and breakfast	P	P		36.2-405
Campground	P	P		
Dormitory		P		
Group care facility, congregate home, elderly	P	P		
Group care facility, congregate home, not otherwise listed		P		
Group care facility, group care home		P		
Group care facility, halfway house		P		
Group care facility, nursing home	P	P		
Group care facility, transitional living facility		P		
Group home	P	P		
<u>Group Living</u>	<u>P</u>	<u>P</u>		
Hotel or motel	P	P	P	

<i>Commercial Uses: Office and Related Uses</i>				
Business service establishment, not otherwise listed	P	P	P	
Financial institution	P	P	P	
Laboratory, dental, medical, or optical	P	P	P	
Laboratory, testing and research		P	P	
Medical clinic	P	P		
Office, general or professional	P	P	P	
Outpatient mental health and substance abuse clinic		S		
<i>Commercial Uses: Miscellaneous</i>				
Animal hospital or veterinary clinic, no outdoor pens or runs			P	
Animal hospital or veterinary clinic, outdoor pens or runs			P	
Caterer, commercial			P	
Community market	P			
Drive-through facility	P	P	P	36.2-409
Drive-through kiosk	P			36.2-409
Live-work unit	P	P	P	36.2-416
Mixed-use building	P	P	P	36.2-416
Studio/multimedia production facility	P	P	P	
<i>Commercial Uses: Retail Sales and Service</i>				
Bakery, confectionary, or similar food production, retail	P	P	P	
Building supplies and materials, retail	P	P	P	
Contractor or tradesman's shop, general or special trade	P	P	P	
Dry cleaning plant or commercial laundry			P	
General service establishment, not otherwise listed	P	P	P	
Laundromat	P			
Lumberyard			P	
Motor vehicle rental establishment, without inventory on-site			P	
Motor vehicle rental establishment, with inventory on-site			P	
Nursery or greenhouse, commercial			P	

Personal service establishment, not otherwise listed in this table	P			
Retail sales establishment, not otherwise listed	P		P	
<i>Industrial Uses</i>				
Bakery, confectionary, or similar food production, wholesale			P	
Borrow or Fill Site	P	P	P	36.2-405.1
Building supplies and materials, wholesale			P	
Commercial printing establishment			P	
Contractor's shop, heavy construction			P	
Dairy products, processing, bottling, and wholesale distribution			P	
Electrical component assembly, wholesale distribution			P	
Fuel oil distribution			P	
Fueling station, commercial or wholesale			P	
Gasoline Station	P			36.2-411
Manufacturing: Beverage or food processing, excluding poultry and animal slaughtering and dressing			P	
Manufacturing: Chemical, refining or processing, not otherwise listed in this table			P	
Manufacturing: General, not otherwise listed in this table			P	
Manufacturing: Steel or metal production, fabrication, or processing			P	
Milling or feed and flour mills			P	
Welding or machine shop			P	
Workshop	P	P	P	36.2-433
<i>Warehousing and Distribution Uses</i>				
Distribution center, not otherwise listed			P	
Self-storage building	P		P	
Warehouse			P	
<i>Assembly and Entertainment Uses</i>				
Amphitheater	P	P		
Amusement, commercial, indoor	P		P	
Amusement, commercial, outdoor	P		P	
Botanical garden or arboretum	P	P		

Club, lodge, civic, or social organization	P	P		
Community center	P	P		
Eating establishment	P	P	P	
Eating and drinking establishment, not abutting a residential district	P	P	P	
Eating and drinking establishment, abutting a residential district	P	P	P	
Entertainment establishment, abutting a residential district	P	P	P	
Entertainment establishment, not abutting a residential district	P	P	P	
<u>Exhibition, convention, or conference center</u>	<u>P</u>	<u>P</u>		
Golf course	P			
Health and fitness center	P	P		
Meeting hall	P	P		
Microbrewery or microdistillery	P		P	
Park or playground	P	P		
Place of worship	P	P		
<u>Recreation, indoor</u>	<u>P</u>			
Recreation, outdoor	P	P	P	
Sports stadium, arena, or coliseum		P		
<u>Theater, movie or performing arts</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i>Public, Institutional, and Community Uses</i>				
Aquarium or planetarium		P		
Artist studio	P	P	P	
Community food operation		P	P	
Community garden	P	P	P	36.2-407.1
Day care center, adult	P	P		
Day care center, child	P	P		36.2-408
Day care home, child	P	P		
Educational facilities, business school or nonindustrial trade school	P	P	P	
Educational facilities, college/university		P		
Educational facilities, elementary/middle/secondary		P		
Educational facilities, industrial trade school			P	
Educational facilities, school for the arts	P	P	P	

Fire, police, or emergency services		P	P	
Government offices or other government facility, not otherwise listed	P	P	P	
Hospital		P		
Library	P	P	P	
Military reserve or National Guard center		P	P	
Museum	P	P		
Post office	P	P		
Regional housing services		S		
Supply pantry		P	P	
Training facility for police, fire, or emergency services		P	P	
<i>Transportation Uses</i>				
Bus maintenance, including repair and storage			P	
Motor freight terminal or truck terminal			P	
Parking, off-site	P	P	P	36.2-652
Parking structure facility	P	P		
Taxicab business			P	
Transit station	P	P	P	
<i>Utility Uses</i>				
Broadcasting studio or station	P	P	P	
Broadcasting tower	S	S	S	36.2-432
Hazardous materials facility		S	S	
Utility distribution or collection, basic	P	P	P	
Utility distribution or collection, transitional	S	P	P	
Utility maintenance and service facility			P	
Wireless telecommunications facility, small cell on existing structure	P	P	P	36.2-432
Wireless telecommunications facility, stealth	P	P	P	36.2-432
Wireless telecommunications facility, not otherwise listed	P	P	P	36.2-432
<i>Agricultural Uses</i>				
Agricultural operations	P	P	P	
<i>Accessory Uses</i>				
Accessory uses, not otherwise listed in this Table	P	P	P	36.2-403
Accessory apartment dwelling unit	P	P	P	36.2- 402 409.1
Electric Vehicle Charging Stations	P	P	P	36.3-403

Home occupation, excluding personal service	P	P		36.2-413
Home occupation, personal service	P	P		36.2-413
Outdoor recreation facility lighting or sports stadium lighting	S	S	S	36.2-403
Outdoor storage			P	36.2-423
Portable storage container			P	36.2-403
Recycling collection point			P	36.2-403
Resident manager apartment		P	P	36.2-403
Temporary health care structure				
Solar Energy System	P	P	P	36.2-403
Wind turbine, commercial	<u>S-P</u>	<u>S-P</u>	<u>S-P</u>	36.2-403
Wind turbine, small	<u>S-P</u>	<u>S-P</u>	<u>S-P</u>	36.2-403
"P" indicates a use permitted as of right. "S" indicates a use permitted only by special exception. A blank cell indicates the use is not permitted.				

Sec. 36.2-328. Dimensional regulations for planned unit development districts.

District	MXPUD	INPUD	IPUD
Minimum size of district (acres)	None	None	5
Minimum lot area per dwelling unit (square feet) <u>and minimum lot area for each group living adult resident or room</u>	Specified on the development plan for the district		
Lot frontage minimum (feet)			
Front yard minimum (feet)			
Side yard minimum (feet)			
Rear yard minimum (feet)			
Height maximum (feet)			
Usable open space (percentage of lot area)			
Accessory structure minimum setback from rear and side lot lines (feet)			
Minimum parking requirement			
Impervious surface ratio maximum (percentage of lot area)	80	80	80
Minimum tree canopy (percentage of lot area)	15	10	10

Lot area and building footprint are expressed in square feet

Frontage, yard depth, height, and setback are expressed in feet

Usable open space, impervious surface area and tree canopy coverage are expressed as a percentage of lot area.

An accessory dwelling shall not be considered in determining compliance with minimum lot area for each dwelling.

A numeric entry means the dimension shall apply based on the unit of measurement indicated.

"Yes" means the requirement applies.

"No" means the requirement does not apply.

"None" means there is no requirement.

Sec. 36.2-329. Reserved.

DIVISION 5. OVERLAY DISTRICTS

* * *

Sec. 36.2-332. Neighborhood Design Overlay District (ND).

* * *

- (c) *Design standards.* In considering an application for a zoning permit, the Zoning Administrator shall apply the following standards for construction of, an addition to, or the exterior modification of a dwelling in the ND:

(1) *Building ~~location and~~ massing:*

- (A) ~~The required front yard shall be determined by the regulations of the applicable base zoning district.~~
- ~~(B) A new dwelling shall have two (2) stories above the grade of the front yard where lots on both sides have two-story dwellings.~~
- ~~(C) The width of single one dwelling and two dwelling buildings ~~family and two-family dwellings~~ shall be within 25 ~~twenty (20)~~ percent of the average of the widths of such buildings ~~other single family and two-family dwellings~~ on the same side of the same block. ~~The front of multifamily dwellings shall be broken into sections of thirty (30) feet or less in width through offsets of the vertical plane of the façade of at least twelve (12) inches.~~~~
- ~~(D)~~ (B) Where lots on both sides have dwellings, the height of the foundation facing the street shall be no more than 40 ~~twenty (20)~~ percent greater than the height of the tallest adjoining foundation and shall be no less than 40 ~~twenty (20)~~ percent below the height of the shortest adjoining foundation. Where a dwelling exists only on one ~~(1)~~ side, the foundation height shall be within 40 ~~twenty (20)~~ percent of the height of that adjoining dwelling. ~~However, when the first floor of a dwelling meets the standards for accessibility in accordance with the International Code Commission [International Code Council] document A117.1-2009—Accessible and Usable Buildings and Facilities, the height of the foundation shall be within forty (40) percent of adjoining foundation heights rather than twenty (20) percent.~~ Such measurements shall be taken at comparable locations on the respective foundations (i.e., left side, right side). There is no foundation height requirement where no dwellings exist on either adjoining lot.

* * *

(3) *Entrances and windows:*

- (A) The dwelling shall have at least one ~~(1)~~ entrance facing the primary front yard. The number of doors facing the primary front yard shall be limited to one ~~(1)~~ door for every 18 ~~eighteen (18)~~ feet of dwelling width. ~~Single family and two-family dwellings~~ One and two dwelling buildings may have two entrances facing the primary front yard regardless of dwelling width if the second entrance is recessed at least six ~~(6)~~ feet behind the main front entrance.
- ~~(B) Doors facing a street shall have panel insets or windows.~~
- ~~(C) At least fifteen (15) percent of the front of the dwelling shall consist of window or door openings. At least ten (10) percent of the side of a dwelling which is not the front of the dwelling and which faces a street shall consist of window or~~

~~door openings. Roofs, gables, and foundations shall not be included in determining the area of the front or the side of the dwelling.~~

(B) Windows on the front façade shall have a height that is at least 1.5 ~~one and one-half (1½)~~ times their width.

~~(E)~~ Windows on the front of the dwelling shall be arranged in a manner that is compatible with that of other dwellings in the district. In general, windows on separate stories of the front should be vertically aligned and windows on the same story should be horizontally aligned.

~~(F)~~ All stairs facing a required front yard shall have solid risers.

(H) A sidewalk at least three ~~(3)~~ feet in width shall be provided between the front porch of a new dwelling and the street. The sidewalk shall be constructed of an impervious material customarily used for sidewalks in the district.

(4) *Siding and trim:*

(A) The siding of any dwelling, exclusive of trim materials, shall not be oriented vertically.

(B) Windows and doors shall be surrounded by trim which is at least 3.5 ~~three and one-half (3½)~~ inches wide, except for dwellings with masonry veneer, in which case no trim around doors or windows is required. However, an addition to or modification of an existing dwelling shall not be required to have window and door trim that is wider than that of the existing dwelling.

(C) Vertical corner boards at least 3.5 ~~three and one-half (3½)~~ inches wide shall be provided on all dwelling corners, except where the dwelling has a masonry veneer.

(D) Any exterior wooden elements on a dwelling's façade facing a required front yard shall be painted or be stained with an opaque stain.

(5) *Porches:*

(A) One dwelling and two dwelling buildings ~~Single family and two family dwellings~~ shall have a front porch at least one-half ~~(½)~~ the width of the dwelling's façade, and having a depth of at least six ~~(6)~~ feet. The front porch shall face the primary front yard.

(B) For new and existing dwellings, the front porch shall not be enclosed with siding.

(C) Front porch railings shall have a top and bottom rail. Baluster ends shall not be exposed.

(D) Front porch columns shall be uniform in shape and style and be at least five ~~(5)~~ inches wide at their bottom and top. Front porch columns shall have a base and cap that are at least one ~~(1)~~ inch thick and are at least 120 ~~one hundred twenty (120)~~ percent of the width of the column.

(E) The underside of front porches and stairways between pier supports shall be enclosed.

(6) *Garages and additions:*

(A) An attached or detached garage or carport shall be offset at least 24 ~~twenty-four (24)~~ inches behind the front façade of the dwelling. Bay doors facing a street shall have panel insets or windows. An attached garage shall not make up more than 33 ~~thirty-three (33)~~ percent of the front façade of the dwelling.

- (B) An addition to an existing dwelling shall be located on the rear or side of the dwelling, except a porch constructed in accordance with Section 36.2-332(c)(5) may be added to the front of the dwelling. An addition to the side of a dwelling shall be set back from the dwelling's front face by 24 ~~twenty four (24)~~ inches or more. When an existing dwelling does not have a front porch, an addition may be constructed on the front of the dwelling if it includes a front porch constructed in accordance with Section 36.2-332(c)(5).

* * *

Sec. 36.2-336. - Comprehensive Sign Overlay District.

* * *

(d) *Procedural requirements.*

- (1) A request to establish and apply a Comprehensive Sign Overlay District to a specific property or contiguous properties may be initiated by application of the property owner, contract purchaser with the owner's written consent, or the owner's agent in order to provide alternative sign regulations than would otherwise be required by this chapter. Such a request shall be considered an amendment to the zoning ~~ordinance-code~~ and Official Zoning Map, and review and approval shall be subject to the amendment requirements as set forth in Section 36.2-540. If a Comprehensive Sign Overlay District is established, the sign limitation established by that overlay district shall govern.

* * *

~~Sec. 36.2-402. — Accessory apartments. —~~

~~In order that the single family character of the property be maintained and an accessory apartment remain subordinate to the principal single family detached dwelling with which it is associated, such accessory apartments, where permitted by this chapter, shall be subject to the following standards:~~

- ~~(a) — An accessory apartment shall be located in a building that is accessory to, and is located on the same lot as, a single family detached dwelling;~~
- ~~(b) — Only one (1) accessory apartment shall be permitted on any one (1) lot;~~
- ~~(c) — An accessory building in which the accessory apartment is located shall not be separately metered for utilities from the principal single family detached dwelling;~~
- ~~(d) — The floor area of the accessory apartment shall not exceed the lesser of eight hundred (800) square feet or eighty (80) percent of the gross floor area of a principal residential use to which it is associated; and~~
- ~~(e) — Notwithstanding the minimum lot area per dwelling unit specified in Table 36.2-312, Dimensional regulations for residential districts, an accessory apartment shall not be considered as a dwelling unit for purposes of determining minimum lot area per dwelling unit.~~

Sec. 36.2-403. Accessory uses and structures.

* * *

- (b) General standards.

* * *

~~(4)~~ ~~An accessory structure in residential districts shall not be separately metered for utilities from the principal structure all accessory structures on the parcel shall not exceed the footprint of the principal building~~

~~(5)~~ (4) An accessory use shall be subject to the same screening and buffering requirements of this chapter as may apply to the principal use.

~~(6)~~ (5) Accessory buildings shall be subject to the maximum size and height standards below. These standards apply to any structure meeting the definition of a building in Appendix A of this chapter as well as unenclosed carports or similar shelters, aboveground pools, and any arbors or trellises exceeding the sizes listed in Section 36.2-410(c):

(A) The footprint of any accessory structure shall not exceed seventy-five (75) percent of the building footprint of the principal building.

(B) The cumulative structure footprint of all accessory structures on the parcel shall not exceed the footprint of the principal building.

(C) The maximum height of any accessory structure shall be less than the height of the principal building. However, this maximum height shall not apply to any wind turbines, which are instead subject to the maximum heights specified in Section 36.2-403(m).

~~(7)~~ (6) In any residential zoning district, a manufactured home, mobile home, trailer, camper, or motor vehicle, or portion thereof, shall not be used as an accessory structure for the purpose of storage or for any other accessory use.

Sec. 36.2-405. Bed and breakfast, homestay, and short-term rental establishments.

* * *

(b) Standards for bed and breakfast establishments in residential districts.

(1) Such establishments shall be located on a lot on which a one dwelling building ~~single-family dwelling~~ is the principal use, although such establishments may be located within either the principal structure or an accessory structure, or both.

* * *

(3) The owner of the one dwelling building ~~single family detached dwelling~~ occupied by the bed and breakfast establishment shall reside in the dwelling.

* * *

(7) Only accessory uses or structures which are incidental and subordinate to a one dwelling building ~~single family detached dwelling~~ shall be permitted in conjunction with a bed and breakfast establishment.

* * *

36.2-409.1. Dwellings. These regulations for various dwelling types prescribe the form, location, and orientation of buildings containing dwellings in order to provide for compatibility within the context of neighborhood settings.

- a) Accessory dwellings. These standards are intended to regulate number and size of accessory dwellings to ensure they are subordinate to the principal one dwelling use to which it is accessory:
- 1) One accessory dwelling may be established on a lot containing a new or existing one dwelling building. An accessory dwelling is not subject to minimum lot area requirement for each dwelling nor the maximum number of dwellings per lot.
 - 2) An accessory dwelling located in a detached accessory building shall be 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.
 - 3) The floor area of an accessory dwelling located within a principal building shall be no more than 40 percent of the gross floor area of the building. An exterior stairway or additional entrances, if created, shall be located on facades other than the primary façade.
- b) 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. Such development is appropriate for an interior or through lot subject to these standards:
- 1) Any single building façade facing a primary street shall be 35 feet wide or less.
 - 2) Permitted only on a lot with a minimum lot area of 7,000 square feet.
 - 3) At least two buildings shall meet the maximum yard requirement of the district.
 - 4) Window or door openings shall constitute at least 15 percent of façades facing the street frontage.
 - 5) Limited to two stories.
 - 6) Dwelling units have a maximum gross floor area of 1,000 square feet.
 - 7) Buildings may be located on unit lots within a zoning lot.
 - 8) At least 20% of the lot area shall be dedicated to a central courtyard. Each dwelling shall have a doorway fronting on the courtyard. Such courtyard shall have no motor vehicle access.
 - 9) Any garage bay door shall be offset at least 24 inches behind the front façade of the dwelling and the front door. An attached garage shall not make up more than 33 percent of the front façade of the dwelling.
- c) One and two dwelling buildings. These buildings are always oriented toward a street frontage. The following standards are provided to ensure compatibility with existing neighborhood contexts:
- 1) The primary façade width of one and two dwelling buildings shall be no wider than 125 percent of the average of the widths of such buildings on the same side of the same block.
 - 2) Any garage bay door facing a primary street shall be no closer to the primary street than the façade of the dwelling and the front door. An attached garage shall not make up more than 33 percent of the front façade of the dwelling.
 - 3) Window and door openings shall constitute at least 15 percent of the primary façade and at least 10 percent of a secondary façade on a corner lot.
 - 4) Where permitted by the district, a lot may contain multiple one or two dwelling buildings.
- d) Single-façade apartment buildings. New and converted buildings oriented in a single mass with one primary façade, and containing three to eight dwellings, shall be subject to these standards:
- a. The maximum width of the principal façade of the building shall be 120 percent of the average widths of other dwellings on the same side of the same block.
 - b. 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 façade.
 - c. Window and door openings shall constitute at least 15 percent of the primary façade and at least 10 percent of a secondary façade on a corner lot.

- d. The front façade shall contain a front porch at least one-half the width of the building width and at least eight feet in depth.
- e. An addition to an existing building shall be located on the rear or side of the building, except a porch may be added to the front of the dwelling. An addition to the side of a dwelling shall be set back from the dwelling's front face by 24 inches or more.
- f. No garage door may face a primary street frontage.

e) Multiple façade apartment buildings. New and converted buildings having a shape with multiple primary façades, and containing three to eight dwellings, shall be subject to these standards:

- 1) Each façade within the primary front yard shall not exceed 120 percent of the average widths of other dwellings on the same side of the same block. Such façades shall be separated by at least 20 feet.
- 2) Window and door openings shall constitute at least 15 percent of the primary façades and at least 10 percent of a secondary façade on a corner lot.
- 3) An addition to an existing building shall be located on the rear or side of the building, except a porch may be added to any street-facing façade.
- 4) An addition to the side of a dwelling shall be set back from the dwelling's front face by 24 inches or more.
- 5) No garage door may face a primary street frontage.

f) Townhouse buildings. These standards provide additional controls on the scale, massing, and building placement to encourage compatibility within neighborhood contexts.

- 1) A row of townhouses in a townhouse building shall be limited to 300 feet or less.
- 2) The minimum width of a dwelling in a townhouse building is 15 feet.
- 3) Driveways shall be located to minimize curb cuts;
- 4) Each townhouse dwelling may be located on a unit lot subdivided from the parent zoning lot.
- 5) Window and door openings shall constitute at least 15 percent of the primary façade and at least 10 percent of a secondary façade on a corner lot.

Sec. 36.2-410. Fences, walls, arbors, and trellises

(b) *Fence and wall standards.*

(3) The maximum height for fences and walls shall be based on the following schedule:

Zoning District	Location on Lot	Maximum Height of Fence or Wall
RA, R-12, R-7, R-5, R-3, RM-1, RM-2, RMF, IN, MX, MXPUD	On a lot with only one (1) lot frontage: between the building line and the lot frontage; or On a lot with more than one (1) lot frontage: between the building line on which the principal entrance to the building	48 inches

	is situated and the lot frontage which it faces	
	On a lot with more than one (1) lot frontage: between any building line on which the principal entrance to the building is not situated and the lot frontage which that building line faces	6 feet
	Any required side or rear yard	6 feet, except where one (1) of these districts abuts a D, ROS, CN, CG, CLS, I-1, I-2, IPUD, INPUD, or AD District, maximum height shall be that of the abutting district along that abutting property line
D, ROS, CN, CG, CLS, INPUD, UF, <u>UC</u>	Any required yard	8 feet
I-1, I-2, IPUD, AD	Any required yard	10 feet

Sec. 36.2-411. Gasoline stations.

- ~~(e) Any gasoline station shall provide and maintain a landscaping strip consisting of evergreen shrubs and deciduous trees as defined further in Section 36.2-649 shall be placed along the street frontage of the lot or portion of the lot housing the gasoline station. The trees and shrubs shall meet the minimum planting size as listed in Section 36.2-642.~~
- (c) Any gasoline station shall provide and maintain a street screen or landscaping strip along any adjacent street right-of-way subject to the following requirements:
- (1) A street screen shall be a minimum height of 30 inches and maximum height of 42 inches, with vertical support posts of metal or masonry spaced at no more than 8 feet on center. Panels between supports shall be metal, masonry, or both. Metal elements shall be painted or coated and of rigid construction, with no members less than 0.25 inch. Exposed concrete block is not an acceptable finish.
 - (2) A landscaping strip shall be of a minimum depth of eight (8) feet shall be planted with a minimum of one (1) evergreen or deciduous shrub, spaced at a rate of no greater than three (3) feet on center and having a minimum height at planting of twenty-four (24) inches, and
 - (3) The storage of motor vehicles within, upon, or in a manner which overhangs any portion of the required landscaping strip shall be prohibited.

- (f) Standards in the MXPUD District. Any gasoline station located in the Mixed Use Planned Unit Development District (MXPUD), shall be subject to the following standards:
- (1) The gasoline station shall not exceed 10 percent of the land area of the overall MXPUD zoned property.
 - (2) Any canopy over a gas pump shall be subject to the following standards:
 - (A) Such canopy shall have a maximum overall height not to exceed the principal building height;
 - (B) There shall be no illumination of any portion of the fascia of the canopy;

- (C) Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling. All such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site;
- (D) Signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.
- (E) Such canopy shall be located no closer than the principal building line to the primary street frontage.

Sec. 36.2-419. - Motor vehicle repair or service establishment.

- (b) Additional standards in the CG, CLS, UF, UC, and D District. In addition to the general standards set forth in subsection(a), above, any motor vehicle repair or service establishment in the Commercial-General District (CG), Commercial-Large Site District (CLS), Urban Flex (UF), Urban Center (UC), or Downtown District (D) shall be subject to the following standards:

Sec. 36.2-429. - Temporary uses.

Sec. 36.2-429. Temporary uses.

- (a) *Applicability.* Authorized temporary uses, including permitted locations, duration, and maximum number per calendar year, and whether or not a zoning permit is required, shall be as set forth in Table 429-1:

Table 429-1. Temporary Uses

Activity	Zoning Districts Where Permitted	Maximum Duration	Maximum Frequency per Lot	Zoning Permit Required?
Auction	Any district	3 calendar days	1/Calendar Year	No
Christmas tree sales	RA, CN, CG, CLS, I-1, I-2, UF	60 calendar days	1/Calendar Year	Yes
Construction-related activities or model home office, Temporary Government or Public Services Facility, subject to subsection (b), below	Any district	For duration of construction activity or emergency need	Not applicable	Yes
Fireworks stand, subject to Section 21-207 of this Code	CG, CLS, UF	30 calendar days	1/Calendar Year	Yes
Mobile food and beverage vending	CN, CG, CLS, D, ROS, UF, UC	No limitation	Not applicable	No

	Industrial districts, and PUD districts			
Outdoor retail sales, subject to subsection (c), below	CG, CLS, UF	10 calendar days	4/Calendar Year	Yes
Portable storage containers, subject to subsection (d), below	Any district	RA, R-12, R-7, R-5, R-3, RM-1, RM-2, RMF, MX, MXPUD: •30 consecutive calendar days, except 60 consecutive calendar days when there is a change of residency in a dwelling unit •Limited to 120 days per calendar year CN, CG, CLS, I-1, I-2, D, IN, ROS, AD, INPUD, IPUD, UF, <u>UC</u> : •120 consecutive days •Limited to 120 days per calendar year per lot	See maximum duration	Yes
Produce stand (not applicable to community markets)	RA, CN, CG, CLS, I-1, I-2, UF	90 calendar days, limited to 1 permit per any 90-calendar day period per lot	Not applicable	Yes
Public events, subject to subsection (e), below	CN, CG, CLS, D, IN, ROS, I-1, I-2, IPUD, INPUD, UF, <u>UC</u>	14 calendar days	Not applicable	Yes
Public events, exempt from subsection (e) below	Any district	Two calendar days	Two/Calendar Year, with an interval of at least three months between events	No
Temporary, short- term filling, grading or borrow operation, subject to subsection (f) below	Any District	90 consecutive calendar day period	Once/2 Year Period	Yes
Yard or garage sales, subject to subsection (g), below	Any residential district or dwelling unit	2 consecutive calendar days, limited to the daylight hours	2, with an interval of at least 3 months between sales	No

(d) *Portable storage containers*

- (3) In addition to the general standards set forth in subsection (1) above, portable storage containers in the CN, CG, CLS, I-1, I-2, D, IN, ROS, AD, INPUD, IPUD, ~~and~~ UF, and UC Districts shall be subject to the following regulations:

~~Sec. 36.2-431. Townhouses and rowhouses.~~

~~(a) Purpose. The purpose of this section is to establish standards for townhouses and rowhouses that permit appropriate densities, minimize curb cuts, and provide for usable open space. It is the intent of this section that townhouses and rowhouses make efficient, economical, comfortable, and convenient use of land and open space and serve the public purposes of zoning by alternative arrangements of yards and buildings. (b) Applicability. The regulations of this section shall apply in the residential and multiple purpose districts. (c) Standards. Townhouses and rowhouses shall be subject to the following regulations: (1) Contiguous units: No contiguous row of townhouse or rowhouse dwelling units shall extend more than three hundred (300) feet. (2) Minimum width for individual townhouse or rowhouse lots: The minimum width of an individual townhouse or rowhouse unit lot shall be eighteen (18) feet. (3) Density, lot size, and frontage: The dimensional regulations of the zoning district as identified in Section 36.2-312 shall apply to the entire development site. Dimensional regulations shall not apply to each individual lot or unit lot. (4) Parking: No parking spaces or driveways shall be permitted between a public or private street and any principal building, except when parking is provided for each individual townhouse unit and provided further that the townhouse dwelling units are at least twenty five (25) feet in width, the driveways are no greater than ten (10) feet in width, and the garage doors are no greater than ten (10) feet in width. Parking spaces may be grouped in bays if not located between a public or private street and any principal building. (d) Subdivision. Nothing in this chapter shall prevent the creation of a subdivided unit lot for individual townhouse or rowhouse dwelling units within a townhouse or rowhouse zoning lot.~~

Sec. 36.2-551. - Development plans, generally.

- (b) *Combination of lots.* When a basic or comprehensive development plan involves multiple lots of record, internal lot lines shall be vacated, relocated, or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision to create a single lot of record. This requirement may be waived by the Zoning Administrator whenever a new building is not being erected across a lot line, and the new construction consists entirely of a fence, a ramp for handicap accessibility, an addition to an existing one or two dwelling building ~~single-family dwelling~~, or an accessory structure whenever the existing dwelling or accessory structure is already located on a lot line.

Sec. 36.2-552. - Basic development plans.

- (a) Applicability. A basic development plan shall be submitted as part of a zoning permit application for the following activities:
- (1) Construction of, reconstruction of, relocation of, or addition to a one or two dwelling building ~~single-family detached dwelling, a single-family attached dwelling, a two-family dwelling~~ or permitted accessory structure and including associated grading and clearing, where such grading and clearing does not involve adjoining lots; or,
- (2) Construction of, reconstruction of, relocation of, or addition to a one or two dwelling building ~~single-family attached dwelling, a two-family dwelling~~ or permitted accessory structure and including associated grading and clearing, on any lot within a subdivision with a valid subdivision site plan; or

Sec. 36.2-622. - Exempt lighting.

The following outdoor lighting shall be exempt from the requirements of this division:

* * *

- (l) Floodlights mounted on buildings containing one to eight dwellings ~~single-family dwellings, two-family dwellings, townhouses, row houses and multifamily dwellings with four (4) or fewer units~~, provided that the lighting is mounted to the structure below the eaves or parapet, is designed to provide light in a concentrated distribution rather than a broad distribution of light in all directions, and is aimed, directed or shielded so as not to present glare on abutting lots or streets and to minimize spill light trespassing upward or across lot lines.

* * *

Sec. 36.2-644. Overall tree canopy requirements.

* * *

- (b) Applicability.

- (1) This section shall apply to any development that requires submission of a comprehensive development plan or a basic development plan, except that:

* * *

- (B) Construction of an addition to or accessory structure associated with an existing one or two dwelling building ~~single family or two family dwelling~~, provided that no required trees are removed as part of the project, shall be exempt from the requirements of this section.

* * *

Sec. 36.2-646. Façade planting.

Buildings ~~Structures~~ containing ~~single family, two family, townhouse or rowhouse, or multifamily dwelling units~~ dwellings shall be subject to the following landscaping requirements:

* * *

Table 647-1. Buffering and Screening of Certain Uses and Activities

Activity or Use	Location	Buffering or Screening Materials	Minimum Height
Wall of a principal building that contains less than 15% transparency	Between the wall and an abutting residential district or MXPUD district.	Buffer: Deciduous trees and evergreen shrubs	None

Base of a retaining wall 5 or more feet in height within 10 feet of property line	Between the wall and an abutting residential district, multiple purpose district, or PUD district, or between the wall and any public right-of-way.	Buffer: Evergreen shrubs	18 inches
Any commercial or industrial process or activity occurring outside of a wholly enclosed building	Between the location of the activity and any abutting residential district, multiple purpose district, or PUD district, located within 15 feet of property line of the abutting lot or lots.	Screen: Solid fence or wall	8 feet
Loading area, bay door, loading dock, or truck terminal	Between the loading area or loading dock and any abutting residential district, multiple purpose district, or PUD district.	Screen: Solid fence, wall, or evergreen tree screen	6 feet
Refuse container storage area	Perimeter of the refuse container storage area Exception: Not required where the aggregate capacity of refuse containers is less than 0.5 cubic yard	Screen: Solid fence or wall	12" above the height of tallest container
Ground-mounted mechanical equipment, more than 36 inches in height	Perimeter of the mechanical equipment that would otherwise be visible from any street frontage or adjacent property Exception: Not required where the use is a single family detached dwelling or a two family dwelling <u>one or two dwelling building.</u>	Screen: Fence or wall with a maximum of 40% open area	6" above the height of the tallest unit
Ground-mounted mechanical equipment up to 36 inches in height	Perimeter of the mechanical equipment that would otherwise be visible from any street frontage or adjacent property Exception: Not required where the use is a single family detached or a two family dwelling <u>one or two dwelling building.</u>	Option 1 Fence or wall with a maximum of 40% open area Option 2 Evergreen shrubs	Option 1 6" above the height of the tallest unit or Option 2 18 inches at planting
Mechanical equipment on roof	Perimeter of the mechanical equipment that would otherwise be visible from any street frontage Exception: Not required in any industrial district	Screen: Fence or wall with a maximum of 40% open area.	½ vertical height of equipment from adjacent street
Car wash	Between wash bay openings and any abutting residential district, multiple purpose district, or PUD district.	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Commercial motor vehicle sales or service, new or used, or commercial motor vehicle storage area	Between any display or service areas and any abutting residential district	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Drive-through facilities	Between any speaker and any abutting residential district, where the speaker is directed toward the abutting residential district	Screen: Solid wall	6 feet

Gasoline stations	Between the pumps and canopy and any abutting residential district	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Junkyards, wrecker yards, and recycling centers	Perimeter of any area where the storage, collection, processing or other associated activity occurs, and which is not wholly enclosed within a building	Screen: Solid fence or solid wall, and evergreen tree screen	6 feet
Motor vehicle or trailer painting and body repair	Perimeter of any area used to store any visibly damaged or inoperative vehicles	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Motor vehicle repair or service establishment	Perimeter of any area used to store any visibly damaged or inoperative vehicles	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Motor vehicle sales and service establishment, new or used	Between the display area and any abutting residential district	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Outdoor sports facility	Between the facility and any abutting residential district.	Buffer: Deciduous trees	None
Outdoor storage or self-storage facility	Between the storage area and any abutting residential district, multiple purpose district, or PUD district. Between the storage area and any residential district, multiple purpose district, or PUD district across a street	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Outdoor storage lot	Between the storage area and any abutting residential, multiple purpose district, or PUD district and between the storage area and any residential, multiple purpose, or PUD district across a street Along street frontage when not abutting a residential, multiple purpose, or PUD district across a street.	Screen: Solid fence, solid wall, or evergreen tree screen Deciduous trees	6 feet
Portable storage container as accessory use	Between container storage area and any abutting residential district, multiple purpose district, or PUD district.	Screen: Solid fence or solid wall	6 feet
Recycling collection point	Between any receptacle and any abutting residential district, multiple purpose district, or PUD district.	Screen: Solid fence or solid wall	6 feet

Towing services	Perimeter of any storage area for damaged or inoperative motor vehicles or trailers	Screen: Solid fence or solid wall	6 feet
Wireless telecommunications facility equipment	Perimeter of the base of the facility and equipment	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Wireless telecommunications tower, less than 100 feet in height	Frontage facing a street or side visible from a public street or visible from an abutting residential district	Buffer: Evergreen trees	
Wireless telecommunications tower, 100 feet in height or greater	Frontage facing a street or side visible from a public street or visible from an abutting residential district	Buffer: Large deciduous trees	

* * *

Sec. 36.2-654. Parking and loading area standards.

- (a) *General standards.* Parking and loading areas shall be subject to the following general requirements:

* * *

- (4) Parking and loading areas shall be so designed as not to require or permit maneuvering to and from a street to access or exit a parking space, except ~~for single family detached, single family attached, two family dwellings, townhouses with individual driveways, and multifamily dwellings with less than four (4) dwelling units on a parcel where~~ such maneuvering to and from a street shall be permitted on a lot containing buildings with eight or fewer dwellings.

* * *

Table 654-1. Parking and Loading Area Standards

	Standards for <u>lots containing buildings with eight or fewer dwellings</u> single family dwellings, two family dwellings, multifamily dwellings and townhouses with up to 4 dwelling units in a single structure on a single parcel, and townhouses with individual driveways regardless of district	Standards for all other uses and zoning districts
<i>Material Standards:</i>		

All parking areas, loading areas, driveways and loading spaces, excluding parking structures	Improved surface required No curbing required Exceptions: Concrete runners with vegetated center and edge strips (ribbon driveway) Gravel permitted behind building line where access is off an alley Gravel permitted for all parking and loading areas in RA District	Improved surface required Curbing around all loading areas and all parking areas with 7 or more spaces, including any interior islands Exceptions: Gravel permitted: 1) behind building line where access is off an alley, 2) fleet storage, commercial vehicle storage, or 3) any area in an ROS District Curb not required where LID approach is used for stormwater management
Parking structures and garages	Exterior driveways as above. Interior construction in accordance with the Uniform Statewide Building Code.	Exterior driveways as above. Interior construction in accordance with the Uniform Statewide Building Code.
<i>Location Standards:</i>		
Driveway/parking area location relative to principal structures	Predominantly located toward 1 side of the principal structure. Parking spaces shall not be located within the middle third of the front façade, exclusive of garages. Exceptions <u>not subject to this requirement</u> : Circular driveways <u>Townhouse buildings</u> Townhouses as required by Section 36.2 431409.1	Parking area prohibited between right-of-way and principal building line. Exception: Lots in CG District with less than 100 feet of frontage, and CLS, I-1, I-2, AD Districts
Minimum distance between driveway entrance/exit and a street intersection	20 feet	40 feet
Setbacks, any property line abutting a street	None 5 feet Exceptions: Not applicable for single family dwellings, two family dwellings and townhouses with individual driveways Not applicable to a parking area where a street screen is used.	5 feet Exception: Not applicable to a parking area where a street screen is used.
<i>Dimensional Standards:</i>		
Front yard coverage: Maximum area of driveways and parking areas in established front yard	30 percent of the lot area between the right-of-way and the building line Exception: The maximum area specified shall not apply to any areas where a permeable paver system is used.	No maximum

Width: Cumulative width of all driveway entrances at frontage	Cumulative width of driveway entrances shall not exceed 30 percent of the lot frontage Exceptions: 10 feet minimum width for all lots The maximum area specified shall not apply to any areas where a permeable paver system is used.	Cumulative width of driveway entrances shall not exceed 30 percent of the lot frontage Exception: 18 feet minimum width for all lots
Width: Minimum individual driveway width (applies between right-of-way and building line)	7 feet	R-12, R-7, R-5, R-3, R-A, RM-1 One way: 10 feet Two way: 18 feet RM-2, RMF, all multiple purpose districts One way: 12 feet Two way: 15 feet Industrial Districts One way: 12 feet Two way: 18 feet
Width: Maximum individual driveway width (applies between right-of-way and building line)	20 feet or half of the front lot line length, whichever is less Exceptions: For lots having a primary street frontage of 90 feet or greater, the maximum width shall be 30 feet. Maximum driveway width shall not apply to any areas where a permeable paver system is used.	R-12, R-7, R-5, R-3, R-A, RM-1 One way: 12 feet Two way: 24 feet RM-2, RMF, all multiple purpose districts One way: 15 feet Two way: 24 feet Industrial Districts One way: 18 feet Two way: 30 feet
Maximum cross slope where a driveway crosses a sidewalk	2 percent	2 percent
<i>Operational Standards:</i>		
Pedestrian access required per § 36.2-654(c)	No	No Exception: Requirement applies to CG and CLS Districts
Unobstructed access from parking spaces to driveway/drive aisle	Yes Exception: Does not apply to <u>one or two dwelling buildings</u> single-family dwellings	Yes
Parking space dimensional standards	9' x 18' area for each required parking space provided, adequate maneuvering space from parking space to driveway/drive aisle Exception: Garages	Table 654-2 for required parking Exception: Parking structures
<i>Special Provisions for Corner and Through Lots (provisions apply to all frontages unless otherwise listed below):</i>		

Corner lots	<p>Material: Gravel permitted behind building line of the façade with the principal entrance and 1 intersecting street/building line when access is from an alley.</p> <p>Location: Driveway/parking area location relative to principal structures requirement applies only to the façade of the principal structure containing the principal entrance to the building and 1 intersecting frontage. The location of parking spaces shall be located predominantly to the side of the combined intersecting façades.</p> <p>Dimensional: Width standards apply to all frontages. Lot coverage standards apply to frontage of principal entrance and 1 intersecting frontage.</p>	<p>Material: Gravel permitted behind building line of 2 frontages when access is from an alley.</p> <p>Location: Standards apply to all frontages with the exception of parking between a building and the right-of-way. This requirement applies as follows:</p> <p>CN, CG, D, UF, <u>UC</u>, IN, and MX Districts: Applies to both frontages where the maximum front yard is met.</p> <p>All residential districts: Applies to 1 front yard, where maximum front yards apply; standard shall apply to 1 of the front yards where the maximum front yard is met.</p> <p>Dimensional: Apply to all frontages.</p>
Through lots	<p>Location: Standards apply to all frontages with the exception of location relative to principal structures. This requirement applies only to the frontage of the structure with the primary entrance.</p> <p>Dimensional standards: Minimum and maximum driveway width standards do not apply between the structure and the minimum front yard for the frontage that does not contain the primary entrance to the structure. The maximum area of driveways and parking areas in established front yard standard does not apply to the front yard that does contain the primary entrance to the structure.</p>	<p>Location: Standards apply to all frontages with the exception of parking between principal structures and the right-of-way. This provision applies only to 1 frontage and shall be the frontage where the maximum front yard is met where maximum front yards apply.</p>

* * *

- (d) *Maximum driveway widths* as set forth in Table 654-1 may be exceeded in accordance with the following provisions:

* * *

- (3) For lots containing a one dwelling building ~~single-family dwellings~~ with a garage, an increase in the maximum driveway width shall be permitted to allow the required flaring for motor vehicles to enter the driveway.

* * *

Sec. 36.2-668. On-premises signs, generally.

* * *

Table 668-1. Type, Number, and Size of On-Premises Signs

District	Type Permitted	Maximum Number of Signs	Maximum Sign Area	Maximum Sign Area	Maximum Height	Permitted Characteristics
RA, R-12, R-7, R-3, RM-1	None	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
	None	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
RM-2, RMF	Freestanding	1 sign structure per lot frontage	25 sf	25 sf per sign structure	6 ft	Identification sign only
	Building-mounted		25 sf	25 sf	Not Applicable	
MX, CN, IN, ROS, UF	Freestanding	1 sign structure per frontage	0.5 sf per lf of lot frontage	32 sf per sign structure	6 ft	Illuminated Changeable copy.
	Building-mounted	None	32 sf plus 0.5 sf per lf of building face or storefront over 32 lf, plus additional area per § 36.2-677	None	Not Applicable	Electronic readerboard permitted in CN and IN
CG	Freestanding	1 sign structure per frontage	1 sf per lf of lot frontage	100 sf per sign structure	25 ft	Illuminated Changeable copy Electronic readerboard
	Building-mounted	None	32 sf plus 1 sf per lf of building face or storefront over 32 lf, plus additional area per § 36.2-677	None	Not Applicable	
	Upper-story	None	10% of façade area, maximum 300 sf	None	Not Applicable	Illuminated
CLS	Freestanding	1 sign structure for first 200 linear feet of lot frontage. 1 additional sign for each additional 200 feet of lot frontage up to 4 signs	1 sf per lf of lot frontage	150 sf per sign structure	25 ft	Illuminated Changeable copy Electronic readerboard
	Building-mounted	None	32 sf plus 1 sf per lf of building face or storefront over 32 lf, plus additional area per § 36.2-677	None	Not Applicable	Illuminated Changeable copy Electronic readerboard
	Upper-story	None	10% of façade area, maximum 300 sf	None	Not Applicable	Illuminated

D- <u>UC</u>	Freestanding	1 sign structure per frontage	0.5 sf per lf of lot frontage	32 sf per sign structure	6 ft	Illuminated Changeable copy Public service message board Electronic readerboard
	Building-mounted	None	32 sf plus 1 sf per lf of building face or storefront over 32 lf, plus additional area per § 36.2-677	None	Not Applicable	Illuminated Changeable copy
	Upper-story	None	10% of façade area, maximum 300 sf	None	Not Applicable	Illuminated
I-1, I-2, AD	Freestanding	1 sign structure per frontage	0.5 sf per lf of lot frontage	125 sf per sign structure	16 ft	Illuminated Changeable copy Electronic readerboard
	Building-mounted	None	32 sf plus 1 sf per lf of building face or storefront over 32 lf, plus additional area per § 36.2-677	None	Not Applicable	
MXPUD, INPUD, IPUD	As specified by the PUD development plan, or same as CG when not specified by plan.					
"sf" means square feet, "lf" means linear feet, "ft" means feet, and "n/a" means not applicable. "None" means no limit.						

* * *

Sec. 36.2-669. - Changeable copy signs and electronic readerboard signs.

* * *

(b) Electronic readerboard signs shall be subject to these requirements:

* * *

(3) An electronic readerboard in a CN, D, IN, UC, or CG District shall not exceed twenty-five (25) square feet in sign area.

* * *

Sec. 36.2-817. - Powers and duties.

* * *

(c) Zoning ~~ordinance~~ code and map amendments.

* * *

APPENDIX A. DEFINITIONS

~~Accessory apartment: A dwelling unit located within a structure that is accessory to, and is located on the same lot as, a single-family detached dwelling.~~

* * *

~~*Boarding house:* A dwelling, or portion thereof, where up to, but not more than, six (6) furnished bedrooms are provided for lodging for monetary compensation on a weekly, monthly, or longer basis, where no more than a total of six (6) persons reside, where the rental or leases are for definite periods of time, and where such establishment is not open to the public or overnight guests. No meals are provided to outside guests. Such establishments provide a common kitchen facility and shared bathroom facilities. A "boarding house" is also commonly known as a rooming house.~~

* * *

Business ~~service establishment~~ services: An establishment primarily engaged in the sale, leasing, or repair of office equipment, supplies, and materials, or the rendering of services used by office, professional, and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, management and consulting services, office security services, advertising and mailing services, data and records storage, janitorial services, employment or temporary labor services and other professional, scientific, or technical services or administrative or support services not otherwise specifically listed in the Use Tables in Article 3 of this chapter.

* * *

Community housing services: a small scale operation providing temporary occupancy, and which 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.

* * *

~~*Dormitory:* A building, or portion thereof, owned or operated by an educational facility or hospital, which provides boarding house style accommodations exclusively to students, faculty, and employees of such institution.~~

* * *

~~*Dwelling:* A building, or portion thereof, designed to be used for continuous, year round residential purposes, containing one (1) or more independent housekeeping units and including the following specific types:~~

- ~~(1) *Dwelling, Single family, attached:* A one family dwelling unit, with its own independent entrance at ground level, which is part of a building consisting of two (2) one family dwelling units, attached by a common vertical wall, and with each dwelling unit being located on its own individual lot.~~
- ~~(2) *Dwelling, Single family detached:* A site built, modular, or industrialized building designed exclusively as one (1) dwelling unit for continuous year round occupancy by one (1) family only, which is located on its own individual lot and which is not attached to any other dwelling by any means.~~
- ~~(3) *Dwelling, Two family:* A building on an individual lot containing two (2) dwelling units, designed for occupancy by not more than two (2) families.~~
- ~~(4) *Dwelling, Multifamily:* A building, a portion of a building, or multiple buildings on a single lot, designed for the permanent occupancy of three (3) or more families, regardless of the method of ownership, with the number of families in residence not exceeding the number of dwelling units provided.~~
- ~~(5) *Dwelling, Manufactured home:* A factory built, single family unit dwelling structure, transportable in one (1) or more sections, subject to federal regulations and constructed after June 15, 1976, which is constructed on a chassis for towing to the point of use, and is not less than nineteen (19) feet in width when assembled, and is set up on a permanent foundation on an individual lot for continuous year round occupancy as a single family unit dwelling when connected to the required utilities.~~
- ~~(6) *Dwelling, Mobile home:* A structure, transportable in one (1) or more sections, not subject to federal regulations and constructed prior to June 15, 1976, which is constructed on a chassis for~~

~~towing to the point of use and designed to be used, with or without permanent foundation, for continuous year-round occupancy as a single-unit family dwelling when connected to the required utilities.~~

~~(7) Dwelling, Townhouse or rowhouse: A one-family dwelling unit, with its own independent entrance at ground level, which is part of a building consisting of three (3) or more one-family dwelling units, attached horizontally in a linear arrangement and separated by common vertical walls.~~

Dwelling: a room or group of connected rooms designed for occupancy by a household as an independent housekeeping unit for 30 days or longer.

Dwelling types: This code identifies the following types of dwellings for the purpose of providing supplemental regulations that prescribe form, location, and orientation.

Accessory dwelling: an additional dwelling on a lot where the principal use is a one dwelling building on a lot. (synonyms: Accessory dwelling unit, ADU, accessory apartment)

One and two dwelling building: a building that contains one or two dwellings. (synonyms: single-family detached dwelling, single-family attached dwelling, two-family dwelling, duplex dwelling).

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. with buildings and entrances oriented onto a central court for common access. (Synonym: Courtyard housing)

Townhouse building: A building containing two or more dwellings connected by vertical walls, with each dwelling having an independent entrance. (Synonyms: rowhouse, single-family attached dwelling)

Single façade apartment building: a building that contains three to eight dwellings and has a single primary façade.

Multiple façade apartment building: a building that contains three to eight dwellings and has two or more primary facades. (synonym: courtyard apartment)

Large apartment building: a building containing nine or more dwellings.

Dwelling, Manufactured home: A factory-built dwelling, transportable in one or more sections, subject to federal regulations and constructed after June 15, 1976, which is constructed on a chassis for towing to the point of use, and is not less than 19 feet in width when assembled, and is set up on a permanent foundation on an individual lot for continuous year-round occupancy as a single-unit dwelling when connected to the required utilities.

Dwelling, Mobile home: A structure, transportable in one or more sections, not subject to federal regulations and constructed prior to June 15, 1976, which is constructed on a chassis for towing to the point of use and designed to be used, with or without permanent foundation, for continuous year-round occupancy as a single-unit dwelling when connected to the required utilities.

Financial services institution: The provision of financial and banking services to consumers or clients, including banks, savings and loan associations, credit unions, lending establishments, and mortgage offices, and which may include their support services such as call centers, training centers, and offices.

Group living: permanent occupancy of a building by nine or more people who may be unrelated and who may receive supportive services or medical care. Group living is characterized by common areas and centralized food services and are distinguished from an apartment building by having no independent dwellings. Such living arrangements may be commonly referred to as nursing homes, congregate care, or group care.

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:

- (a) A family of related persons of unlimited number.
- (b) 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.
- (c) 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.
- (d) A group of up to eight persons who may not be related and may receive supportive services or medical care.

Permanent occupancy: Occupancy for any period of 30 days or longer.

Regional housing services: an operation providing temporary occupancy, and which 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.

Short-term rental: An accommodation for transient guests where, in exchange for compensation, a dwelling is provided for lodging for less than 30 days. ~~and which is not a "boarding house" or "group care facility" as defined in this chapter.~~

~~Short-term rental: An accommodation for transient guests where, in exchange for compensation, a dwelling unit is provided for lodging for ~~thirty (30) days or less~~ less than 30 days. ~~and which is not a "boarding house" or "group care facility" as defined in this chapter. Such use may or may not include an on-site manager. For the purposes of this definition, a dwelling unit shall include only dwelling, single family, attached; dwelling single family detached; dwelling, two family; dwelling multifamily; dwelling townhouse or rowhouse; and accessory apartment, and shall exclude other group living or other lodging uses specifically listed or defined in this chapter.~~~~

Temporary occupancy: Occupancy for less than 30 days.



Zoning Amendments Report and Study

Roanoke, VA

Initial version July 31, 2024

Revision 1 August 2, 2024

Revision 2 August 7, 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.

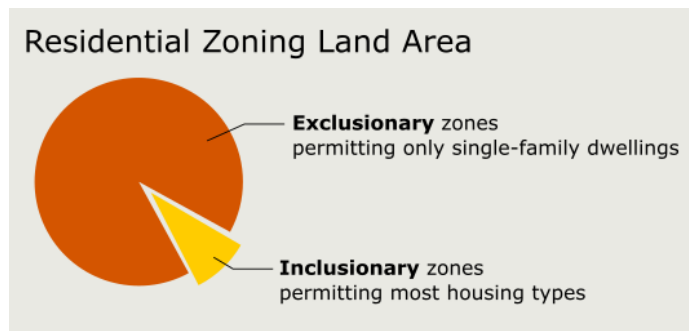
These revisions are intended to allow different types of dwellings and thus increase the diversity of housing available in Roanoke over the long range. More specifically, the Zoning Amendments address multiple needs: to generally increase the supply of housing ; to increase the supply of affordable housing; 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.

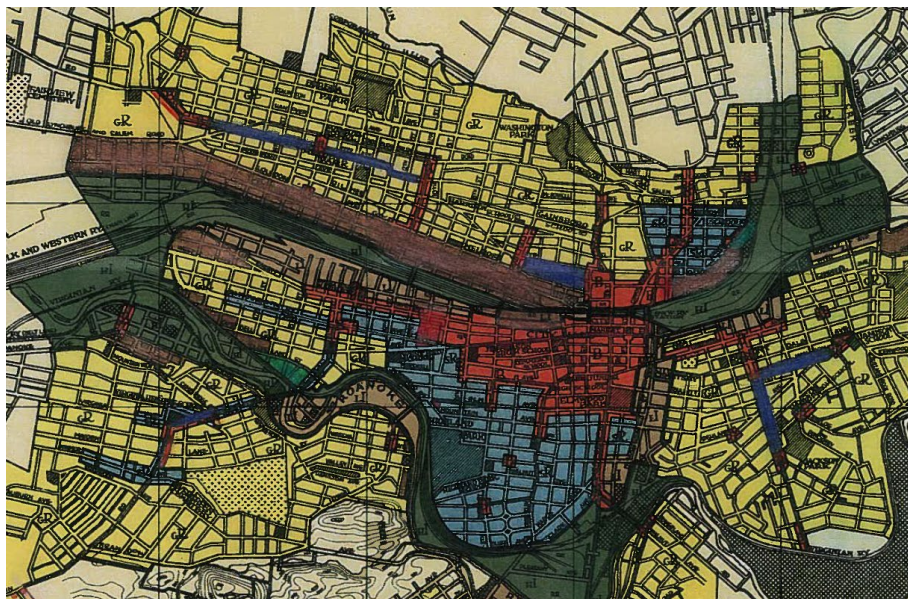
³ The Planning Commission's March 18, 2024 report to City Council (pp. 6-8) includes a summary of policies and statements from the City Plan 2040 that relate to the Zoning Amendments.

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 addresses 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

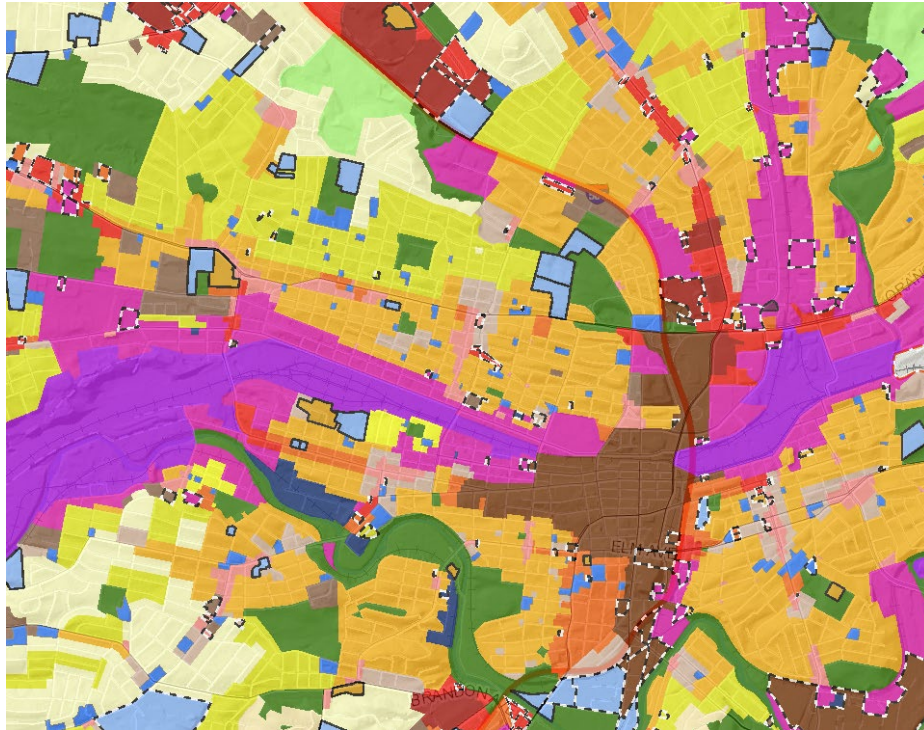
⁶ A rezoning is a change or amendment to the zoning map. The Zoning Amendments do not change the zoning map.

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)

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 – City Council Public Hearing

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. 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 RVTv, 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 are planned.

The Planning Commission and City Council will hold a joint work session on August 5, 2024, which will include a briefing and discussion on the proposed amendments. Further, the Planning Commission will hold a work session regarding the proposed amendments on August 9, 2024, and a public hearing on August 12, 2024, before making their recommendation to City Council.

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.

Staff briefed the Planning Commission and City Council on the Zoning Amendments on multiple occasions, and will do so in the future.

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 It 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 Adjusted for 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

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/>

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.

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 1,191 over thirty years, or almost 40 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	10
R-7	199
R-5	338
R-3	10
RM-1	635
30-year TOTAL	1,191
Per year	40

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.

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 density that exists in 2024. The planning staff then calculated the potential density of 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 (units per acre)	PROJECTED Density 2054 (units 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.²⁶ 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.²⁷

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.

²⁶ City Plan 2040, pp. 4, 7, 23, 30-43.

²⁷ 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 NAACP 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, 2021²⁸

“... 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

²⁸ <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.²⁹

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.

²⁹ 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 352 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.