

Identifying preservation and design quality in the statement of purpose is critical to help provide a legal basis for the many specific provisions in the ordinance. It also provides those who administer the ordinance a clear statement of the value to be accorded preservation concerns.

DISTRICTS

The new zoning ordinance establishes 18 specific districts within four classes:

Residential districts

- RA — Residential Agricultural District
- RS-1 — Residential Single-family*
- RS-2 — Residential Single-family*
- RS-3 — Residential Single-family*^o
- RM-1 — Residential Multi-family, Low Density District*
- RM-2 — Residential Multi-family, Medium Density District*^o
- RM-3 — Residential Multi-family, High Density District
- RM-4 — Residential Multi-family, High Density District

Commercial districts

- CN — Neighborhood Commercial District*^o
- C-1 — Office District*
- C-2 — General Commercial District
- C-3 — Central Business District

Industrial districts

- LM — Light Manufacturing District*
- HM — Heavy Manufacturing District

Special districts

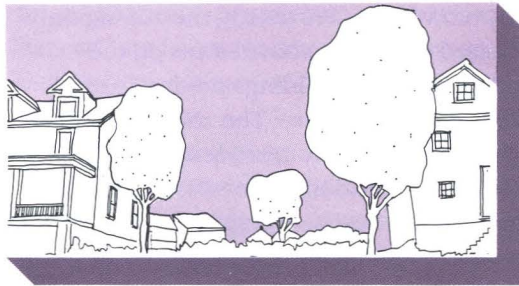
- RPUD — Residential Planned Unit Development District*^o
- IPUD — Industrial Planned Unit Development District^o
- H-1 — Historic District*
- H-2 — Neighborhood Preservation District*^o

Several new districts have been established specifically to achieve neighborhood conservation. Other district regulations have been changed to contain preservation provisions or to more subtly encourage preservation and neighborhood revitalization. The development plan standards for every district have been strengthened.

RESIDENTIAL DISTRICTS

One of the major problems with the previous ordinance had been the lot size requirements imposed over the built fabric of the city in 1966. In certain single family zones, for instance, the 1966 ordinance imposed larger suburban lot size requirements for new development, at variance with existing platted lots. This contributed to general disinvestment in older neighborhoods and the resulting problems of vacant lots which were too small for new construction. In response, the new proposed zoning reduces the minimum lot sizes in two of the single-family zones, the RS-2 and RS-3, in order to help alleviate the problems of undersized and nonconforming lots, particularly in the city's older sections. In the multi-family categories, the zoning strategy includes broadening the duplex zone, RM-1, to respond to townhouse market trends. A new zoning category, RM-2, which has no present equivalent in the current zoning ordinance, has also been added, which will actually correspond to built densities (17 units per acre) in many of the city's developed neighborhoods. This is critically important because the two previous multi-family zones only provided densities of either 24 units to the acre or 43 units to the acre. These densities, considerably higher than the "as-built" conditions in several large neighborhoods, threatened them with demolition for inappropriate high density apartment construction, parking lots and related uses. The proposed new zoning will provide categories with multi-family densities of 12 units and 17 units to the acre. This will encourage infill housing in keeping with the character of other homes on the street and help preserve the more livable and desirable existing neighborhood scale. The two higher density categories will remain and will be mapped only where they reflect the existing or desired density of the district. New developments requesting higher densities will then be handled on a case-by-case basis and will require rezoning. The net result will be a full range of potential density zones, giving much more flexibility to the public sector and community to control preservation and development in individual neighborhoods as a function of their context.

* Denotes districts with preservation intent or provisions
^o Denotes new district



Many small lots in older neighborhoods were left vacant because the existing zoning ordinance required larger lot sizes for new development.

Under the proposed new zoning ordinance, infill construction on small lots will be allowed and encouraged.

Residential Text Examples

Each of the proposed single family districts (RS-1, RS-2, RS-3) and two of the lower multi-family districts (RM-1, RM-2) include preservation of existing neighborhood character as a specific intent of the district. For example, the RS-3 (Single-family), the RM-1 (Multi-family, Low density), and the RM-2 (Multi-family, Medium density) Districts are designed to encourage rehabilitation and infill construction in existing developed neighborhoods by allowing smaller minimum lot sizes and less restrictive yard requirements. The specific preservation intent is stated in the following way:

RS-3 Residential Single Family District

SEC. 36-88 INTENT

The RS-3 District is intended to provide for medium population densities, and to promote and encourage the revitalization and preservation of single-family neighborhoods in the inner areas of the city. The district is also intended to allow for the development of small or irregularly shaped vacant lots with single-family dwellings.

The RS-3 District recreates the small 5,000 sq. ft. lot size and 50 ft. lot frontage throughout the older areas of the city to accommodate many existing and presently nonconforming lots and to encourage infill development. When it is mapped it will re-establish these small-lot residential areas as viable neighborhoods.

RM-1 Residential Multi-Family, Low Density District

SEC. 36-106 INTENT

The RM-1 District is intended to permit a mixture of single-family, duplex and townhouse dwellings in areas of the city where such a mixture would aid in the preservation and revitalization of neighborhoods.

and would allow for the development of small or irregularly shaped vacant lots with a variety of dwelling types.

The RM-1 District also allows the small 5,000 sq. ft. lot size with a 50 ft. lot frontage to help maintain the scale and character of many of the older neighborhoods while allowing slightly higher densities which can be accommodated within existing structures or sensitive infill construction. This district can be mapped in areas which currently allow duplexes as well as areas now inappropriately zoned for higher density multi-family or commercial uses, but actually developed at approximately 12 units per acre. Several such inappropriately mapped districts now exist and create unwanted incentives to demolish structures for higher density or commercial uses.

RM-2 Residential Multiple-Family, Medium Density District

SEC. 36-125 INTENT

The RM-2 District is intended to encourage the preservation and enhancement of city neighborhoods which have historically developed with medium population densities; to provide for a compatible mix of housing types which encourage innovative infill development in existing neighborhoods, and to accommodate the efficient use of utilities.

The new RM-2 District allows single-family detached dwellings, two-family dwellings, townhouses and multi-family dwellings at a density of 17 units per acre. This district will be most useful to protect those neighborhoods previously zoned for densities 1 to 2.5 times higher.

Uses in Residential Districts

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Uses in Residential Districts
Another factor which will help promote neighborhood revitalization on a general level is the uses allowed in various residential districts.

A coordinated analysis of Roanoke's zoning and land development regulations was critical if the overall vision outlined in the plan was to be achieved.

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tial categories. As a whole, allowed uses and definitions have been clarified and made more consistent. Some new or expanded uses such as residential day care or small-scale day care centers for children and the elderly, important services within neighborhoods, have been added. The numbers of children or adults who may be cared for vary within the zoning classifications, with the most restrictive requirements in the established large-lot, single family areas.

Accessory apartments are allowed by special exception in two single family categories (RS-2 medium lot and RS-3 small lot). Allowing accessory apartments has preservation, social and economic benefits for neighborhood conservation and permits family members to make use of extra space while remaining in and maintaining older homes. The ordinance defines an accessory apartment as "a second dwelling unit within a single family detached dwelling where the accessory apartment is clearly incidental and subordinate to the main dwelling; and where it occupies no more than 25% of the gross floor area of the single-family detached dwelling." A variety of community service facilities are also allowed by special exception. Other expanded uses are allowed in the two historic districts and are discussed in more detail on page 28.

Downtown Housing

Problems in inner-city residential neighborhoods surrounding the Central Business District can be attributed, at least in part, to the decline during the early 1970s of the downtown core area. Renewal actions, including clearance and displacement, and the desire to discourage vagrancy and transient housing in the downtown area amounted to a virtual public policy that restricted residential development in the business district.

Contributing to this pattern in Roanoke were the zoning restrictions on the construction of multi-family housing in the

downtown area. Previously, the zoning only allowed dwellings above stores on the ground floor, in buildings predominately commercial in nature. The zoning revisions permit multi-family apartment buildings, townhouses, and the conversion of upper floors in existing buildings to residential use in and adjacent to downtown.

Downtown housing should contribute to the pace of central business district revitalization in Roanoke by providing for the variety of uses necessary to create a lively, truly 24-hour center. These dwellings will serve those residents who are looking for a central walk-to-work location. The occupants will contribute to the market for new and expanded commercial uses, and to the viability of the City Market and Warehouse Historic Districts.

General Residential Development Guidelines

Site development guidelines in residential neighborhoods for rehabilitation and new construction have been strengthened to help maintain neighborhood scale and character. For example, in order to encourage preservation of the existing front yard setback (the distance a structure is from the street), the new proposed ordinance will maintain the streetscape by requiring the setback for infill construction or major renovation to be the average distance established by adjoining properties. Development plans will now be required for more types of development and street trees will be a required element of all development plan approvals. Development plan requirements

Right: Sensitive infill designs such as these will be encouraged under the proposed new zoning ordinance.



for multi-family construction also have enhanced provisions for providing open space, buffers between uses and landscaped yard and parking lots.

A proposed new provision to allow for clustered residential new construction or in-fill includes development plan criteria which allow a modification of certain zoning requirements to encourage the preservation of historic features, natural areas and open space.

COMMERCIAL DISTRICTS

The intrusion of inappropriate office or commercial uses into residential areas was another of the critical issues facing Roanoke's neighborhoods. At the same time, neighborhoods value appropriately-scaled commercial services and wanted to find ways to strengthen existing centers, revitalize failing areas or cluster new development. One new commercial district, the CN Neighborhood Commercial District, and revised use and design requirements in other commercial districts address these problems.

Commercial Examples

The CN Neighborhood Commercial District allows neighborhood-oriented retail and service uses. It is designed to support surrounding residential areas and will have a direct preservation intent when it is mapped in existing neighborhood commercial centers. The revised regulations encourage the scale and orientation of the older, successful commercial centers in many neighborhoods. This means:

- pedestrian orientation and human scale through height, lot, parking, outside storage and floor area limits;
- neighborhood convenience by providing uses to include a range of personal and household sales and services. Provisions are included for using a small supermarket of up to 15,000 square feet as an anchor for the center. Auto-related service uses are allowed in the CN District only with design restrictions and through the special exception process.

In the C-1 Office District, formerly a zoning category applied to many older, stately residential areas as a means of shifting from residential to commercial use, the

proposed new requirements are designed to make the commercial uses more compatible with their residential context. The new focus is also on preserving the remaining residential uses in these areas. At the same time, the proposed ordinance very carefully expands the kinds of commercial or office uses allowed to make the preservation of the significant historic structures located in these areas more economically feasible. The C-1 District includes a floor area ratio (FAR), yard requirement and lot coverage which approximate the RM-2 residential district. Even though the allowed commercial uses are ones which are compatible with residential areas, separation between commercial and residential uses is required through landscaping or other buffers. Parking must also be carefully screened.

The C-2 General Commercial District is the zoning category which applies to all other commercial areas outside the downtown area, including existing strip commercial developments. New regulations for the C-2 District promote neighborhood conservation and design quality in several ways. The major benefits are a much stronger emphasis on buffering between commercial and residential uses and enhanced landscaping standards including larger setbacks and lower lot coverage. Stronger regulations on auto-related sales uses and fast food establishments have also been included in this district. In addition, height restrictions sensitive to the neighborhood context of the commercial area have been added in both the C-2 and C-3 Central Business District. These restrictions limit a building height ac-



Housing development through new construction and renovation will be allowed in downtown Roanoke to bring 24 hour uses to the City Center.



cording to its proximity to a residential or historic district.

Other Commercial Changes

Provisions which have been taken out of the proposed commercial districts and map are also important for neighborhoods and preservation. The previous C-4 District, formerly a kind of holding zone for expansion of the Central Business District, has been deleted. This zone was mapped over some of the city's oldest neighborhoods, including those once slated for urban renewal and including part of what is now the Southwest Historic District. This zone, which allowed auto repair facilities, warehouses and outdoor storage for downtown businesses, severely damaged older neighborhoods as well as the entrances to downtown Roanoke, and therefore, the visual perception of the city.

In addition, the previous ordinance allowed residentially zoned properties located



A new neighborhood commercial zone will help ensure needed neighborhood services but discourage inappropriately-scaled commercial encroachment in residential areas.

adjacent to commercial properties to be used as commercial properties without rezoning through a transitional zone provision. This allowed commercial uses to gradually enter residential areas without specific Planning Commission approval. This provision has now been completely deleted. The transitional zone provision also applied to categories within the residential districts and between commercial and industrial, and residential and industrial uses, although its greatest negative impact was commercial encroachment into residential areas.

INDUSTRIAL DISTRICTS

The primary preservation and neighborhood conservation benefits from changes in the two industrial zoning classifications are that strengthened design and landscaping requirements in both the LM Light Manufacturing and the HM Heavy Manufacturing Districts will make industrial uses be better neighbors. Previously there were no minimum lot sizes, lot coverage or setback requirements in these zones. New regulations establish criteria for lot sizes, lot coverage, setback, landscaping, and buffering from adjacent uses. The requirements of the LM District also accommodate and preserve the character of the oldest industrial areas in the city.

SPECIAL DISTRICTS

RPUD Residential Planned Unit Development

The previous planned unit development district had very burdensome financial and development plan requirements and was not widely used. Hence, the more innovative site and design guidelines it contained were never effectively tested. The new district is designed with an explicit preservation/neighborhood revitalization intent. Through a development plan process, the RPUD encourages innovative rehabilitation of existing buildings and new infill construction that is compatible with the existing neighborhood context in terms of scale, materials, landscaping and more. The developer also receives one extra "bonus" unit of residential density for every rehabilitated unit included in the project. An appropriate mix of commercial and community service or public uses also are allowed in combination with the residential development to strengthen the total community context.

H-1 Historic District

The proposed H-1 District is a minor revision to the city's existing historic overlay district designed for preservation of historically significant, National Register quality, buildings and intact areas. The existing district, similar to many other cities' historic overlay districts, has been in effect since 1979 and is mapped at two sites in the downtown area — the City Market District and the Warehouse District. The proposed

improvements to the H-1 District will help clarify the design review process and further discourage demolition. Stronger design guidelines based on the Secretary of the Interior's Standards for Rehabilitation have been added. These guidelines require all exterior modifications, including paint color and design details to be reviewed and approved by the City's Architectural Review Board. No historic landmark, building or structure within the H-1 District can be demolished or moved without the approval of the Architectural Review Board. In the proposed H-1 District, this approval for demolition is based on an approved development plan for an appropriate replacement structure and an established process through which the owner has actively offered the property for sale. Provisions of the existing H-1 District have been successfully applied in the revitalization of the once again vibrant and attractive market area. The proposed revisions to the H-1 District regulations are expected to contribute to this area's continued revitalization.

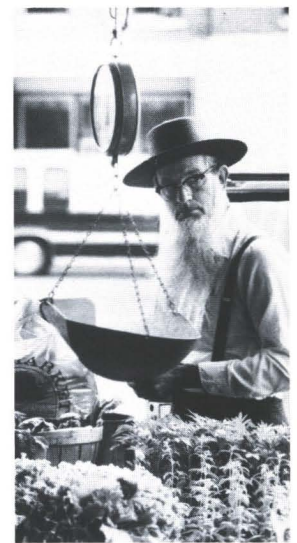
H-2 Neighborhood Preservation District

The H-2 District is designed to encourage the conservation and revitalization of older neighborhoods through the use of a flexible overlay zone which includes design guidelines to protect the neighborhood context (scale, setback, height), but does not impose the same level of design review as the more detailed H-1 district. This district is intended to guide both the private maintenance and investment of homeowners and the public/non-profit rehabilitation of residential and commercial structures in older neighborhoods, many of which are primarily low and moderate income areas. The Architectural Review Board will review all new construction, reconstruction, additions or deletions of floor area and demolitions in the H-2 Districts and can provide design assistance to applicants. The district's provisions, however, do not impose overly strict requirements on the homeowner for routine maintenance or minor changes such as window or roof repairs. The emphasis is on conserving the neighborhood context rather than regulating all design details.

The demolition restrictions, which provide for review of the purpose of the demo-

lition and the effect of the structure's loss on the district, are seen as some of the most important controls in the district. The H-2 District demolition provisions, which are the same as those contained in the H-1 District, require a property owner to follow either of the following steps before he will be granted a demolition permit. The first alternative requires an owner to submit a development plan for the new construction to be built on the site which is compatible with the existing neighborhood character and meets specified design guidelines. If this development plan is not approved, the owner must offer the building for sale for a specific period of time based on appraised value so that it may be preserved. The second alternative is simply to offer the building for sale for the specified time period. Under Virginia law, if neither alternative is successful in saving the building or providing for a compatible new development, the property owner may continue his application for a demolition permit through a City Council public hearing process. While these provisions will not stop all demolition, they add a significant deterrent. Previously, an owner simply had to show proof of ownership to obtain a demolition permit. This proposed new process opens the procedure to public review and allows time for neighborhood and preservation groups to make active and positive efforts to save threatened structures and have input into the development process.

The H-2 District also allows alternative uses such as bed and breakfast accommodations, art galleries, and other specialty uses in historically significant structures in the district to make their preservation more economically feasible. It is also hoped that creation of these overlay districts will help increase awareness of the city's many historic resources among the general public and help spur more investment by homeowners. More City incentives such as tax credits or expanded rehabilitation loan programs are also a possibility. Expanded use of revolving loans, loan guarantees and other financing mechanisms are also being explored through the development of a new non-profit housing development corporation which would assist neighborhood organiza-



A daily farmers' market, the oldest continuously operating market in Virginia, brings shoppers from the region.

None of the zoning changes is remarkable, yet taken together they represent a new approach to removing the regulatory impediments to preservation and revitalization in one city.

Right: New restaurants and shops in old commercial buildings are bringing new life to downtown Roanoke.

tions in their preservation and revitalization efforts.

Key sections of the text of the H-2 District which specifically address the conservation of neighborhood character rather than historic significance are highlighted below:

H-2 Neighborhood Preservation District.

SEC. 36-342. INTENT

The designation of the H-2 Neighborhood Preservation District is intended to ensure the preservation of buildings which, in their aggregate or individually, are of special community significance. The general intent includes, among others, the following specific purposes:

- a. Encourage preservation, protection, and maintenance of structures and areas of architectural, historic or cultural importance;*
- b. Permit new construction, or alterations which increase floor area of buildings, in conformance with the existing scale and character of the community;*
- c. Discourage demolition of buildings that are suitable for rehabilitation and continued use.*

SEC. 36-343. DESIGNATION

The City Council may, in the manner provided for amending, supplementing or changing this Chapter, including the Official Zoning Map, designate as an H-2 District appropriate areas:

- a. Adjacent to landmarks designated historic by the Virginia Division of Historic Landmarks;*
- b. That contain structures or groups of structures which embody the distinctive characteristics of a type, period or method of construction or that represent a significant and distinguishable entity although components may lack individual distinction; or*
- c. That contain buildings or places having special public value because of notable architectural or other features relating to the*

social, cultural or artistic heritage of the community, or such significance as to warrant conservation and preservation.

SEC. 36-345. DISTRICT REGULATIONS; CERTIFICATE OF APPROPRIATENESS

- a. Within the H-2 District, no building or structure shall be erected, demolished, moved or structurally enlarged or reduced in floor area until a certificate of appropriateness for the same has been issued by the Architectural Review Board, or, on appeal by the City Council, upon finding that the erection, demolition, moving or structural change is architecturally compatible with those structures within the district or in keeping with the intent of the H-2 District.*
- b. In such cases where a certificate of appropriateness is required by this division, the Zoning Administrator shall issue no permit until such certificate has been issued. Once the Zoning Administrator has issued such a permit, he shall routinely inspect the work being performed to ensure compliance with the terms of the certificate of appropriateness.*
- c. Nothing in this section shall be construed to prevent the ordinary maintenance of any building or structure in the H-2 District which does not require a building permit, nor to prevent the demolition or raising of any structure or building which the Zoning Administrator certifies in writing is required for public safety because of an unsafe or dangerous condition.*
- d. After a given area or property has been zoned H-2, the Architectural Review Board may recommend to the City Planning Commission that more specific regulations may be adopted for that particular district. [. . .]*



SEC. 36-346. GENERAL GUIDELINES FOR REVIEW

In order to achieve the purposes of the H-2 District, the Architectural Review Board shall be guided in their decisions by the stated intent of the H-2 District and by the standards and guidelines set forth below.

- a. The appropriateness of the erection or structural enlargement or reduction shall be considered in terms of compatibility with the distinguishing cultural, historic or architectural features of the district.*
- b. Since styles and details vary from one H-2 District to another and from one section of a particular H-2 District to another, new construction and enlargements should recognize relationships among buildings in the immediate setting rather than specific styles or details.*
- c. Where new construction, or structural enlargements or reductions are proposed, the design should take into account those special visual and spatial qualities that the H-2 District is established to protect, including building heights; scale of buildings; orientation; spacing; site coverage; and exterior features such as porches, roof pitch and direction and landscaping.*
- d. Every reasonable effort should be made to provide a compatible use for a property which requires minimal alteration of the structure or site and its environment.*
- e. The distinguishing original qualities and character of a district should not be destroyed.*
- f. Contemporary design for new construction and enlargements to existing properties should be compatible with the distinguishing characteristics of the surrounding properties and the district.*
- g. Where design guidelines have been established and officially adopted for a district or portion of a district, any new construction or changes shall be in conformance with those guidelines. Such guidelines may control the design of structures in terms of their architectural details or materials.*
- h. For structures or buildings on the Virginia Landmarks Register, the National Register of Historic Places, or eligible for such Registers, consideration also may be given to applicable review standards established in Section 36-329 of the H-1 District.*

The fuller range of potential density zones will give much more flexibility to the public sector and community to control preservation and development in individual neighborhoods.

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SEC. 36-347. DEMOLITION-CERTIFICATE OF APPROPRIATENESS REQUIRED

- a. A certificate of appropriateness shall be required to demolish any building or structure in the district. Prior to the issuance of a certificate of appropriateness for demolition of a structure within the district, the Board shall make the following findings:*
 - 1. The purpose and necessity of the demolition are in accordance with the public interest and the intent of the district.*
 - 2. Loss of the structure would not be adverse to the district or the public interest by virtue of its uniqueness or its significance to the district.*
 - 3. Demolition would not have an adverse effect on the character and surrounding environment of the district.*
- b. In addition, a development plan for a replacement building, structure, or use shall be submitted, reviewed, and approved by the Board prior to demolition consideration.*
- c. Demolition may also be undertaken if the owner of the property has offered the property for sale in compliance with Section 36-331.*

Under existing regulations, property owners simply had to prove ownership to obtain a demolition permit.



Height restrictions sensitive to the neighborhood context of the commercial area have been added in parts of the Central Business District. These restrictions limit a building height according to its proximity to a residential or historic district.

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SUPPLEMENTARY REGULATIONS

New provisions for special uses in historic structures have also been included in the proposed new ordinance. These provisions assist in preserving structures of historic merit, including any building in an H-1 or H-2 District that is listed on the National Register of Historic Places, that is eligible for the National Register or that contributes to a registered district. Uses within this category are allowed through the special exception process of the Board of Zoning Appeals after review by the Architectural Review Board. Uses permitted by special exception include:

- Arts and craft studios,
- Art galleries,
- Antique shops/rare book, coin or stamp shops.
- Community Centers
- Professional offices not to exceed four (4) employees.
- Multi-family apartments not to exceed four (4) units within one building.

DEVELOPMENT PLAN REGULATIONS

Through significantly improved site and development plan standards, not only does the new proposed ordinance more adequately protect existing neighborhood character and infill development, but it also sets new standards for all new construction and helps ensure a higher level of landscape and design quality throughout the city. A major stated purpose of the proposed Development Plan Regulations is to “ensure that new development is harmonious with existing development.” This gives the Planning Commission additional direction for neighborhood conservation.

SPECIAL EXCEPTIONS

One of the new proposed criteria for considering the appropriateness of granting special exceptions to the zoning regulations is the relationship of the proposed change

to the existing neighborhood character. This underlines the charge of the Board of Zoning Appeals to protect the neighborhood context when making decisions.

ADMINISTRATIVE PROCEDURES

A new division has been added in the administrative section of the proposed ordinance concerning the City Planning Commission. The spirit of this section is to implement the new Comprehensive Development Plan. One of the plan’s recommendations was that the Office of Community Planning provide staff to the Planning Commission, the Architectural Review Board and the Board of Zoning Appeals. Previously this Office did not provide assistance to the Board of Zoning Appeals and was not charged with coordinating the efforts of the three land use regulatory boards in terms of policy, orientation or needed training. This new administrative process will also provide citizens with a “one-stop” location for processing all applications for land use, zoning and development.

In addition to the improved administrative procedures included in the zoning text, the new Comprehensive Development Plan underscores the importance of improved zoning and building code enforcement as a preservation tool.

SUBDIVISION REGULATIONS

The major emphasis of the proposed revision of the Subdivision Ordinance was to ensure that the Subdivision Ordinance coordinated closely with the requirements of the new Zoning Ordinance. This coordination is essential if new cluster housing and planned unit development techniques which are important to neighborhood conservation efforts are to be successful. Improved coordination was sought through the elimination of development standards in the subdivision regulations which conflicted with similar standards in the Zoning Ordinance; the creation of a new review process for subdivision applications which involved the same personnel and review procedures used in the zoning ordinance; and the use of the same terminology in both ordinances.

The H-2 Neighborhood Preservation District will not regulate ordinary maintenance.



2 PRESERVATION AND ZONING



Traditional porch detail.



Preservation Techniques and Constraints in Virginia Law



Traditional brick sidewalks with Roanoke's star symbol.

There are other provisions which would increase the effectiveness of the proposed zoning ordinance to meet preservation goals, but which were not included because of the lack of clarity under Virginia enabling legislation. Some examples of these tools which have proven useful in other states and could provide a focus for statewide preservation efforts through new legislation for review by the Virginia General Assembly include:

Transfer of Development Rights (TDR)— TDR is a land use control which allows preservation of important buildings by transferring their development potential to other sites, a technique which could have been useful in areas such as the Southwest Historic District or City Market District. Although there is a potential for challenge wherever it is used, and there is no specific provision in state law for its use, it has been effectively used in other localities and upheld by the U.S. Supreme Court.

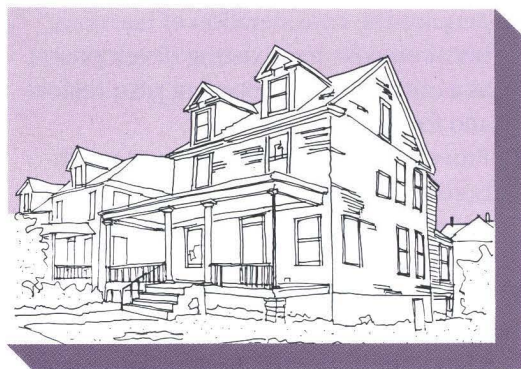
Neighborhood Conservation Special Design Districts— There are no specific provisions in state law to encourage selective preservation of special areas outside of historic districts. Therefore, in order to control neighborhood design issues, a district must be designated as a historic district and be controlled by an Architectural Review Board. This requirement may make establishment of special districts more difficult in neighborhoods who may fear that a 'historic' designation will result in more stringent regulatory control than necessary or desired.

Building Demolition— Virginia State law provided for controls on building demolition only in historic districts under the control of an Architectural Review

Board. Originally, the Neighborhood Preservation District was not designed as an historic district, but rather as a special neighborhood overlay district and would have been administered by the Planning Commission. As described, this would have been an easier, more flexible process. However, because of Virginia law, in order to control building demolition, the ordinance now contains a more unwieldy process than was originally desired: the district has been defined as a historic district under the primary jurisdiction of an Architectural Review Board.

In addition, one of the tools offered to discourage demolition requires a property owner to offer the property for sale for a specified time period based on the appraised value of the property. There are two primary problems with this existing state-mandated provision. The first is that the time period for which a property must be offered for sale is based solely on its monetary value and not its less tangible value to the community. The second problem is that the existing schedule is a fixed formula which does not even take fluctuating market values or other criteria in the locality into account. Deletion of the appraised value and a uniform time frame or other modifications to make this provision more equitable are needed.

Zoning Modifications— Under current Virginia law, special exception permits may be handled only by the governing body or by the Board of Zoning Appeals at the discretion of the governing body. In many states, this function relating to land use and planning considerations is handled entirely by the Planning Commission, whose experience is more relevant to such matters, as opposed to the Board of Zoning Appeals, which deals primarily with

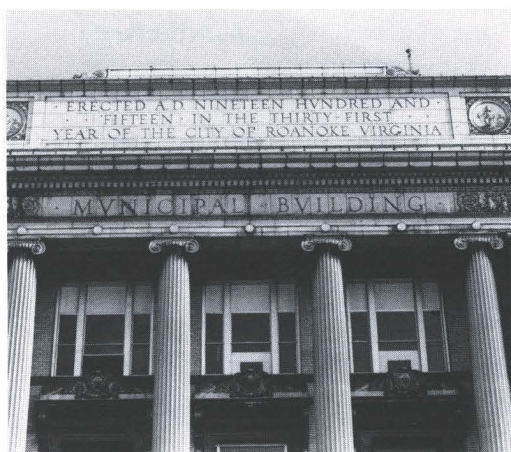


Within the context of Virginia law, the revised zoning ordinance encourages the renovation of Roanoke's existing housing stock as illustrated in these before and after sketches.

hardship considerations. In lieu of such Planning Commission involvement, the administrative changes assigning the planning staff to the Board of Zoning Appeals will assist in resolving such sensitive issues as special use compatibility, determination of appropriate zoning modifications and infill development, and the applicability of certain development standards where variances or special exceptions have been requested.

Parking Fund— Establishment of a fund to substitute for on-site parking requirements would have been useful to aid in preserving downtown buildings while meeting parking needs. With such a fund, a developer could make a contribution which would be used for a common parking structure. This would discourage demolition by providing an alternate to the development of surface lots or other parking facilities in conjunction with all new downtown construction. Although such funds can be established in Virginia through special assessment districts, there is no provision for establishing such funds through the Zoning Ordinance and there is no clear method of coordinating the special assessment districts with Zoning Ordinance criteria.

Nonconforming Uses— In many states, uses which are in existence but are not permitted under current zoning regulations must be discontinued or brought into conformance with the regulations within a specified period of time. Under Virginia law, such uses are “grandfathered” and may be continued indefinitely. A provision to discontinue non-conforming uses within a specified time period would benefit neighborhood conservation efforts by correcting incompatible situations, (e.g., a junkyard in a residential neighborhood) and by implementing new environmental standards to improve current problem areas. Under present State law, the nonconforming use and its incompatibility are perpetuated rather than improved.



Leadership from Roanoke's municipal government has shown how neighborhood and preservation values can be woven into the fabric of a city's zoning regulations.



Conclusions

Zoning has proven to be an effective tool to control growth and regulate the shape and form of new development. Only recently, however, has zoning emerged as effective in the rehabilitation and renewal of established communities. The Roanoke Vision Process has provided an example of how planners, working with land use regulations, can assist preservationists with goals beyond simple historic preservation in a mature city.

In its proposed new zoning ordinance, Roanoke will have the tools to accomplish the following:

1. Ensure the compatibility of new development and discourage the destruction of sound, older buildings in neighborhoods with a cohesive character.
2. Allow expanded uses in large, older residential buildings which are difficult to economically maintain as purely residential buildings, and would otherwise fall into disrepair or abandonment.
3. Permit the as-of-right infill development of small vacant lots which are otherwise a blighting influence on neighborhoods.
4. Allow for flexible setback regulations in established neighborhoods so that a new building can be constructed with respect to adjacent building setbacks.
5. Continue the revitalization and 24-hour use of downtown by allowing new residential construction.
6. Require the consideration of harmony between new and existing development as a criteria in development plan review and for special exceptions.
7. Provide for pedestrian-oriented neighborhood commercial developments which would serve older, established areas.
8. Provide for transitional height allowances around lower scale historic districts and residential areas adjacent to the central business district.
9. Provide for improved design standards for new commercial, industrial and higher density residential developments.

The Roanoke Vision Process takes preservation beyond the realm of individual structures and into the fabric of the land use plan and regulatory controls of the city. The experience demonstrates how planners and preservationists can coordinate their individual approaches to preserve the unique ambiance of an urban area. Furthermore, the experience shows how new development can be controlled and directed to revitalize the city's older areas, while ensuring a compatible and harmonious environment.

To follow through on the momentum established by the Roanoke Vision Process, we recommend that the National Trust for Historic Preservation join with groups like the American Planning Association to encourage similar or expanded comprehensive approaches in other cities.

*For more information on the Roanoke Vision
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