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Zoning for Community Transformation in Flint, Michigan

By John Houseal, AICP, and Brandon Nolin, AICP

Despite the story of Flint, Michigan, being a city of decline and hopelessness—made infamous in Michael Moore’s *Roger and Me* and in the headlines for its water crisis—the city is using zoning to transform itself in a manner reflective of the community’s new vision for the future. Flint is reinventing itself by building upon the foundation of the *Imagine Flint* master plan, the city’s first comprehensive plan in more than 50 years, and implementing an entirely new zoning ordinance rooted in the plan’s place-based approach.

Flint is certainly not alone in facing issues of neighborhood decline and vacancy, commercial corridor disinvestment, weakening market position, and a collapsed industrial and employment sector. Other communities facing these and similar conditions will immediately recognize the applicability of the approaches developed in Flint.

It is important to highlight the strong links between the zoning ordinance content and the *Imagine Flint* master plan. As such, we will:

1. Highlight zoning solutions that were developed to counter weak market forces and prolonged disinvestment
2. Reinforce the important role a community-supported, land-use planning process plays in creating community-supported and practical development regulations
3. Demonstrate the applicability of zoning solutions developed for Flint to other communities facing similar challenges

IMAGINE FLINT

A 50 percent population decline and a 90 percent loss in manufacturing jobs led Flint to become one of America’s most impoverished cities. Several unsuccessful attempts to craft a new master plan over the previous 50 years led to disastrous policy consequences, and more recent financial stress and local government troubles have led the state to appoint several emergency managers in an attempt to stabilize the community. Undeterred, community leaders continued to push for policy change and

guidance, and Flint was awarded \$1.6 million from the U.S. Department of Housing and Urban Development to write *Imagine Flint* and set the city on the right course.

Following an extensive 18-month process that engaged more than 5,000 individuals at more than 300 outreach events, *Imagine Flint* became the first master plan adopted by Flint since 1960. The plan garnered communitywide support and helped reestablish a sense of trust between Flint citizens and the city government.

In the short time since its adoption in October 2013, the plan has proven to be an effective tool in addressing issues of population decline, large brownfields, blighted neighborhoods, and economic development. *Imagine Flint* was the recipient of the Planning Excellence Award for Public Outreach (2013) from APA’s Michigan Chapter (Michigan Association of Planning) and the Daniel Burnham Award (2015). The Michigan Chapter of the Congress for the New Urbanism also recognized the plan in 2015.

PLACE-BASED LAND-USE PLANNING AND ZONING DISTRICTS

Excessive vacancy presents Flint with an opportunity unique to most mature cities—the opportunity to reinvent its land-use pattern. Rather than focusing on parcel-specific land use, the master plan utilizes a place-based strategy in which different place types are used to create unique and vibrant areas across the city. Twelve place types were identified within Flint, providing a full range of land uses and development types essential for creating a more livable and harmonious community.

Not only does the place-based approach to land-use planning help paint a clearer picture of what is desired by the community, it also provides needed flexibility in its application and lends itself well to zoning interpretation. As defined in the master plan, each place type carries with it a set of desired future primary land uses that are essential to the function of the place, and secondary land uses intended to complement that primary function. Each place type also has text describing the desired character

of the place and a series of images of existing examples of desired development. In fact, the *Imagine Flint* master plan includes a Zoning Plan that identifies the different place types and the range of uses anticipated for each. This master plan component served as the basis for the new zoning ordinance.

The various elements of the place type (i.e., character description, desired uses, and imagery) have corollaries within traditional Euclidian zoning district content, including the statement of intent, permitted and special uses, and bulk standards. This made it easy to transition from community vision (the plan) to regulatory framework (the zoning ordinance).

The strong overlap between place type and zoning district led to a zoning map that is nearly indistinguishable from the adopted land-use plan map. In creating strong visual parallels between the two maps, the city was also able to leverage the public trust that was gained through a highly publicized and transparent planning process with well-documented community support, and apply that momentum to the zoning ordinance adoption. It also provides city staff and officials with firm ground to stand on if challenges are made to the zoning ordinance in the future.

An assessment of the existing zoning map performed during the master planning process indicated that approximately 40 percent of the city’s land area would need a new zoning designation to align with the new plan. The vast majority of areas highlighted in this map were designated as Green Neighborhood, City Corridor, Neighborhood Center, or Green Innovation place types in the adopted plan.

GREEN NEIGHBORHOODS

In the fall of 2012, Flint city staff worked with a local foundation and 27 neighborhood organizations to conduct a citywide assessment of residential property conditions. Using a predetermined rating system and training from staff, hundreds of volunteers ranked every residential parcel within the city limits.

More than 50 percent of residential lots contained structures that were in poor or sub-



Many areas in Flint have zoning designations that are currently incompatible with the vision in *Imagine Flint*.

standard condition, while another 22 percent were vacant. Many of these properties were also owned by the Genesee County Land Bank, which as of June 2013 was maintaining 8,335 properties representing 18 percent of all parcels in the city.

While casual observation could lead one to believe that housing stock was generally distressed in several neighborhoods, this data made it clear that significant change was needed to stabilize neighborhoods and start on a path toward managed reinvestment. With so much land either vacant or under control of the land bank, which has very limited resources, the issue of neighborhood revitalization became an issue of land management and how fewer households could occupy and maintain the same physical space.

The Green Neighborhoods place type in the city's master plan is designed to help manage the transition of struggling traditional single-family residential neighborhoods to stable, less populated neighborhoods with a well-maintained mix of open space. Green Neighborhoods are envisioned as low-density residential areas consisting of a mix of traditional and large-lot residences complemented by neighborhood open space, community gardens, and small-scale urban agriculture. The Green Neighborhood place type represents a new approach to repurposing vacant or underutilized areas to create a healthy and sustainable low-density residential neighborhood. Flint and its partners will empower residents to adopt and care for properties in their neighborhood through changes to zoning regulations, neighborhood capacity building, and lot improvement programs.

Zoning Strategy: Managing Decreasing Density

While the master plan provides a clear vision for the broad areas identified as Green Neighborhoods, housing conditions vary widely on the ground. These areas all share the trait of significant vacancy, but some blocks within

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a given area are worse than others. Within a given block there are also disparities, such as vacant lots clustered in one area and stable residential development clustered in another. As such, when attempting to transition a single-family neighborhood to a less dense version of itself, minimizing nonconformities for existing single-family properties emerges as a significant challenge.

To address this issue, the city's new zoning ordinance establishes two related districts: GN-1—Green Neighborhood—Low Density and GN-2—Green Neighborhood—Medium Density. Both districts promote the expansion of green uses, but the less dense GN-1 district encourages larger lot living while the denser GN-2 district more closely resembles the form of a traditional single-family neighborhood. In addition to minimizing nonconformities, this approach also helps establish a more natural transition between stable, traditional single-family neighborhoods and the most blighted Green Neighborhoods.

As shown in the table on the next page, the minimum lot size for the low density GN-1 district was established at 15,000 square feet, which is equal to three typical lots within a

traditional neighborhood. This standard essentially requires adjacent lots to be consolidated to accommodate a new or existing house, with the home owners taking on more responsibility for maintaining a larger lot. In exchange, new home owners are also granted a larger allowance for accessory structures (800 to 1,000 square feet) and given as-of-right permission for a range of green uses such as urban agriculture. Such uses would typically require special use permits in most other areas in Flint and the vast majority of other communities.

With that said, the GN-2 district was established to ensure that home owners in more stable areas can continue to invest in their traditional single-family homes, while having the ability to repurpose vacant

lots and improve community well-being. Within that district, minimum lot sizes and other bulk standards are more aligned with traditional single-family neighborhoods.

The phenomenon of lot expansion is already occurring in some residential areas of Flint where vacancies are high. Although some expansions have not occurred legally, home owners are taking ownership of adjacent vacant parcels by mowing lawns, erecting fences, and planting gardens. For example, one home owner near the former Buick City site (a nearly 500-acre brownfield) has expanded his property with an attractive picket fence and well-groomed lawns. The side yards now span three lots on either side of two central lots occupied by the home, a three-car garage, and an expansive playground set that any child would dream of. This type of investment—a single household taking care of nearly a quarter of a city block—is what the new zoning ordinance is intended to encourage (in a legal manner) throughout the city's more depopulated areas.

Zoning Strategy: Introducing New Green Uses

Whether a block has only one or two vacant lots—or a dozen—the threat vacant lots pose

SELECT BULK STANDARDS FOR TRADITIONAL NEIGHBORHOOD AND GREEN NEIGHBORHOOD DISTRICTS

	TN-1 & TN-2 Traditional Neighborhood	GN-1 Low Density	GN-2 Medium Density
Housing Conditions	Well-maintained	Less Stable	More Stable
Minimum Lot Size	4,500–9,000 square feet	15,000 square feet (three traditional lots)	5,000 square feet (one traditional lot)
Lot Coverage	35–50%	20%	50%
Maximum Accessory Structure Allowance	600–800 square feet	1,000 square feet	800 square feet

to adjacent home values, neighborhood stability, and public safety is significant. The master plan provided a wide range of potential agriculture and open space strategies for repurposing vacant lots and stabilizing adjacent properties. In translating this master plan policy to a zoning regulation, the zoning ordinance establishes *urban agriculture* and *community garden* as permitted uses for both the GN-1 and GN-2 districts. It is important to note that by indicating these uses are permitted as-of-right, the zoning ordinance permits properties to be solely occupied by agricultural uses as the primary use, rather than as an accessory use for a single-family residence. Furthermore, complementing these two agricultural primary uses are a wide variety of permitted accessory uses including *aquaculture*, *aquaponics*, *produce stand*, *greenhouse*, *hoop house*, *hydroponics*, *apiary*, *beekeeping*, *chicken keeping*, and *small-scale solar and wind energy production*.

Single-family homes are to remain the desired primary land use within Green Neighborhoods, but other uses must be allowed to spread through these neighborhoods, filling the gaps left behind by now vacant single-family lots. And while the intent is to put vacant

parcels back into productive use, there is also potential for these new uses to negatively impact adjacent properties. As such, the zoning ordinance relies on a series of use-specific standards to mitigate potential negative impacts and ensure that green uses make for good neighbors.

For example, while beekeeping is often viewed as problematic in more dense residential settings, the zoning ordinance limits beekeepers to two hives with a maximum size of 20 cubic feet each, located to the rear third of the lot with a 10-foot buffer from all lot lines and 25-foot buffer from any adjacent dwelling. In addition, a flyaway barrier such as a wall, fence, or dense vegetation is required to encourage bees to fly into the hive from above rather than from surrounding areas.

NEIGHBORHOOD CENTERS AND CITY CORRIDORS

In the 1960s, Flint was a community of nearly 200,000, with miles of growing highway corridors bustling with new inline retail centers and shopping malls. Since that time, the city's population has shrunk by half, and the commercial landscape has shifted considerably

with new lifestyle centers, outlet malls, and a regional mall all located in outlying areas, beyond city limits.

In the fall of 2013, as the master plan was being drafted, city staff and dozens of volunteers conducted a citywide commercial property inventory. The inventory revealed that more than one-third of the city's 3,211 commercial properties were vacant lots. Of the commercial parcels containing a structure, 1,452 (69 percent) were currently in use while the remaining 584 (28 percent) were unoccupied.

While Flint's struggles with population and job loss are well documented, it is not alone in its battle to reinvigorate aging commercial corridors. Like many cities across the country, Flint grew with the baby boom as retail strips with modern shopping centers supplanted the downtown with the promise of convenience and ample parking. Some 50 years later, the downtown is experiencing a renaissance, with nearly \$400 million in investment since 2004, while the city's aging commercial corridors continue to decline, comprising much of Flint's more than 1,100 vacant commercial parcels.

With fewer than half of all commercial parcels actually in use, it is clear that drastic change is needed to stabilize Flint's commercial districts.

The master plan includes two place types with a commercial land-use focus: Neighborhood Center and City Corridor. Neighborhood Centers provide opportunities to create mixed use, local-serving commercial districts that contribute to neighborhood character. City Corridors are auto-oriented but pedestrian-friendly commercial areas where lot consolidation and access management are used to address issues of shallow lot depth and proximity to residential areas. Both place types are used sparingly on the land-use map, with the intent of concentrating commercial activity in targeted areas to establish and maintain unique districts and vibrant nodes.

In addition to land-use strategies, the city and its partners should focus small business assistance in areas designated for future commercial land use and limit use of programs in noncommercial areas as directed by the land-use plan. Similarly, the use of incentives should also be considered to attract and sustain development in priority areas. The master plan also encourages the city to repurpose publicly owned property to help establish momentum in target areas and transition publicly owned sites in other areas to noncommercial uses.



➡ The highlighted box indicates a larger lot created from assembly of smaller parcels.

Zoning Strategy: Scaling Back

The city's new zoning ordinance echoes the recommendations of the master plan and includes two new districts of the same name and intent as the place types: NC-Neighborhood Center and CC-City Corridor. With a focus on scaling back the extent of commercial development, large portions of the city have been rezoned from predominantly commercial districts to predominantly residential districts. While rezoning ailing commercial properties is not particularly unique or innovative, the city's strict adherence to the master plan's land-use recommendations and the scale of change now supported by development regulations is quite remarkable.

The city's previous zoning code included four commercial zoning districts located outside of the downtown and provided approximately 25 miles of roadway with commercially zoned frontage (often on both sides of the road). Under the guidance of the previous code, Saginaw Street emerged as the longest commercial corridor, with eight continuous miles of commercially zoned property spreading from the city's northern border, through the downtown, to its southern border. With such a liberal application of commercial zoning, it is not surprising that the number of vacant or unoccupied commercial parcels is so high.

Collectively, the new Neighborhood Center and City Corridor districts represent a fraction of the properties previously zoned for commercial use. The new zoning map identifies approximately six miles of City Corridor development (compared to 25) interspersed with 10 small Neighborhood Centers, often located at key intersections and not extending more than a quarter mile in any direction from that intersection.

Zoning Strategy: Repositioning Aging Commercial Corridors

The areas designated as City Corridors are healthy or possess market potential, but they are by no means immune to the issues of vacancy and poor property maintenance. Many of Flint's commercial corridors developed in predominantly residential areas where adjacent development limits commercial lot depth and the ability of modern commercial tenants to reposition aging properties. Larger shopping centers featuring deep lots with expansive parking lots exist in isolated instances, typically at key intersections along more significant routes like state highways.

In seeking to implement the vision of the master plan, the new zoning ordinance had to establish rules for both large- and small-scale commercial types, while promoting a more pedestrian-friendly development palette. To accomplish this, the ordinance establishes two sets of distinct bulk standards, one for lots with a depth less than 140 feet and another for lots with a depth greater than 140 feet.

Shallow lots were assigned a maximum front yard setback of 10 feet to force parking to be located at the side or rear of the building, and the minimum lot width and area were reduced to reflect typical lot dimensions within older corridors. Conversely, deep lots were assigned a maximum front yard setback of 80 feet to accommodate front loaded parking. Lack of a front-yard minimum setback also allows for outlot development and provides for flexibility in locating the building at the lot line and locating parking in the rear.

Complementing the varied bulk standards is a Planned Unit Development process that is required for any developments greater than five acres. This gives the city greater control over any proposed commercial development of significant size and further empowers it to protect residential areas from potential negative impacts of development, while allowing for innovative design to address site constraints beyond what would typically be permitted as-of-right.

GREEN INNOVATION DISTRICTS

Flint, once characterized by robust neighborhoods and a thriving manufacturing sector, is now suffering from decreasing population, excessive residential vacancies, deteriorating neighborhoods, and large abandoned industrial sites. Collectively, these conditions have resulted in thousands of acres of vacant and underutilized land that has virtually no chance of returning to its former use or development pattern. In these areas, "what has always been" it not a viable option for the future.

Some of Flint's most devastated neighborhoods have vacancy rates in excess of 80 or 90 percent, with several blocks being 100 percent vacant or only occupied by structures that are beyond repair or rehabilitation. Although the individual lots are relatively small, very large contiguous vacant areas can be easily assembled to accommodate larger uses or development. Many of the largely abandoned neighborhoods are located in areas adjacent to or in close proximity to vacant industrial areas,

further adding to the overall availability of land with potential for significant redevelopment.

Included in the vacant industrial areas are some of the nation's largest brownfield sites, such as Delphi East (160 acres) and Buick City (452 acres). Collectively, there are more than 1,000 acres of brownfield sites in the city. Together, the vacant industrial areas and the vacant and abandoned residential neighborhoods represent thousands and thousands of acres of land currently serviced with city infrastructure, but lacking the market capacity to see the areas redeveloped to their former uses.

In seeking to transform Flint's hardest hit areas, it was understood from the beginning that the city would need to embrace the idea of a more creative place type that prioritized flexibility and context over form and use. The second challenge, once the notion of flexibility was embraced, was to find the central theme for the areas, around which regulations could be crafted to allow a viable market to emerge. After consideration of various markets and industry trends, it was determined that the former residential neighborhoods and industrial areas would serve as a proving ground for the green economy.

The idea was to put Flint at the forefront of an emerging market and help lead the way by establishing a regulatory approach others could follow. Through the master planning process, the city created the Green Innovation place type to accommodate a wide range of large-scale "green uses." Then the challenge became how best to define a green use, mitigate the impacts of such uses, and establish an approval process that accommodated flexibility while providing necessary safeguards and context sensitivity.

Zoning Strategy: Defining Green Uses

Imagine Flint establishes the Green Innovation place type and designates many of the city's large vacant areas as such, recognizing their potential for a variety of solutions to repurpose these areas and help reinvent the city. As it relates to land uses, the city's intent is to remain flexible.

Areas designated as Green Innovation are intended to accommodate uses related to local food production, environmental sustainability, alternative energy, agricultural research, organic food processing, and other locally based "green" initiatives.

Once defined in the master plan and written into the intent and purpose sections of

the zoning ordinance, a use table for the Green Innovation District was established to identify the desirable range of uses and development standards, while providing the necessary flexibility to accommodate unanticipated, yet appropriate, development or use proposals.

Zoning Strategy: Determining Use Appropriateness

Although a use table was established for the district, it was clear that some uses permissible in the Green Innovation District could also be established as-of-right in other more traditional industrial and production center districts, such as research, warehousing, manufacturing, etc. However, if the Green Innovation District was to truly be “green,” with a focus on uses that promote the city’s long-term social, environmental, and economic sustainability, another layer of qualifying conditions, other than specific use, would need to be put into place.

The Green Innovation District establishes “criteria for qualifying uses,” standards used by the city to determine if a use is appropriately suited for the Green Innovation District. To qualify, a use must be classified as *agriculture, aquaculture/aquaponics, research and development, light industry, or heavy industry*.

In addition to meeting the above classification, uses must relate to one of the following sectors of green industry:

- Renewable energy production
- Waste stream reduction

- Local food production
- Office uses/incubation for green businesses
- Alternative transportation
- Craftsman industrial

This approach to identifying and establishing appropriate uses was put into place to accommodate the rapidly evolving green economy and allow for uses not previously contemplated, provided the applicant can demonstrate the appropriateness of the use for inclusion in the Green Innovation District due to its focus on sustainable initiatives.

Zoning Strategy: Balancing Flexibility and Fair Certainty

One of the greatest strengths of the Green Innovation District is also one of its greatest regulatory challenges—the district is designed to accommodate a very wide range of uses, development types, and intensities. Simply stated, the city is establishing a “green development sandbox” and inviting innovative people to come and test their ideas.

While agricultural related uses and wind and solar energy related uses are permitted as-of-right, all other uses are designated as special uses, requiring a planning commission public hearing and a determination that standards addressing compatibility with nearby uses; environmental compatibility; consistency with the master plan; public health, safety and

welfare; and infrastructure and service capacity are met. For permitted uses, setbacks and other development standards are determined in part by the use of adjacent properties, with increased setbacks and more strict development standards established for properties adjacent to residential uses.

Because of this intended district flexibility, a planned unit development (PUD) approach was selected as the best means by which to accommodate a wide range of development types and intensities. The PUD is intended to encourage flexibility in order to stimulate creative approaches to development, provide more efficient use of land, better preserve the natural environment, promote sustainable best practices, better utilize brownfield sites, support employment and economic development, and support long-term planning pursuant to the master plan. As such, all development in the Green Innovation District must be developed as a PUD.

If the intended use is identified as a special use, approval of the special use will be part of the PUD consideration. If the use is a permitted use, the PUD process will focus on the development characteristics of the proposal, rather than the appropriateness of the use.

Over time, as the Green Innovation District becomes more developed with a range of uses, the city may be in a better position to refine the standards and allow more as-of-right development and rely less on PUDs and



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❶ Community open space could represent a potential holding classification until areas are redeveloped as Green Innovation.

❷ While not ideal, it is possible that home owners will choose to remain in a Green Innovation area. When this occurs, buffering and setbacks should be used to protect residential uses from impacts of neighboring uses.

❸ Aquaculture is the raising of aquatic organisms, including fish and aquatic plants, and represents one of many innovative uses for Flint’s Green Innovation areas.

❹ Companies conducting research and development within the Green Innovation areas could utilize existing buildings, including closed schools, to house their operations.

❺ Renewable energy uses, such as solar, are encouraged within Green Innovation areas.

❻ The City’s zoning code must be amended to accommodate the types of uses desired within the Green Innovation place type and include provisions for green houses and other aspects critical to implementation.

the public hearing process, thus reducing the administrative and procedural burden on staff, boards and commissions, and developers.

Zoning Strategy: Remaining Open Minded

While planning often rallies around the notion of flexibility, responsiveness, and creativity, zoning is often just the opposite: overly prescriptive, inflexible, and not adapting to changing conditions over time. The city acknowledges on the front end that Green Innovation Districts cannot possibly accommodate every possible green use or future trend that may emerge in the green economy. However, the zoning approach states that if an applicant can make a strong case to be included in the Green Innovation District, the city will be open to it.

For uses not specifically identified by the zoning ordinance or covered by an identified green economic sector, applicants will need to demonstrate a contribution to resource conservation, greenhouse gas reduction, or green economics. However, even if standards are refined over time, it is anticipated that the PUD process will remain an essential element of regulating Green Innovation due to the inherent flexibility at the heart of the district. Unlike other districts, such as traditional neighborhoods or neighborhood centers, where less flexibility is desired, the Green Innovation District will likely require an evolving regulatory approach.

LESSONS FOR CITIES IN TRANSITION

Many of the issues facing Flint are found in communities across the country—neighborhood decline and vacancy, commercial corridor disinvestment, weakening market position, and a collapsed industrial/employment sector resulting in large vacant properties within the developed areas of a city. Although conditions may be more extreme in Flint, the planning and zoning approaches used there should serve as a model for other communities looking to effectively address similar conditions.

Do not shy away from flexibility. Err on the side of free market, innovation, and the entrepreneurial spirit. Embrace the notion of establishing an envelope of creativity within a district to permit a maximum range of different uses, but put in place the minimum safeguards necessary to prevent use incompatibility.

Consider a land-use planning approach that identifies place types. This approach is more in line with how areas actually function, provides flexibility regarding the future use of in-

dividual parcels, and aligns well with traditional Euclidean zoning approaches as well as form-based and performance-based codes.

Evaluate trends and community aspirations. What basic components of an existing code are serving as barriers to desirable reinvestment? In Flint's case, while the new list of permitted uses may be a larger departure, simply altering bulk standards can achieve a very different reality.

Euclidean zoning does not have to be rigid. Consider atypical uses that will let you achieve the intent of the zoning. Use district-specific and use-specific standards to mitigate impacts.

Leverage the planning process to implement zoning change. When considering zoning changes that will significantly impact a wide area, a complementary outreach and planning process can test the community's willingness to embrace the change and build the momentum needed for officials to make potentially politically unpopular decisions in the best interest of the community.

Work with what you've got. In older communities, the built environment has been shaped by the existing zoning code for decades. Use established typical lot and location characteristics, such as lot width, lot area, lot depth, adjacency to another district, etc., as triggers to vary standards for parcels within the same district. This provides flexibility while working with the physical parameters of a well-established community and allows new standards to be applied based on a variety of existing development characteristics.

***Note:** As of the date of publication, Flint has not formally adopted the zoning ordinance discussed in this article. The draft ordinance has been through an extensive public review process and is currently under review for approval by the Flint Planning Commission. The city hopes to secure planning commission approval in Q2 of 2016, and then will move to the city council for adoption. The staff anticipates the new zoning ordinance to be fully adopted in summer 2016.*

ABOUT THE AUTHORS

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5