

City To Repeal, Replace Zoning Reforms After Roanoke Sued Over Single-Family Housing

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Roanoke is going back to the drawing board on reforms that ended exclusively single-family zoning after homeowners sued the city. Above, a view of the Belmont neighborhood seen from the Mill Mountain Star Overlook Friday, Sept. 1, 2023, in Roanoke. ROANOKE RAMBLER FILE PHOTO BY SCOTT P. YATES

Roanoke is going back to the drawing board on reforms that ended exclusively single-family zoning [after homeowners sued the city](#).

City Council on Monday voted to begin the process of repealing and replacing in “similar substance” [a raft of zoning changes the city adopted in March](#).

Those changes expanded the ability to construct duplexes and small apartment buildings across residential neighborhoods. City planners say cities across the country are adopting such “upzoning” policies to deal with a housing crunch and address a legacy of economic and racial segregation.

City Attorney Tim Spencer said the redo — which will involve more public hearings and another vote by the planning commission and City Council — will be more efficient than arguing the matter in court.

“To litigate will take almost another full year, cost a lot of money,” Spencer told The Rambler. “This is easier and cheaper.”

In April, a dozen homeowners sued the city, arguing that Roanoke did not follow particular requirements to detail, justify or advertise the new zoning changes. While plaintiffs allege the city’s public notices about the proposed changes ran afoul of state law, the lawsuit doesn’t cast doubt on Council’s power to adopt such a zoning policy.

“What is interesting to me is that city staff refuses to admit the errors that were made in the public notice that was required at that time,” said Councilwoman Stephanie Moon Reynolds, who voted against the March reforms and against the redo effort on Monday.

Moon Reynolds said she had warned officials that the city could be sued.

“It fell on your fears at that time, and here we are now having to have litigation that challenged the flawed procedures,” she said.

Spencer said the city followed the law but believes redoing the zoning reforms will make that clear, particularly after a state law goes into effect next month that clarifies public notice requirements.

It's the second time this year Roanoke has taken efforts to tweak policy after legal challenges.

In February, Roanoke [rolled back a local ban on firearms at events](#) like parades and festivals weeks after [a lawsuit challenging the law as unconstitutional](#). Spencer said that change was needed only because the city doesn't have the capacity to put up no-gun signs at such events.

Vice Mayor Joe Cobb was among Council members encouraging residents to show up at a second round of public meetings to learn about the zoning changes.

"My understanding is the framework for most of this effort of zoning reform is to address segregation and redlining that's historically been problematic in our communities," Cobb said. "Exclusionary zoning was created to keep people from living in certain parts of our city."

Cobb and Spencer indicated that planning department staff will emphasize the history of redlining more in upcoming public meetings.

"I hope that as citizens, when we're having those conversations, we're not afraid to talk about the elephant in the room related to housing and zoning reform," Cobb said, "which is segregation and redlining in the city of Roanoke."

City staff have said the single-family-only zones are a legacy of racial segregation and also prohibit lower-income renters from living in wealthier neighborhoods. The intent is also to encourage the private sector to build more housing, though staff estimate the policy will result in fewer than 50 new units annually.

Anthony Stavola, one of the plaintiffs in the lawsuit, said he hopes city staff will engage with residents "in a meaningful conversation and make meaningful adjustments."

He said homeowners in the case — who include former Mayor David Bowers, [who is running for mayor against Cobb and Moon Reynolds](#) — want to see "changes that would more adequately address the concerns people have about density and infrastructure and how this is going to be administered."

“Concerns being brought to them are real concerns,” Stavola added, citing impacts on parking for one, “not just to be dismissed as people who don’t know what they’re talking about.”