

FAIR ZONING IN CHESTERFIELD

OBSTACLES + OPPORTUNITIES



Living in Chesterfield County costs more than ever. Prices for single-family homes have nearly doubled over the last decade,¹ outpacing wages.² Rent has also risen sharply: nearly half of renters in Chesterfield spend more than 30% of their monthly incomes on housing – a level economists call “cost-burdened.”³ Access to the county’s well-regarded schools and other public services has never been more difficult to secure and maintain.

Many forces drive unaffordability in Chesterfield County, but one looms above all: **too few homes are for-sale or under construction.**

This summer, nearly half as many single-family homes were listed for sale in Chesterfield as in the summer of 2017.⁴ The number of permits issued for new construction has rebounded after years of decline following the 2008-9 recession. But the impact of those lost years endures, constraining the supply of homes today. And the rate of new construction remains lower than Chesterfield’s all-time high in 2002, when the Richmond region had some 300,000 fewer residents.⁵

Low supply and high demand: housing prices reflect basic economics. Right?

Not quite. Standard economic models predict that when prices are high, supply will rise to meet demand. But in Chesterfield and across Virginia, housing demand – and prices – rise even as supply lags. What’s going on?

Although many factors are at work, **often government stands in the way.** Localities like Chesterfield wield excessive regulations that limit the pace and scope of new builds. Our region has witnessed sprawl and the lengthening commutes and polluted air it produces because our state and local governments have not allowed housing supply to meet demand. **The housing crisis is a failure of policy – and zoning is at the heart of the problem.**

A project underway now holds the potential to change this. But progress is far from certain. To understand our opportunities and potential pitfalls, we should start with how we got here.

Zoning's roots—and poisoned fruit

In the early 20th century, zoning emerged amid the rumble of trucks and the roar of factories. Industrial development inspired many communities to create rules limiting where certain types of buildings could be built. Yet from the start, the lines they drew determined access not only to homes and industry but also to opportunity.⁶

As with any tool of public policy, zoning was shaped by the visions – and biases – of those who made the rules. In Virginia, zoning extended segregation – itself a relatively new phenomenon⁷ – from public services like trains, schools, and hospitals into neighborhoods. Virginia's first zoning code was passed in Richmond in 1911, requiring separate residential areas for Black and white citizens.⁸

Richmond enacted this ordinance under its charter powers, rights granted to cities by the General Assembly to make laws governing local matters. Zoning was a novel use of charter powers at that time, but Richmond's action helped make it standard.⁹ Eleven months after Richmond made residential segregation law, the legislature granted racial zoning rights to towns and cities across Virginia.¹⁰ Soon, Ashland, Charlottesville, Falls Church, Norfolk, Portsmouth, and Roanoke followed Richmond's lead.¹¹ **Zoning in Virginia took root as a tool of segregation.**

Black Richmonders rejected these violations of their civil rights. Mary S. Hopkins, a Black resident who moved to a street where most of the homes were occupied by white people, was convicted of violating the 1911 zoning law. She appealed her case to the Virginia Supreme Court, which ruled in 1915 that Black residents moving to white neighborhoods “endangered the preservation of public morals, public health, and public order.”¹² Her conviction stood, as did the new regime of racial zoning.

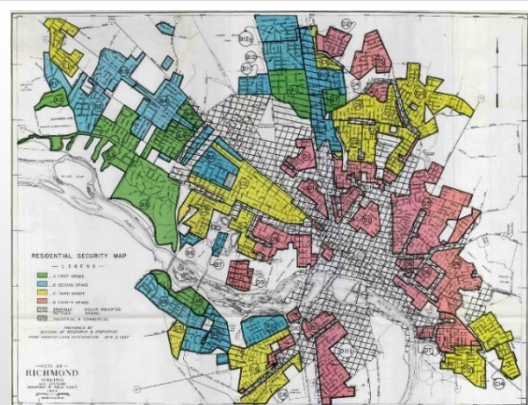
Again, Virginia proved a leader in shameful ways. For decades, segregationists nationwide cited the *Hopkins* case as they argued for local government authority to create residential zones based on race. In practice, this often meant that desirable neighborhoods were zoned as whites-only spaces while Black Americans were confined to areas with environmental dangers, such as regular flooding or polluted air.¹³ Two years after the *Hopkins* decision, the US Supreme Court struck down a Kentucky law that placed racial limits on property transfers.¹⁴ But Virginia's race-based zoning codes remained on the books for years.

Yet even as judges began to reject race-based zoning laws, they allowed race-neutral zoning that accomplished the same goals. Single-family zoning was chief among these strategies. Prohibiting apartment construction had the

effect of excluding low-income residents, and the racial realities of income meant that Black and Brown Americans would have little access to white neighborhoods. Meanwhile, restrictive covenants – terms attached to the deed of a home forbidding its sale to a non-white person – remained legal until 1948.

Single-family codes were challenged during the early days of American zoning. After Euclid, Ohio, embraced single-family zoning in the 1920s, Ambler Realty, which owned 68 acres in the town, sued. Ambler claimed the law unfairly limited its right to develop the land as it pleased. The case made it all the way to the US Supreme Court, which ruled in favor of Euclid in 1926. An apartment on a single-family block, the Court wrote, amounted to a “parasite,” and “may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard.”¹⁵ **Single-family zones – and the exclusion they promised – would endure.**

For Black and Brown Americans, the timing of these developments was tragic. In the 1930s, the federal government began offering mortgage insurance to stimulate the housing market during the Great Depression. This support came with segregated strings attached. Federal housing authorities refused to insure loans for would-be homeowners of color, and they denied coverage to developers aiming to build integrated housing or homes near majority-Black areas. At the same time, a federal agency tasked with assessing mortgage risk canvassed the nation and created maps for cities large and small that rated Black and Brown neighborhoods as “hazardous.” Banks, required to follow these guidelines in exchange for the protection of mortgage insurance, refused to write mortgages for Black families.¹⁶ Zoning had made housing segregation legal; now, federal housing programs put homeownership for Black and Brown Americans even further out of reach.



This 1937 Home Owners' Loan Corporation map of Richmond illustrates one strategy federal housing authorities used to enforce residential segregation, discouraging banks from writing mortgages in majority-Black neighborhoods and promoting homeownership in predominantly white areas.¹⁷

By the middle of the 20th century, massive federal investment in the interstate highway system combined with zoning and mortgage insurance to effectively create white American suburbs. Efficient new roadways and single-family zoning codes gave rise to neighborhoods where most Americans now live. The suburban share of the country's population more than doubled from 1940 to 1970¹⁸ – a transformation of the American landscape made possible by single-family zoning and racial exclusion.

Zoning in Chesterfield

Chesterfield County adopted its first zoning code in 1945, though it remained largely rural for decades. The county's modest development between the Second World War and the 1980s clustered around the north-south Route 1. Chesterfield overhauled its zoning laws in 1973 amid rancorous racial politics in Richmond.

Two years earlier, white elected officials in Richmond facing well-organized opposition from a coalition of Black voters annexed a portion of Chesterfield County. This addition of some 44,000 white residents reduced the Black population of Richmond from 52% to 42% overnight. Black Richmonders, led by activist Curtis Holt, challenged this blatant effort to dilute their votes. The case rose to the US Supreme Court, which found in 1971 that Richmond had infringed on Black voting rights. The court ordered Richmond to create a district system for elections to fairly share power among its residents. This led to the election of Richmond's first majority-Black city council in 1978.¹⁹

Many white Richmonders failed to see this civil rights milestone as a victory. And the politics of racial exclusion joined with federal funding of highway construction to entice scores of white Richmonders to move.²⁰ Bracing for an influx, Chesterfield's 1973 zoning code – along with "overlay districts" created in 1989 and 1995 – aimed to manage the growth.

Zoning decisions made then today make Chesterfield a costly place to live. **The county has zoned 80% of its land for single-family homes and just 3% for multifamily housing.** Single-family home lots must cover at least 12,000 square feet – the size of about two-and-a-half NBA basketball courts. These large single-family tracts create a price floor higher than many individuals and families can afford. Meanwhile, permitting and labor costs have sharply cut profit margins for construction, and developers have responded by building larger homes. The most common size for a new single-family home built in Chesterfield County today is greater than 2,000 square feet. These forces have created a perfect storm of unaffordability. **To afford the mortgage payment on a median-priced single-family home in Chesterfield today, buyers need to make**

more than the Richmond region's median household income.²¹ This mismatch between housing costs and wages creates instability for individuals and families who manage to live in Chesterfield, while shutting out others altogether.

Multifamily housing construction also faces obstruction from current zoning codes. **The minimum lot size for an apartment building is 20 acres** – or 185 basketball courts. (Another comparison: Brown's Island, which regularly hosts concerts for up to 16,000 people, extends to six and-a-half acres. Multifamily construction in Chesterfield requires a minimum of three Brown's Islands.) Chesterfield County enforces **strict limits on the number of three-bedroom apartment units**, essentially restricting middle-income families with children. And multifamily developments **must provide "amenity spaces," such as swimming pools, dog parks, or walking trails.** All of these zoning requirements – lot size, private amenities, and restricted capacity – drive up the cost of apartment construction in Chesterfield, while the limited land zoned for multifamily housing makes it difficult for developers to find suitable sites. And while the county offers "special-use permits" for projects seeking exceptions to these rules, a lengthy "entitlement process" to secure permission adds costs for developers, trimming their already tight margins. This discourages the development of affordable housing, which operates on slim margins and cannot afford to wager on a costly entitlement process. As a result, multifamily housing in Chesterfield is limited and costly.



Why this matters

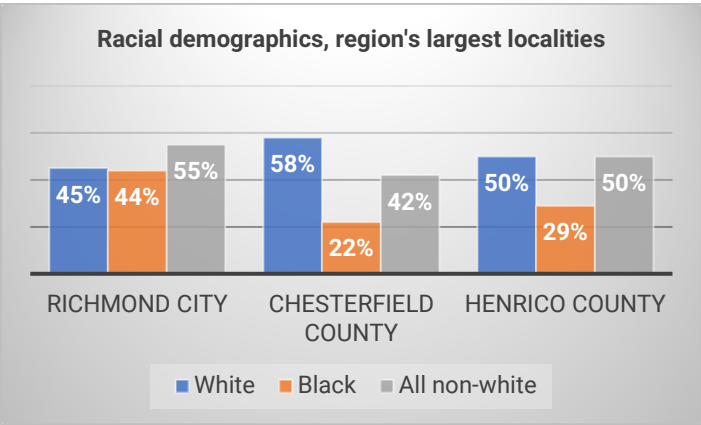
Chesterfield County is the Richmond region's largest locality – the fourth largest in Virginia. **Researchers expect the county lead the region's growth over the next 30 years and surpass a half-million residents by 2050.**²² The county is one to watch – and other Virginia localities will look to Chesterfield's approach in managing the next generation of growth. Today, demand for housing is strong and growing,

while affordability is lacking and getting worse. Decisions made soon will determine county’s housing future.

All things being equal, the lack of affordable housing in Chesterfield would be a shared burden among families living or seeking to live in the county. **But things are not equal: we do not all begin our housing journeys from the same place.** First-time homebuyers tend to have less access to cash for down payments as well as lower monthly budgets to pay mortgages. **Black and Brown Virginians make up a larger share of first-time buyers than their white counterparts, which means that the unaffordability of housing in a locality like Chesterfield is especially burdensome to Virginians of color.**

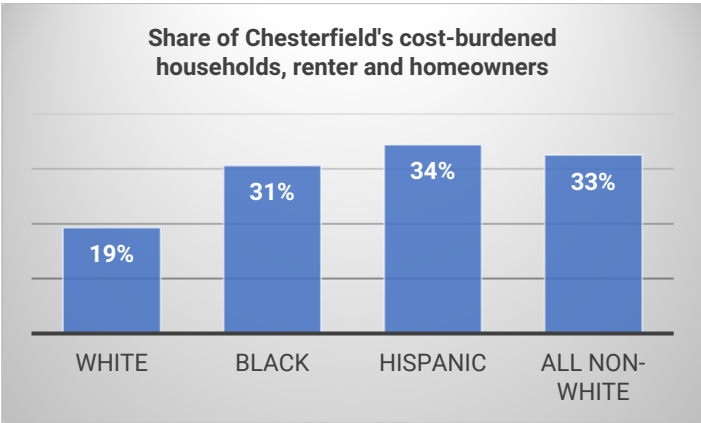
Recalling the history of zoning, with its roots in racial exclusion, it is difficult to ignore one result of Chesterfield’s restrictions on single- and multifamily housing: **the county has one of the smallest non-white populations and the second smallest Black population in the Richmond region.**

And the exclusions do not stop there. Chesterfield’s zoning laws tightly limit the construction of childcare centers, group care, transitional and recovery housing for people with disabilities, and retirement facilities. **Chesterfield’s zoning codes have the effect of incentivizing construction for certain groups – especially white, upper-income households without disabilities – while creating unfair barriers to entry and a severe lack of housing choice for many others.**



For those Black and Brown individuals who do manage to live in Chesterfield County, the financial difficulty is great. The stability conveyed by homeownership is enjoyed by a smaller share of the population than the portion made up of Chesterfield’s residents of color: only 28% of non-white residents in the county own their homes, though they comprise 42% of the population. Meanwhile, nearly 72% of white Chesterfield residents own their homes – one of the highest shares for white households in the Richmond region. This racial disparity in homeownership yields differences in household budgets. Compared with white

households, roughly 50% more of non-white individuals and families in Chesterfield are “cost-burdened,” the term economists use to define spending more than 30% of income on housing costs. Too often, to be Black or Brown in Chesterfield means struggling to balance housing costs with other expenses, ratcheting up instability and reducing the potential for the county to be a long-term home.



Potential—and pitfalls

In 2019, Chesterfield embarked on a multiyear process to modernize its zoning codes. The Zoning Ordinance Modernization Project, or “ZOMod,” involves four phases: Diagnostic, Drafting (the current phase), Public Hearing and Adoption, and Training and Implementation. The county plans to update and combine zoning categories created decades ago to better reflect land use needs today. Chesterfield also intends to improve the speed, consistency, and predictability of the development approval process. Past zoning efforts make clear that the result of the ZOMod will shape the county for decades to come. For families and businesses to thrive in Chesterfield, the county must get it right.

The current ZOMod draft, issued by the county in March 2024, includes ideas that could address fundamental problems with existing zoning. But the document raises more questions than answers.

For example, the draft proposes merging more than a dozen existing residential districts to just eight, a change that could promote speed and predictability in permitting. The proposed districts range from rural to suburban to urban, with varying degrees of housing density. They could include housing options previously unseen in Chesterfield County. But it is unclear how much of the county’s land could enjoy new housing choice, as no new zoning maps have been released.

Details included in the latest draft spur doubts about the substance of these changes. Five of the eight proposed districts would only allow single-family homes, a restriction

that calls to mind the status quo more than the housing needs of families in our region today. Under the new plan, two types of residential districts already common in Chesterfield County, named in the draft as “suburban neighborhood” and “semi-urban neighborhood,” would permit smaller lot sizes for single-family homes. But the draft notes that this reduction in lot size would require an increase in “amenity space” provided by the developer.

“Amenity space” requirements could increase the cost of housing in the county. Chesterfield would require developers to construct such features, however the cost of upkeep would fall on future homeowners, likely through homeowners’ associations. Residents of these communities would pay HOA fees that rise over time, perhaps sharply, as maintenance of aging “amenity spaces” grows more costly. If the final zoning code includes the “amenity space” requirement for single-family developments, few neighborhoods in Chesterfield would lack HOAs. This limit on housing choice would fail to make living in the county more affordable.

The current draft’s requirements for multifamily housing include even more restrictive design standards. The proposed regulations would limit the number of three-bedroom apartments to no more than 15% of the total units in a development – a clear violation of fair housing law due to the special burden it places on families with children. Multifamily housing would also face “amenity space” requirements, with the likely outcome what we already see today: developers of Chesterfield apartments tend to construct higher-priced units to ensure a reasonable return on their investment.

What’s more, as with Chesterfield’s existing zoning codes, the draft regulations limit construction of childcare centers, group care facilities, and recovery and transitional housing. Any effort to build one of these types of structures requires a special-use permit – an obstacle, in terms of delays and costs, that tends to discourage construction. Also, under the proposed guidelines, retirement communities would be allowed only in some of the residential districts, restricting choice for older adults. The special burdens all these limits place on families with children, people with disabilities, seniors add up to multiple violations of fair housing law – an unfortunate feature of a new zoning code.

In reviewing the county’s current zoning and its plans in the latest ZOMod draft, at least **one thing is clear: Chesterfield enforces a severe lack of housing choice, and so far it has proposed to maintain the status quo.**

What we can do—together

The ZOMod effort creates an opportunity for Chesterfield County to address the most problematic parts of its existing zoning laws and expand housing choice. Not all residents will agree on the details of how the county should govern home construction, but certain principles – choice, affordability, and following the law – are widely shared.²³

Our recommendations include:

- **Expand housing choice by legalizing a wide range of housing types**, such as small single-family homes, townhomes, and garden style apartments.
- **Allow seniors and people with disabilities to live in their community** in housing that meets their needs.
- **Reduce minimum lot sizes** to allow for compact housing in walkable communities.
- **Fast-track permits** for the construction of affordable housing.
- Allow **residential construction in commercial zones** along the county’s transportation corridors to shorten commutes for work and shopping.
- **Remove limitations on accessory dwelling units, or ADUs** – small structures on an existing house site that can be used by seniors to age in place or create new income streams for cash-strapped homeowners.

Zoning is at once a bureaucratic process and a vision for what it means to call a community “home.” And it is most successful when shaped by a cross-section of engaged residents. **The outcomes of zoning decisions made in Chesterfield in the months ahead will decide whether the county offers a “welcome” mat or a “do not enter” sign to the next generation of would-be residents.** Individuals and families keen to put down roots in Chesterfield County, or find a way to stay amid rising costs, deserve fairness, choice, and affordability.

Here are steps you can take to share your vision for an inclusive community:

- 1) Sign our petition: homeofva.org/chesterfield
- 2) Email your Chesterfield Planning Commissioner
- 3) Speak up at Planning Commission meetings

Through fair zoning, we can expand housing opportunity in Chesterfield. But we must make our voices heard. ■

Works Cited

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- ² U.S. Census Bureau, "Median Income in the Past 12 Months (in 2022 Inflation-Adjusted Dollars), Chesterfield County, VA." *American Community Survey, ACS 1-Year Estimates Subject Tables, Table S1903*, <https://data.census.gov/table/ACSST1Y2022.S1903>.
- ³ HUD Comprehensive Housing Affordability Strategy, 2016-2020 5-year estimates, Table 9, <https://www.huduser.gov/portal/datasets/cp.html>.
- ⁴ "Housing Inventory: New Listing Count in Chesterfield County, VA," Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/NEWLISCOU51041>.
- ⁵ "New Private Housing Structures Authorized by Building Permits for Chesterfield County, VA," Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/BPPRIV051041>.
- ⁶ Christopher Silver, "The Racial Origins of Zoning in American Cities," in *Urban Planning and the African American Community: In the Shadows*, eds. June Manning Thomas and Marsha Ritzdorf, (Thousand Oaks, CA: Sage, 1997), 1; Jessica Trounstein, *Segregation by Design: Local Politics and Inequality in American Cities* (Cambridge: Cambridge University Press, 2018), 1-3.
- ⁷ Edward L. Ayers, *The Promise of the New South: Life after Reconstruction* (New York: Oxford University Press, 1992), 136-46.
- ⁸ *Richmond Planet*, Vol. 28, No. 30 (June 24, 1911).
- ⁹ Roger L. Rice, "Residential Segregation by Law, 1910-1917," *Journal of Southern History* 34, no. 2 (1968): 181.
- ¹⁰ Virginia Acts of Assembly, Chapter 157 (1912). Though struck down by the US Supreme Court in 1917, this discriminatory law was formally repealed only recently, in April 2020: Virginia Uncodified Acts, Chapter 1051 (2020).
- ¹¹ Silver, 23-9.
- ¹² *Hopkins v. Richmond*, 86 S.E. 139, 143 (VA 1915).
- ¹³ Silver, 4.
- ¹⁴ *Buchanan v. Warley*, 245 U.S. 60 (1917)
- ¹⁵ *Village of Euclid v. Ambler Realty Company*, 272 U.S. 365 (1926).
- ¹⁶ Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: W.W. Norton/Liveright, 2017).
- ¹⁷ "Mapping Inequality: Redlining in New Deal America," in Robert K. Nelson and Edward L. Ayers, eds. *American Panorama: An Atlas of United States History*, <https://dsl.richmond.edu/panorama/redlining>.
- ¹⁸ John R. Logan, Samuel Kye, H. Jacob Carlson, Elisabeta Minca, and Daniel Schleith, "The Role of Suburbanization in Metropolitan Segregation After 1940," *Demography* 1:60 (February 2023), 281-301.
- ¹⁹ Julian Maxwell Hayter, *The Dream is Lost: Voting Rights and the Politics of Race in Richmond, Virginia* (Lexington: University Press of Kentucky, 2017), 92-97, 104-9, 116, 137-48.
- ²⁰ *Ibid*, 174.
- ²¹ Per the US Census Bureau's American Community Survey, as of 2022 the median household income in the Richmond metropolitan statistical area, or MSA, was \$81,388. Economists recommend spending no more than 30% of income on housing costs, a figure that would permit monthly housing expenses of \$2,035 for a household earning that median income. "Local Market Update," note 1, indicates that the year-to-date median single-family home sale price in Chesterfield is \$430,000. With a 20% down payment of \$86,000 – a sum far exceeding average savings account balances – at current interest rates, the monthly mortgage payment would be about \$2,267. Notably, this figure does not include non-mortgage costs of homeownership, such as funds for periodic repairs and property tax assessment increases.
- ²² "Virginia Population Estimates," Weldon Cooper Center for Public Service, University of Virginia, <https://www.coopercenter.org/virginia-population-estimates>.
- ²³ For example, "Support for Policies That Promote More Housing Crosses Geographic Lines," Pew Charitable Trusts, January 31, 2024, <https://www.pewtrusts.org/en/research-and-analysis/articles/2024/01/31/support-for-policies-that-promote-more-housing-crosses-geographic-lines> and "A Swing Constituency Could Help Allow More Homes," Pew Charitable Trusts, June 7, 2024, <https://www.pewtrusts.org/en/research-and-analysis/articles/2024/06/07/a-swing-constituency-could-help-allow-more-homes>. These studies quantify sentiments HOME of VA has heard repeatedly from homeowners, renters, elected officials, builders, and advocates, making clear that common-sense zoning reform holds broad support – even though, for now, it remains elusive.