

ZONING PRACTICE

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PRACTICE PLAN IMPLEMENTATION



Effective Zoning Methods for Implementing Plans

By Douglas Hammel, AICP

From the beginning of our technical training, planners are taught to ‘make no little plans.’

We help communities think big about their futures, and we strive to create plans that capture best practices and reflect a community’s vision and aspirations. But how do we get from those big ideas to good development on the ground? Too often, there is a disconnect between a community’s vision (i.e., its plan), its rules for development (i.e., its zoning ordinance), and the development that is proposed and built. This article introduces several considerations that can help planners bridge the gap between community vision and the realized built environment. It does so by identifying the best ways to amend or replace a zoning ordinance through calibration, modernization, and transformation.

BEFORE WE ZONE, WE PLAN

Ideally, planning is done to establish a local vision and course of action prior to undertaking zoning amendments aimed at implementing the plan. However, this linear model should not imply that planners disregard zoning during the planning process, or consider it an

afterthought. Instead, planners should use the planning process as a way of setting the stage for zoning amendments.

Plan for market realities. One of the biggest challenges planners face is aligning a community’s vision with market realities. If this is not done during plan making, stakeholders will likely point out when draft zoning language is seen as a barrier to investment.

Build consensus during plan making.

Plan making should provide the opportunity for dialogue about density, sustainability, development character, and other topics that are commonly implemented through zoning. By the time zoning amendments are drafted, the question of “what do we want from development?” should already be answered. The question should instead be “how can zoning be used to best implement what we want?”

Include clear and tangible recommendations. While not every plan recommendation has a direct bearing on zoning, plans commonly address issues of land use, community character, environmental preservation, mobility, and

other issues tied to development regulations. To the extent possible, plans should provide specific information that can be translated into zoning regulations and metrics.

Consider other implementation tools.

Many communities believe zoning is *the* solution to address their problems. Zoning should be used to remove the regulatory barriers to good development, but other tools, such as financial incentives, partnerships, capital improvements, and special improvement districts, should be used to encourage investment in targeted areas where development might otherwise not occur.

A ZONING INTERVENTION

Communities often begin zoning by asking the wrong questions. Sometimes, they focus immediately on the minutia like “What should our front setbacks be?” or “What kind of brick should we require?” In other instances, they ask “What kind of zoning do we need—Euclidean, form-based, performance-based, or hybrid?” These overlook the most fundamental



➞ This image from the Flint, Michigan, *Imagine Flint Master Plan* clearly defines the desired character for new development and helped establish metrics for new zoning standards.

ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of August to participate in our “Ask the Author” forum, an interactive feature of *Zoning Practice*. Douglas Hammel, AICP, will be available to answer questions about this article. Go to the APA website at planning.org and follow the links to the Ask the Author forum. From there, just submit your questions about the article to the active thread. After each thread closes at the end of the month, the archived questions and answers will be available through the Ask the Author forum.

About the Author

Douglas Hammel, AICP, is a senior associate with Houseal Lavigne Associates, where he manages projects that span the range of urban planning, design, land use, zoning, and community development. His recent work leverages his 15 years of professional experience in architecture, urban design, land-use, and transportation planning to help communities bridge the gap between a vision and regulations that result in a desired end.

zoning question: “What do we need our zoning to do in order to get us from what we have now to what we want to be?” Answering this question will allow the community to keep an open mind about what approach, or combination of approaches, is most appropriate in different parts of the community. At its most basic level, zoning intervention can be used in three ways to implement a local vision: calibration, modernization, and transformation.

Calibration is the use of zoning to build upon what is already on the ground, while making small adjustments that allow for market alignment, reinvestment in existing structures, and overall usability of the code.

Modernization is the use of zoning to generally maintain the character of what is built, while introducing emerging best practices in a context-sensitive manner.

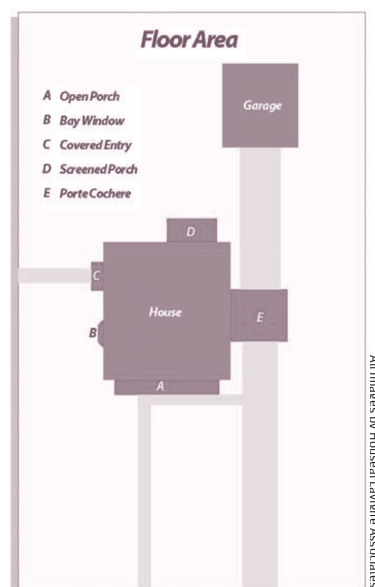
Transformation is the use of zoning to significantly change the character of development because what is currently on the ground is no longer viable or contradicts the community’s vision.

A given community will likely use two or three of the approaches identified above. Tweaking residential bulk standards to allow for market-responsive additions is a common example of calibration, while introducing regulations related to renewable energy systems is an example of modernization. Other parts of a community may be obsolete and in need of complete redevelopment or change in use. In this case, transformation is needed. The following sections describe the nature of these three levels of zoning intervention and how each can be used by communities to address common challenges faced when implementing plan recommendations.

CALIBRATION

Every community has zoning regulations that can be fixed with minor tweaks to maximize

market potential and allow reinvestment in existing development. In many instances, outdated zoning regulations are the primary barrier to property investment, resulting in blight and abandonment. Minor amendments can often be made that will foster investment



➡ Addressing supporting building elements separately from the main building envelope can allow for investment in older neighborhoods.

without changing the underlying character of an area. Some of the most common situations where zoning calibration is beneficial include standards for aging commercial centers and older neighborhoods, parking requirements, and older codes that have been amended in a piecemeal fashion over a long period of time.

Aging Commercial Centers

Commercial centers built in the 1970s and 1980s were once thriving destinations for emerging

suburbs. But as development has evolved and urbanized regions expanded, many have become obsolete and blighted. These commercial centers must be allowed to evolve in order to thrive. Zoning for these areas often prohibits contemporary development practices that accommodate today’s commercial uses and site development preferences. Potential solutions to this issue include reducing setbacks and permitting a wider variety of uses.

Reducing setback requirements for out-lot buildings allows development that does not disrupt the existing commercial center. Adding flexibility to permitted uses (i.e., outdoor seating, bars and restaurants, sidewalk retail displays, etc.) can attract a broader range of users and create a sense of vibrancy.

Older Neighborhoods

In many communities, a traditional urban core is surrounded by older neighborhoods. As one moves away from the urban core, newer neighborhoods and subdivisions become more prevalent. Over the course of several decades, communities tend to standardize zoning regulations across residential areas, often establishing regulations that are appropriate for new development but not for existing structures and properties. While lot sizes vary, standards like lot coverage, floor area ratio (FAR), and setbacks may be universally applied to older homes and properties. As a result, older homes on smaller lots may not be permitted to expand to include contemporary amenities, such as larger kitchens or additional bedrooms or bathrooms, because site intensity has been “maxed out.” The result is housing that becomes less marketable, deteriorated, or abandoned. Potential solutions to this issue include redefining terms and modifying bulk requirements.

Redefining terms such as lot coverage and FAR (or whatever nomenclature is used

locally) to omit porches, patios, bay windows, covered entries, and other elements, could be beneficial to remove barriers to minor property investments. Modifying bulk and scale requirements in older neighborhoods allows for additions (horizontal or vertical) that accommodate contemporary amenities without compromising local character.

Parking Requirements

Many communities apply on-site parking requirements equally across all development. However, older, more urban commercial corridors have smaller lots that cannot accommodate a viable building footprint and a suburban parking program (suburban communities often require between 3.5 and 5 parking spaces per 1,000 square feet of retail space). This places an unreasonable burden on the smaller lots. It also fails to recognize, when they are present, the benefits of nearby walkable neighborhoods and on-street parking that often exist along older commercial corridors. Potential solutions to this issue include context-specific parking requirements, limited parking exemptions, shared or remote parking allowances, and situational parking reductions.

Varying on-site parking requirements based on the type of commercial area can encourage investment without altering the existing character of development. An exemption of the first 1,500 square feet (or a similar number of local applicability) of building area as it applies to parking requirements along older commercial corridors can achieve similar results. Allowing shared or remote parking to reduce the burden on individual properties, while treating the area like a collective commercial environment, can create a more functional commercial area. Finally, reducing parking requirements for proximity to transit, bicycle accommodations, or pedestrian access in areas that are transit, bike, or pedestrian friendly recognizes other means of access.

Unfriendly Codes

Zoning codes are often difficult to navigate or understand. They often have redundant or conflicting language. They may leave an applicant guessing how to seek development approval. In some cases, the zoning map may have districts not included in the code. To potential investors, time is money, and a user-friendly code can significantly reduce the amount of time it takes to determine development viability, and ultimately approval. All of these symp-

toms can be addressed without changing the underlying standards that govern development.

Restructure the code to lead users through a basic sequence of questions: What is the zoning ordinance, and what does it aim to accomplish (purpose and intent, authority, and applicability)? What are the basic characteristics of development permitted on my property (zoning map, district bulk standards, and permitted uses)? What requirements are applicable regardless of what zoning district my property is in (general development standards, use standards, parking, landscaping, and sign regulations)? What supporting information do I need to know (definitions and nonconformities)? And how do I go about getting approval for development (administrative procedures)?

Audit the zoning map and code to ensure they align—you'd be surprised at how often they don't. Some communities adopt regulations for districts they anticipate in the future. However, several communities have old remnant districts that are no longer mapped. This creates confusion and extra language to filter through.

To the extent possible, reduce the number and complexity of zoning districts. Communities often create new districts when they should be looking for ways to reduce the number of districts. Minor nuances can often be handled within a single district, and, to the extent possible, overlay regulations should be folded into base district standards.

Include a navigation guide, tables, flowcharts, graphics, and cross-references throughout the code. A one-page table, diagram of a zoning concepts, or procedural flowchart can often clarify or replace pages of text.

MODERNIZATION

As planning introduces and advocates for new best practices in development, communities often struggle with how to regulate new technologies, infrastructure systems, and design elements. While the value of new practices may be recognized, many fear the unknown and untested and the potential negative impacts on community character. The following are examples of how emerging trends are being integrated into local ordinances through regulatory modernization.

Interactive Codes

More and more, people are accessing local zoning ordinances through the web. This pro-

vides the opportunity for several tools that can make the code more dynamic, interactive, and user-friendly. Hyperlinks, pop-up references and definitions, and floating graphics can make static documents easier to navigate. In some instances, online tools are able to model the permitted building envelope for a given property or illustrate the required buffer between two properties based on property variables.

Renewable Energy

Many communities discuss renewable energy in their plans but often meet challenges when trying to accommodate such uses in zoning. Noise and aesthetics are often cited as concerns that create barriers to zoning modernization. Wind energy systems tend to be most contentious since they require minimum heights and motion to be effective. As a result, there are fewer "best practice" models for zoning standards (though some are offered in Chapter 6 of APA's PAS Report, *Planning for Wind Energy* (planning.org/research/wind/pdf/pas566.pdf). However, as solar energy systems become more mainstream, many communities successfully accommodate the technology by regulating the placement of solar panels on a site or structure to minimize their visibility from public streets and the natural grade of adjacent properties, and by regulating the relative height or angle of projection from the roof plane on which they are mounted. These regulations minimize the impacts to the overall character of the structure and neighborhood.

Solar Access

Solar access is becoming a more common concern in development across the country. Public health studies have demonstrated the benefits of sunlight for residents, and solar energy systems are reliant upon solar access to be effective. Several communities are adopting regulations that define the maximum dimensions of a "solar fence." A solar fence is a hypothetical vertical plane built along a property line that determines how far a shadow would be cast on a neighboring structure. By regulating the size of the permitted solar fence, communities can ensure that properties enjoy access to the sun. Considerations related to the regulation of solar access include the following:

- The angle of the sun on December 21 based on local latitude

- The intended scale of development and its corresponding relationship to the maximum size of the solar fence
- The intended area of solar access, whether it is a rooftop to allow for solar energy systems, or grade level to allow for year-round solar access for occupants
- The required setbacks for development in the district in which the solar fence is being regulated

Form-Based Regulations

Form-based zoning regulations are becoming more commonplace in communities where the character of development is a priority. However, many communities still struggle to find the right balance between the regulations and their impacts on development approval and implementation. As communities develop form-based regulations, the following should be considered:

- The extent to which form-based regulations should be applied, recognizing that not all areas in a community might warrant their application
- The potential impacts on development feasibility due to additional development review or project cost
- The level of staff, board, or commission expertise in assessing a development proposal and determining whether or not it conforms to subjective components of the code
- Identifying other mechanisms to achieve a similar end, such as local historic designation or planned development, for projects in a priority area of the community

Housing Diversity

“Aging in place” is a well-established planning concept. To be successful, communities must provide a diverse range of housing as well as complementary social services and transportation systems to support the lifestyle of residents at all stages of life. However, many communities have zoning regulations that prohibit essential diversity in housing stock. Small-lot single-family homes, town houses, duplexes, and small apartment buildings are attractive for both aging empty nesters and young professionals and families looking for a way into or a way to stay in the local housing market. When developing zoning regulations to address this, communities should consider community character, connectivity, access to transit and services, and on-site features.

The character of development should be compatible with surrounding residential neighborhoods. Developments should be required to provide connections to surrounding areas in order to avoid isolation or segregation. Zoning districts that permit this type of housing should be mapped around areas that offer access to public transit, commercial goods and services, medical care, and other services sought by residents. Development should include on-site amenities and pedestrian accommodations that maximize mobility and quality of life for residents.

TRANSFORMATION

In some cases, what’s currently on the ground just doesn’t work anymore: A neighborhood is beyond the point of revitalization. Miles of commercial corridors are no longer viable. Vacant industrial uses are not coming back. The circumstances and solutions to transformation are unique to every community, so there is no one-size-fits-all approach. However, there are several key questions that must be considered whenever transformation is sought.

What do we want a given area to transform into? Hopefully, this is addressed through a quality plan.

What about the rights of the property owners? If an area is truly in need of transformation, it is likely that the permitted uses under existing zoning are not viable development options. However, this doesn’t mean that property owners will automatically support a zoning change. Targeted education and awareness regarding the rationale for and anticipated benefits of a zoning amendment will likely be needed.

How do we get from where we are to where we want to be? How do we *manage* the transition? Simply rezoning for what is envisioned in a plan may ignore what is already on the ground—buildings, uses, parcels, disjointed ownership, etc. Transformational zoning has to balance short-term flexibility and long-term rigidity in order to “transition” over time, rather than immediately.

How do we garner support for transformative zoning? Change often scares residents, property owners, and elected officials. Local education and awareness campaigns are often required to ensure adoption of transformative zoning regulations. This begins in the plan-making process, when consensus building is critical. It will also require the demonstration of how the proposed zoning change is a direct

and appropriate response to the adopted plan.

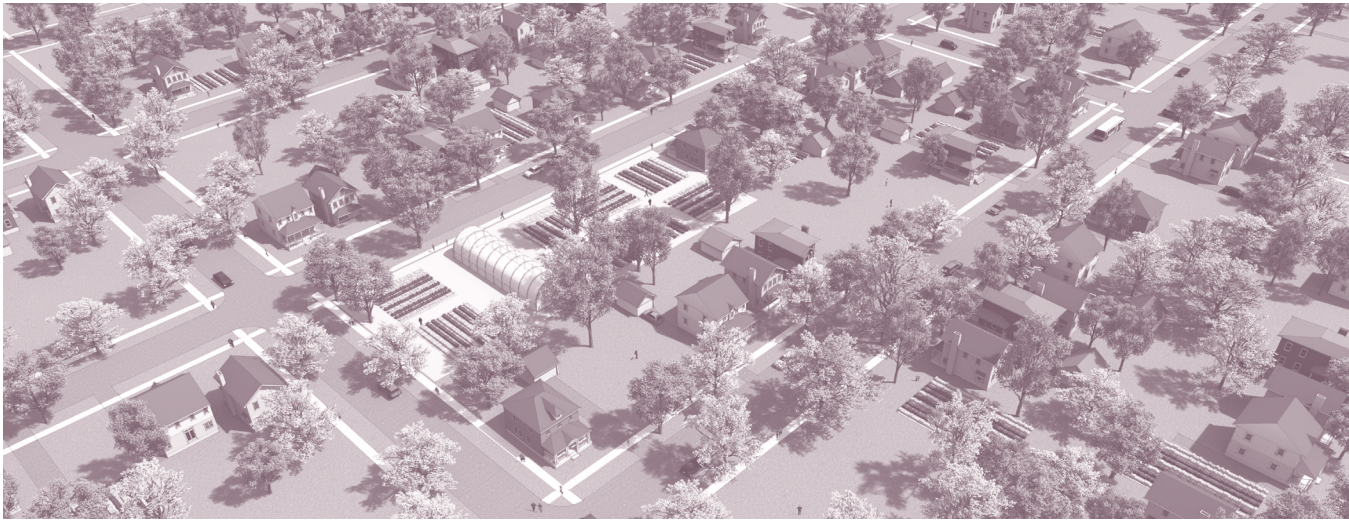
Flint, Michigan, offers a great example of a community looking to implement transformational zoning. The city recently adopted the *Imagine Flint Master Plan* (imagineflint.com). The plan establishes a vision for one of the most economically depressed cities in the nation. The city is nearing completion of a comprehensive zoning update that reflects the goals of the master plan. The following subsections describe two examples of how transformative zoning is being used to reposition entire portions of the city for redevelopment, reinvestment, and innovative uses, and describes the role of community education in securing the political and public will required to adopt the new regulations.

Green Innovation

Flint has more than 1,000 acres of vacant brownfield sites that formerly hosted large-scale automotive production. Much of this industry is gone, but new industries are emerging. There is a growing interest in green industries that would offer significant environmental and economic benefits. The challenge is that many of the specific types of uses are either untested or unknown. Flint needs a zoning approach that allows the vacant brownfields to become “sandboxes” for innovation—areas where nontraditional industry can have a testing ground that will draw innovation and investment. In response to the vision and Green Innovation place-type established in the master plan, the zoning ordinance establishes the Green Innovation District. However, as the task of drafting zoning regulations for these areas unfolded, several key questions and answers emerged.

What kind of uses are to be permitted? This district aims to support nontraditional green industries, so a creative approach was required to determine what uses would be permitted. The ordinance requires that a use must comply with two criteria: 1) It must fall within a range of appropriate use categories (i.e., agriculture, research and development, light industry, heavy industry, etc.); and 2) It must relate to one or more identified green industries (i.e., renewable energy production, waste stream reduction, local food production, alternative transportation, etc.).

How do we mitigate the impacts of the unknown? It is impossible to anticipate the full realm of potential impacts for uses that cur-



➡ Flint, Michigan's Green Neighborhood district addresses the transformation from disinvested residential blocks to sustainable multiuse neighborhoods.

rently don't exist. District regulations establish a series of standards aimed at mitigating the impacts of development, regardless of the use. This approach, similar to performance-based zoning, considers impacts related to noise, vibration, light pollution, stormwater runoff, air pollution, and substantial buffering from adjacent uses.

How does an applicant gain approval for development? Creativity is best served through an effective planned unit development (PUD) procedure. Through the PUD process, applicants can make their case for how their proposed use meets the established "green" criteria, what measures will be taken to mitigate potential impacts, and what overall benefits their development will have on the community as it strives to become a leader in green industry.

Green Neighborhoods

Flint has experienced a dramatic loss in population—a decrease of 100,000 people in the last 50 years. With a residential population that is about half of what it was at its peak, large areas of once thriving neighborhoods are largely or entirely vacant. As of June 2013, the Genesee County Land Bank owned almost one-fifth of all parcels in the city, a number that is expected to increase. As a result there are several neighborhoods that simply aren't coming back. The master plan designated these areas as the Green Neighborhood place type in order to foster a managed transition from traditional neighborhoods to low-density blocks that integrate green nonresidential

uses. This raised two key questions during the drafting of zoning regulations: How do we transition to lower-density neighborhoods? And how do we introduce nonresidential uses in a sensitive manner?

Conditions vary widely in areas zoned as Green Neighborhoods. In some areas, vast disinvestment makes the transition to large-lot/green residential easy. However, in other areas, enough homes remain that the new district would create a significant number of nonconformities. As a result, the zoning district was separated into two subdistricts that allow for new green uses in the short-term and manage changing residential density in the long-term.

The master plan process included extensive discussions on the role of local food production, animals and livestock, and energy production in Flint's neighborhoods. The challenge is accommodating these uses in a way that won't negatively impact remaining residences. The Green Neighborhood district allows for single-family homes, community gardens, open spaces, small-scale urban agriculture, greenhouses, apiaries, hydroponics, aquaculture, aquaponics, and private renewable energy production as primary uses. In subsequent articles, general development regulations or use standards regulate several characteristics for these uses, including location on the site relative to adjacent structures, hours of operation, the types of machinery and fertilization that are permitted, locations for infrastructure systems and venting, and protective buffers or enclosures.

Community Education

As the draft zoning ordinance was unveiled to the public for review and comment, it was obvious that an education campaign was necessary to demonstrate the connection between the master plan and the zoning regulations aimed at implementing the plan. The project team developed the *Zoning Quick Reference Guide*, which is used by city staff in a series of public zoning workshops. The reference guide uses elements of the master plan and juxtaposes them with summarized zoning standards in order to demonstrate the correlation between the community's vision and the rules that will govern development. This product is the culmination of a planning and zoning process that considered the realities of Flint's market potential, the need to engage and inform residents and stakeholders, and the need to clearly demonstrate how the plan's vision could be realized with the new zoning ordinance.

CONCLUSIONS

The next time you consider amending or replacing your zoning ordinance in an effort to implement a recently adopted plan, just remember: Rather than focusing first on the type of zoning you may need to use (Euclidean, form-based, or hybrid), ask yourself what the most effective and efficient way to amend the code is in order to realize planning objectives. Once you determine which method is best—calibration, modernization, or transformation—you can determine which type of zoning is best.

CC CITY CORRIDOR

PURPOSE AND INTENT

The CC City Corridor district is intended to accommodate a wide range of commercial and institutional uses strung along Flint's major roadways. Retail, service, and employment are the primary uses with structures oriented toward the roadway. Development may be auto-oriented in nature, but with amenities such as sidewalks, benches, pedestrian-scale lighting, and landscaping that make it easy for residents and visitors to traverse the corridor.

SUMMARY OF USES

- Mixed use residential (special)
- Group living (nursing homes, boarding house, etc.) (special)
- Hospital or medical center (special)
- Limited entertainment uses (arcade, cinema, bowling alley, live entertainment)
- Other entertainment (seasonal amusement, dance club, live entertainment) (special)
- Hotel/Motel
- Office uses
- Personal service and personal care uses
- General retail, restaurant, tavern, and concessions
- Food carts/trucks
- Commercial auto services
- Private solar and wind systems
- Live/Work unit
- Low-impact manufacturing/production, laundry/dry cleaning, repair shops

BULK AND SITE STANDARDS

Lots < 140' Deep

Lot Characteristics

Min. Lot Width: 40'

Min. Lot Area: 3,000 sq. ft.

Development Intensity

Max. Height: 35'

Min. Lot area per Dwelling Unit: 2,500 sq. ft.

Site Design

Min. Front Yard: None

Max. Front Yard: 10'

Min. Corner Side Yard: None

Max. Corner Side Yard: 10'

Min. Interior Side Yard: None, except for against a TN or M district, then 10'

Min. Rear Yard: 20'

Lots > 140' Deep

Lot Characteristics

Min. Lot Width: 40'

Min. Lot Area: 8,400 sq. ft.

Development Intensity

Max. Height: 35'

Min. Lot area per Dwelling Unit: 2,000 sq. ft.

Site Design

Min. Front Yard: None

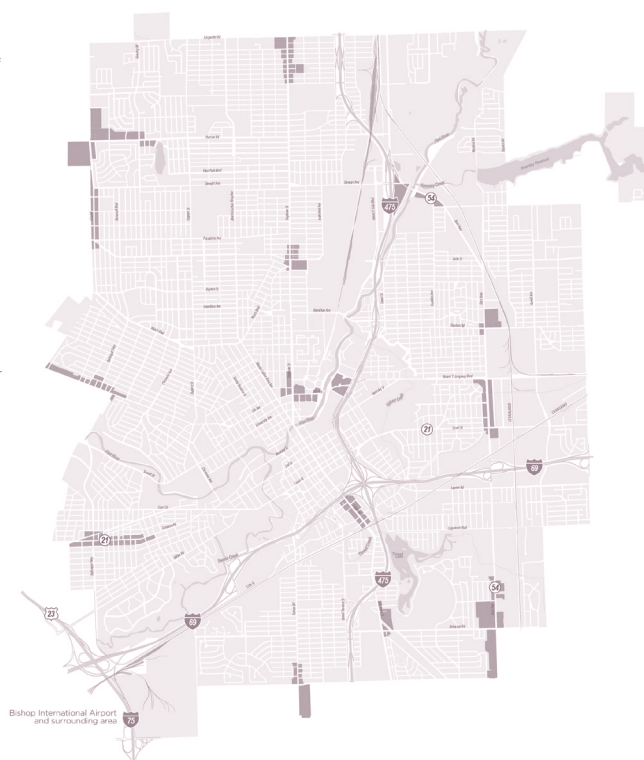
Max. Front Yard: 80'

Min. Corner Side Yard: None

Max. Corner Side Yard: 20'

Min. Interior Side Yard: None, except for against a TN or M district, then 20'

Min. Rear Yard: 40'



PLACE TYPE VISUAL DEFINITION



PLACE TYPE CHARACTER IMAGES



- ➡ As part of the public review process, the Flint, Michigan, uses zoning kits to demonstrate the link between the master plan and proposed zoning regulations.

This article is based upon the content developed for and presented at the 2015 APA National Planning Conference by John Houseal, AICP, principal and cofounder of Houseal Lavigne Associates; Douglas Hammel, AICP, senior associate with Houseal Lavigne Associates; Brandon Nolin, AICP, senior associate with Houseal Lavigne Associates; and Christina Bader, AICP, LEED AP, director of marketing and special projects at Farr Associates. Content and editing assistance for this article was provided by John Houseal.

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IS YOUR ZONING CALIBRATED
TO HELP IMPLEMENT YOUR
PLANS?

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