

ZONING PRACTICE

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Avoiding Pitfalls in Zoning Engagement



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Avoiding Pitfalls in Zoning Engagement

By **Christian Neuschmidt**, AICP

Anika Singh Lemar and other commentators have noted that our current models for public participation are (1) not built to hear underrepresented voices, (2) do not have the capacity to meaningfully address misinformation, and (3) do not assist local decision-makers in deciding what information is productive and useful to the process (see [“Doing Public Participation Better”](#) in the September 2024 issue of *Zoning Practice*). These problems only compound the more complex the topic considered at a given public participation session is.

For comprehensive planning or community visioning, the effectiveness of public participation is typically dependent on how well conceived the public participation itself is. This is because comprehensive planning processes typically seek to resolve general questions without considering the specific consequences of resultant policies on the day-to-day lives of individuals who took part in the public participation process. Zoning, on the other hand, acts as “software” that handles

the details of how to realize the vision of plan. Like software, zoning is effectively language-based machinery to take conceptual ideas and make them a reality. Because they require technical drafting and specific consideration of a lot of different contexts, though, the role of public engagement in developing these tools remains an open question.

This issue of *Zoning Practice* explores the distinct challenges associated with engaging the public around zoning changes. It highlights how these challenges relate to the intrinsic nature of zoning codes and presents rules of engagement to ensure public participation in zoning changes is efficient, topical, and effective.

Aspirations versus Reality

Despite the challenges, participatory planning remains the accepted theory of good planning (e.g., see “Community Engagement and Empowerment” in APA’s [Planning for Equity Policy Guide](#)).

A public meeting to discuss implementation details for a neighborhood planning effort in New York City
(Credit: [New York City Department of City Planning](#))



Planners should engage the public to obtain concrete, actionable suggestions that have real potential to alter the substantive features or resulting outcomes of a plan, policy, program, or project. This aspiration can often be difficult to realize in practice, given the complex and technical nature of zoning documents. Furthermore, given that zoning often focuses on implementation of pre-existing policies created, should we understand public engagement for zoning as an opportunity to relitigate those policies? Or as having a different purpose entirely?

Collaborators versus Ethnographic Subjects

Many public engagement methodologies treat community members less as collaborators and more as ethnographic subjects. It is, in practice, quite difficult to obtain suggestions that are concrete and actionable from members of the public. Creating concrete and actionable suggestions requires a certain level of subject expertise, the ability to recognize one's own bias, and contextual understanding.

Planners waffle not only on whether public engagement is worthwhile but also on its functional purpose.

As Ian Kennedy, former Chairman of the United Kingdom's Healthcare Commission, put it, "patients are experts in their own field"—themselves (2003). And planners often see community members in the same light—as excellent data points when it comes to describing the way they, and people like them, feel. This is one of the reasons it is understood to be so important for planners to cast a wide net when it comes to soliciting input from the public. Since the input is expected to be, in effect, personalized, it is necessary to obtain as representative a collection of attendees as possible to accurately reflect the community at large.

Skepticism about the effectiveness of public engagement is widespread in planning. Planners waffle not only on whether

public engagement is worthwhile but also on its functional purpose. While public engagement was traditionally championed as "a core value of democracy," some modern schools of thought instead prioritize participatory planning because of its capacity to pacify and provide some level of restitution to an angry public dealing with perceived injustice (Zheng and Zheng 2022).

Point being—as participatory planning has become the accepted theory of good planning, the difficulties in attaining its original purpose (increasing citizen control), as well as questions about the value of that original purpose have given rise to alternative rationales for conducting public engagement.

In my experience, planners most often cite the following three reasons to justify continuing public engagement processes despite the perceived mismatch between the copious effort (and budget) invested into outreach and the less than satisfactory content and feedback it produces:

1. Allowing community members to feel like their concerns are being heard [**listening**]
2. Supplying decision-makers with new or updated information, thus allowing them to better represent their constituents [**representation**]
3. Educating residents about planning processes, outcomes, goals, etc. to improve their trust in bureaucratic and elected bodies [**education**]

Note the absence of the original purpose for participatory planning—citizen control—or, in practical terms:

4. Receiving concrete, actionable suggestions from members of the public that have real potential to alter the resulting outcomes of a project [**collaboration**]

Stating the original purpose in these terms allows us to better understand why public engagement has embraced alternative purposes. If the goal of participatory planning is "citizen control," this is unfortunate, but if the goal is expanded to include the three new goals (listening, representation, and collaboration), then this phenomenon may still create effective and valuable results. Arnstein's Ladder of Citizen Participation (1969) may not include a

rung for this version of participatory planning, but it is nonetheless valuable in its own way.

Comprehensive Plans versus Zoning Codes

For comprehensive planning and community visioning, an awareness of the importance of listening, representation, and education may be sufficient to guide practitioners to more effective, targeted, and equitable engagement methods. For zoning, however, useful feedback must be grounded in some understanding of the tools being used, not just the community context.

Changing a zoning ordinance can include scenarios ranging from a private individual seeking a rezoning (an amendment to the zoning map) to change their land's classification to allow building a duplex in a traditionally single-family neighborhood to a full rewrite of a jurisdiction's land development code. If the public does not have sufficient understanding of what a zoning code is and how it works, then their feedback will be decidedly irrelevant, reducing the quality of the data decision-makers can use to make informed decisions and leaving audience members feeling adrift, and thus less educated, less trusting, and less like they feel they have been listened to.

For example, imagine a community that is midway through a two-year process to rewrite its zoning code. The senior planner heading the initiative wants to make sure that there's public engagement at all steps throughout the process. During the first few months, in addition to holding meetings with various stakeholders familiar with the development process, she held a kickoff meeting to describe to the public what a zoning code is, the milestones they could expect over the course of the project, and some of their general concerns. At that first meeting, once she opened the floor to take questions, the public followed a train of thought about whether new affordable housing in the community was actually worthwhile, despite the recent comprehensive plan already including policies supporting an expansion in the community's affordable housing stock.

Fast forward to a year in, and the first half of the proposed new code is ready

to be presented to the public. It has been thoroughly reviewed by staff, a steering committee made up of members of the development community, and appointed officials from both the planning board and the board of zoning appeals. Each group has received a slideshow presentation. Some individuals were confused about the reformatted "assessed value" table in the nonconformity provisions, which is otherwise unchanged from the original ordinance. Nonetheless, 25 minutes of the allotted hour for discussion were spent explaining that element.

If the public does not have sufficient understanding of what a zoning code is and how it works, then their feedback will be decidedly irrelevant.

At the following public meeting, a similar situation cropped up after the presentation, where a member of the community wanted to discuss the state's plans to widen the local interstate, and what could be done about that in the zoning ordinance.

Afterward, the town planner concluded that people seemed generally satisfied (or at least, not too upset) and that it was probably safe to move on to the next phase of the drafting process. But she really didn't know if she should consider the public engagement process a "success."

Involved Public versus the Wider Public

Whether it's a developer applying to construct a 500-unit residential subdivision or a staff planner suggesting a targeted amendment to clarify front setback dimensions in a specific district, each of these changes, by virtue of requiring approval from elected officials, typically requires a corresponding public hearing.

Statutorily, the public hearing is generally the bare minimum required public engagement. Generally, it is also the worst venue for genuine engagement. These

hearings are disproportionately attended by the better resourced members of communities, who are typically “whiter, wealthier, and more opposed to housing development than the general populations of the neighborhoods in which they reside” (Singh Lemar 2022). Furthermore, public hearings generally are highly structured and not well suited to organic human interaction with their three-minute speaking times and confrontational format.

It is for these reasons that it is generally no longer considered best practice to allow public participation to be considered sufficient if solely conducted through the public hearing process. Planners will usually emphasize neighborhood meetings, targeted listening sessions, workshops, and charettes to fill in the gaps created by an imperfect public hearing process. Ostensibly, this is how planners pragmatically ascend Arnstein’s [Ladder of Citizen Participation](#) and give residents real tools to substantively affect their community, but the reality is more complicated, given real-world constraints on people’s participation, involved interests, particularly vocal neighborhood groups, and other factors.

Joseph DeAngelis, AICP, has described how to set up “Zoning 101” education sessions to demystify zoning not just for members of the public, but for anyone who does not work regularly within the complex world of development regulations (see “[Zoning Education for](#)

[Communities](#)” in the December 2016 issue of *Zoning Practice*).

DeAngelis’ sessions are designed as stand-alone educational opportunities, though he suggests that a good version could be successfully deployed as a preface to new zoning proposals. For audiences interested in understanding the substance of their zoning ordinance and getting more involved in the development process, these presentations are excellent. However, many members of the public are only interested in how zoning may affect them specifically. The latter type of resident may not show up to an educational event but is almost certain to show up when a proposed change to their neighborhood is on the table.

While Zoning 101 presentations may be excellent for audiences interested in better understanding zoning, they are not necessarily the best way to do a “crash course” in zoning solely for the purpose of catching individuals who are not interested in the broader development process up to speed in the context of, say, a controversial zoning proposal.

Providing a valuable engagement opportunity for both what DeAngelis calls the involved public and the wider public can be a difficult balancing act. To pull it off, we need to better understand why zoning ordinances can be seen in such different lights for these two groups of people.



A Zoning 101 meeting in the context of a corridor planning effort in Berkeley, California (Credit: [Dianne Yee/Flickr](#))

The Nature of Zoning Codes

Three characteristics of zoning ordinances are particularly important when understanding why these legal documents cannot be engaged with in the same way that one might engage with a policy plan.

They Are Necessarily Complex and Often Esoteric

Codes are legal documents that control many different types of development via many different types of regulation—processes, standards, vested interests, enforcement, etc. Legal documents, even if written in plain English, are technical, detailed, and do not necessarily draw obvious connections between the policies they implement and the regulations that do the implementation.

Complexity is embraced, if not always successfully navigated, by the involved public. These individuals often consider themselves experts in the code, or their particular area of it, even if they do not always interpret it correctly. For the wider public, however, complexity is a barrier and, often, a source of frustration. The technical nature of the document makes it difficult to understand exactly how a policy is being implemented, who it will affect, and how it will affect them.

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They Are Modular

This means that not every element of a code shares the same purpose or is applicable to the same circumstances. The landscape buffer standards, for instance, are different from the special use permit process, which in turn is unrelated to the transfer of development rights regulations, which is different from the enforcement section. *Land use* is an umbrella covering many different subtopics.

Modularity can be likened to the difference between an encyclopedia and a biography. Planners, especially those involved in the day-to-day implementation of the code, treat the ordinance like a biography—a description of a community in its entirety, with each section of the code illuminating particular character traits. An excerpt of a code does not present the “full picture.” Some members of the involved public might also see codes in this way.

For members of the wider public, on the other hand, the ordinance is more like an encyclopedia. One particular entry in an encyclopedia might hold interest—say, “Highest Grossing Movies”—but another—“War of 1812”—might be irrelevant at that particular moment. When these individuals interact with the ordinance, they are interested in the particular module within the document that affects them and are often not interested in developing broader understanding.

They Are Phased

Not all elements of a zoning code apply at the same time or in the same place. In other words, some changes are immediate, while others take some time to actually impact the built environment. New form-based districts, for instance, might not apply until a successful rezoning, whereas a change to commercial lighting standards may result in immediate changes and new nonconformities. Since commercial lighting standards only apply in commercial districts, those would also naturally not impact areas of the jurisdiction zoned residential.

For the wider public, the phased nature of zoning can be difficult to grasp and, when misinterpreted, the most capable of creating consternation. This is the characteristic, after all, that results in single-family homeowners worrying that a new affordable housing incentive in an urban residential district will result in their home being torn down to make way for apartments. “Maybe someday,” you tell them, “but you would have to sell it, first, and likely get it rezoned.” (They remain unconvinced.)

For the involved public, phasedness is less concerning but is still often difficult to understand.

An example of the “wider public” gathering to discuss a controversial zoning change in Mars, Pennsylvania (Credit: [Public Herald/Flickr](#))



Rules of Engagement

Clear communication is necessary to render zoning changes intelligible, especially with a limited timeframe and a diverse audience. To make public engagement sessions more effective, we must approach each of the difficult characteristics described above one at a time.

Cut Through Complexity

An audience unfamiliar with the nuts and bolts of zoning that has been energized by a particular issue can quickly get an engagement session off topic. It is critical that a planner establish the tone of a session quickly. Part of establishing the tone is establishing an agenda for a session and then sticking to it. Accepting questions from an uninformed audience is generally unproductive, so it should be clearly stated when the floor will be opened to general feedback and when it will remain closed.

After establishing the structure for the engagement session, it is important that a planner quickly address any misconceptions about zoning regulations. This is worthwhile to recap at each session, given that the composition of an audience may change from session to session.

The most prominent misconceptions about zoning changes are that they offer an opportunity to rehash policy points that have already been decided in previous

plans. Discussions about zoning changes should revolve around whether the change is a correct interpretation of narrative policies, not around relitigating the policy itself. If your community has recently held public meetings on a new policy plan, it may be worthwhile to extend special invitations to attendees from those meetings to create continuity—a sort of “here are the policies you decided on for our community; now let’s decide how to implement them.”

Engagement events for zoning changes, then, should look much more like collaborative brainstorming workshops than like policy debates or their frustrated cousin—venting sessions.

To get to this stage, however, it is important to give community members the tools to break through the legal and technical elements of the zoning change and clearly see the substance of how the change implements (or does not implement, in the case of some owner-initiated rezonings) the pre-existing policy direction of the community. DeAngelis, in his *Zoning Practice* article, provides a variety of good techniques to pull this off: using visuals, relying on plain English, using existing resources, tailoring the message to the specific audience, etc.

Cutting through the inherent complexity of zoning requires clearing up misconceptions, communicating

effectively, and emphasizing the purpose of community contributions, especially in contrast to other, more normative, engagement efforts.

However, the most effective way to cut through complexity is to clearly explain the function of a zoning code, which requires clearly navigating the hurdles of modularity and phasedness.

Brainstorming Workshops

It may be difficult to recognize if a public engagement session has transitioned from an informational presentation, question and answer session, open house, open-mic-style public meeting, or venting session into a genuine brainstorming workshop. Here are some qualitative metrics you can use to judge when and if the transition has occurred:

- Attendees propose hypothetical ways to implement current policy and mention the policy they are trying to implement.
- Attendees describe how a proposal might benefit groups where they would not share directly in that benefit.
- Attendees voluntarily share the floor to refine their own ideas and seek out novel perspectives.

Account for Modularity

Code changes, especially for full zoning code rewrites, are often as full of distinctly different elements as the codes they revise. It does not follow that an individual who is concerned about transparency and consistency in the administration of temporary land use permits would also be interested in parking standards. Nevertheless, when a jurisdiction revises its code, it is a necessary evil that many of these changes must be discussed together,

even if some attendees are only interested in a particular issue.

It may be tempting to walk through each change in the order they appear in the document. This is often a tedious process, and while it might placate some individuals who are looking forward to debating hot-button issues, it can also reduce engagement from other individuals. If the goal is to attain substantive participation, planners should, instead, structure their presentations by highlighting those hot-button issues, while simply mentioning that there are other “minor changes” as well.

Building presentations around these issues allows for planners to talk less about the zoning changes’ nature as a legal document and instead focus on (1) how implementation strategies proceed from the community’s policy direction and (2) what effects those implementation strategies will have in practice. Detaching the actual substance of the zoning changes from the legal language that facilitates it gives members of the public the opportunity to engage with the subject matter, rather than simply trying to figure out what is going on.

Once the main presentation has concluded, and members of the public are sufficiently familiar with the material to develop informed opinions, it is important to formulate a productive environment for delivering these opinions, and this environment needs to also account for modularity.

An open house format is often the best way to do this, if the resources are available to manage an open house. Each hot-button issue could receive its own booth and have a 15–20-minute question-and-answer and discussion opportunity, before allowing attendees to cycle to the next hot-button booth of interest. Planners staffing the event could make an additional booth available for individuals (typically, members of the involved public) who want to dig deeper into the legal framework itself or into some of the minor issues.

Open House Question & Answer

The open house format allows for several improvements on the traditional plenary model:

- Individuals can select which topics are most relevant to them and learn more about that topic specifically.
- Smaller group settings allow for more voices to be heard, thus quelling frustration and allowing for higher quality responses to questions and more fleshed-out opinions.
- Attendees remain engaged in content by virtue of spending less time interacting with topics in which they have no interest.
- Planners have more time and are in a better environment to “sell” potentially controversial topics, rather than spending precious time going through each topic one-by-one outside of a conversational context.

Directly Address Phasedness

Well-constructed presentations and sufficiently staffed open houses can provide the framework for community members to quickly catch up and establish sufficient expertise for the topics they are interested in. The two characteristics we have explored thus far (complexity and modularity) are both inherent to the construction of zoning ordinances. Phasedness, however, is not so much a characteristic of the construction of zoning ordinances as it is a characteristic of the implementation of the ordinance. As a result, unlike the other two, it needs to be addressed directly, as an element of the content of the presentation, rather than being addressed by the session's structure.

As previously discussed, not all elements of an ordinance apply in the same geographical area, go into effect at the same time, or even directly affect the built environment. Members of the wider public are, first and foremost, worried about when and how a zoning code will

affect their properties, the character of their communities, and their ways of life. Straightforwardly explaining that zoning codes have the capacity to facilitate gradual implementation over immediate change is key to diffusing residents' fears and creating an attitude of collaboration, rather than defensiveness.

Code provisions can be divided into three categories:

1. Regulations that go into effect immediately.
2. Regulations that are “in storage” until implemented.
3. Procedures that facilitate the implementation of other elements of the code.

One way to helpfully distinguish between the three types of code provisions is to invite attendees to imagine how changes are made around their homes. Regulations that go into effect immediately are **light-switch** provisions—provisions that change the environment as soon as you “flick the switch.” Those that sit in storage are **toolbox** provisions—these exist as potential options for decision-makers to use in the future to change the built environment, but typically much more specifically applied than light-switch provisions. Finally, zoning procedures, or elements of the code that do not require or disallow certain types of development but instead encourage or discourage different patterns can be considered **paintbrush** provisions. These apply other standards within the code, but do not on their own alter the built environment.

Using a system of this sort, it becomes significantly easier to explain why a new mixed-use district in the code that is intended to be used in future rezonings (a toolbox change) might not be as concerning as the increased density standards for a low-density residential district (a light-switch change).

Categorizing zoning elements by phasedness is not intended to eliminate resident worries about the new changes in their community. However, it can, importantly, focus concerns in areas where change may be immediately noticeable. This can allow for more gradual changes that may still have important downstream effects to receive a more appropriate amount of emphasis. For example, a

zoning change that disallows rezonings to single-family districts (a toolbox-type change, effectively creating a retired district) might, in a traditional engagement session, receive the same amount of pushback as a new provision that allows duplexes in all current single-family districts (a light-switch-type change). Providing attendees with a sufficient understanding of phasedness can refocus debate in a healthier manner and reassure residents that not all the changes proposed in the zoning code will happen immediately, in their area, or even while they own the property.

One final note on phasedness: it is always worth reminding community members that unless the market exists for what the zoning regulations have allowed, those changes will not occur. It is rare that the government acts as a developer, and zoning merely seeks to guide the hand of development. Changes to the built environment almost always happen on the market's timeline.

From Rules to Practice

Remember—we are trying to create a session that, at a minimum, (1) makes community members feel heard, (2) obtains valuable information about community preferences for decision-makers, (3) builds trust in civic processes by making them more intelligible, and, if possible, (4) allows community members to provide concrete and actionable suggestions, as collaborators rather than mere informers. We also need to recognize that while some members of the community have a broad interest in development processes, many members of the community may be in attendance because of specific concerns about certain elements of the code or because they are worried about change in a general sense. Using our new methodology, a public engagement event for a zoning change might look like the following.

After members of the public have taken their seats, the facilitator of the event begins her presentation. Within the first 10

Light-Switch Provisions



Development standards for preexisting (mapped) districts, new use-specific standards for previously defined and regulated uses, and nonconformity and enforcement provisions

Toolbox Provisions



New (unmapped) districts and use regulations for uses only in those districts, new use-specific standards for new uses or newly regulated uses, planned unit development, and subdivision standards

Paintbrush Provisions



Rezoning procedures, special and temporary use permits, variances and administrative adjustments, appeals, development agreements, incentive zoning, and transfer of development rights

Elements of zoning codes, categorized by phasedness

or so minutes, she establishes the agenda for the whole event and clearly delineates at what points during the session attendees will have the opportunity to give their feedback. She then emphasizes that zoning changes are excellent opportunities to implement planning priorities that the community has already decided on, and, if possible, recognizes members of the community in attendance who showed up to prior policy planning engagement sessions.

For large-scale changes, like a code rewrite or a significant amendment package, she might then explain the different types of provisions: light-switch, toolbox, and paintbrush. For smaller-scale changes, she might simply describe if the change will be implemented immediately, create a tool to be used in the future, or alter how the code is administered.

For the remainder of the presentation (ideally no more than 45 minutes total) she should then detail the most controversial elements of the change—and make sure to frequently connect those changes back to the planning priorities the community has already established in prior processes.

After the presentation, and a brief break for snacks (if resources allow), the event should transition into an open

house, with different breakout sessions (whether in a separate room or at a booth) dedicated to each of the most controversial elements, as well as a separate booth for particularly enthusiastic citizen planners. Attendees should be assured there will be time to visit the booth for the issue that most interests them, and then attendees should be spread around the space. Each breakout session should last no more than 15 to 20 minutes—five to recap the issue and 10 to 15 to have a small group discussion and collect feedback. Planners should keep an eye out for tell-tale signs of a transition to a brainstorming workshop and foster those moments when and if they appear. After concluding each breakout session, attendees should be directed to a new booth for another session, as time allows.

Finally, the session facilitator may choose to say a couple words, thank the attendees for the time and their contributions, and invite them to come to future events. It may be worthwhile to conduct exit surveys as well to assess the quality of the public engagement. Did the event seem to build trust with attendees? Did they feel heard or informed? Perhaps most importantly, did they feel like their contributions might make a difference?

A participatory zoning meeting in Chicago's 35th Ward (Credit: [Local Progress](#))



Conclusion

Zoning is complex and difficult to explain to the public. This can lead to situations where it can seem counterproductive to involve community members in the process to implement already adopted policies they ostensibly support. While collecting data points about residents' personal experiences may be useful for comprehensive planning initiatives, it can feel unnecessary for zoning purposes.

However, if community members can become informed collaborators, participatory methods can generate significant value for new zoning initiatives. By better understanding why zoning codes are difficult, we can customize public engagement to generate effective collaboration and can do so in an efficient manner that allows non-experts a real seat at the table.

About the Author



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