



ZONING FOR A HIGH ROAD FUTURE

WINTER 2024 POLICY MEETING
JANUARY 19-20 • WASHINGTON, DC

Cities battling rising housing prices and the devastating impacts of climate change are reevaluating how to best use their number one asset: land. This panel will cover zoning reform best practices designed to meet today's demands, from spurring residential development, to fostering the local economy, to building climate resilience. We'll also discuss how to communicate the benefits of zoning reform to skeptical constituencies and center marginalized communities that have borne the brunt of past discriminatory zoning practices.



RESOURCES

PAGE

1

“What Is Zoning Reform and Why Do We Need It?” Patrick Sisson, American Planning Association, Jan. 18, 2023.

10

Pages excerpted from: “Reshaping the City: Zoning for a More Equitable, Resilient, and Sustainable Future,” Urban Land Institute, 2023.

22

“The 6 Zoning Reforms Every Municipality Should Adopt,” Nolan Gray, Strong Towns, Nov. 1, 2023.

27

“‘This is a big, big deal’: Mayor signs zoning change,” Alaina Mencinger, Albuquerque Journal, Jul. 6, 2023.

29

“Free Casita Construction Plans,” City of Albuquerque, NM, 2023.

32

“Norfolk’s Revised Zoning Ordinance Aims to Improve Flood Resilience,” Matt Fuchs, The Pew Charitable Trusts, Nov. 2019.

36

“Pioneering Zoning Reforms in Grand Rapids, MI,” Bipartisan Policy Center, Sep. 7, 2023.





PLANNING MAGAZINE

What Is Zoning Reform and Why Do We Need It?

The case for change, why planners support it, and six zoning reform tactics that could help curb housing costs.



Illustrations by Jason Schneider.

Jan. 18, 2023

By PATRICK SISSON

Over the past few years, Americans have faced record-breaking inflation, climbing interest rates, and a general flood of rising costs. But for so many, the bedrock of high living costs is high housing costs.

Rents and home costs have reached stratospheric levels. The nation is 3.79 million units shy of its housing needs, according to advocacy group Up for Growth - a figure rapidly getting worse. Home prices in 98 percent of the nation's metro area rose an average of 8.6 percent, hitting nearly \$400,000, per the National Association of Realtors (<https://www.nar.realtor/newsroom/home-prices-rose-year-over-year-in-98-of-metro-areas-in-third-quarter-of-2022>).

Meanwhile, rents spiked 15 percent in just one year, according to the National Low-Income Housing Coalition. In no county in the entire country can a worker on minimum wage working a 40-hour week afford a modest two-bedroom rental home.

Harvard's Joint Center for Housing Studies (<https://www.ncsha.org/blog/state-of-the-nations-housing-report-highlights-housing-affordability-challenges/>) found rental vacancies hit an all-time-low in 2021, with a recent rise in housing development simply unable to meet demand. It's a shortage that curtails growth and limits economic mobility and opportunities for all.

"We're seeing huge, tremendous growth in our area, but we don't have the housing to support that," says Emily Phyllis, AICP, a planner and researcher at One Columbus in Columbus, Ohio. "Being able to really increase the housing supply as well as diversify the housing supply so that we can remain an affordable region for all, that's really primary for us."

The cause of much of that shortage — and, as reformers, YIMBYs, and urbanists point out, much of its solution — lies in zoning policy. The post-WWII housing boom, sparked by gargantuan federal investments in homeownership via the GI Bill and the Federal Housing Authority, new mortgage options, and vast government financing for interstates and highways, paved the way for suburban speculation, seas of single-family starter home developments, and vastly increased housing options and availability (mostly for white, upwardly mobile families).

In recent decades, the pendulum has swung definitively back toward constricting the creation of new homes. Labor and material costs, and especially land use policies, make it harder and more expensive to build. A raft of zoning and building code restrictions — height limits, setbacks, single-family-only zoning, local design review, parking minimums — made it harder and more time-consuming for developers to find suitable land, get approvals, and break ground, driving down the numbers of units built while increasing the cost of having a roof over one's head. Over time, it's made affordability an issue across more and more income levels and communities.

"We're going to have a real shortage of places for people we depend on every day, whether it's teachers, restaurant workers, or other service type jobs," says Rich Hall, AICP, general manager of the Greater Philadelphia Department of Land Use. "They don't have any place to live, or they'll have to have very long commutes. We need well-rounded communities where everyone has a quality place to live."

But new housing advocacy groups, as well as investments and legislation at the federal, state, and local level, are pushing back, seeking to restore supply and demand and catalyze the creation of affordable housing.

The [Housing Supply and Affordability Act \(/blog/9214072/federal-housing-bill-creates-new-support-and-incentives-for-planning/\)](/blog/9214072/federal-housing-bill-creates-new-support-and-incentives-for-planning/), which would help cities rework zoning plans and revisit and eliminate restrictions to new construction, was recently put before Congress, while a new [YIMBY competitive grant program \(/blog/9262900/congress-funds-new-yimby-grants-for-zoning-reform/\)](/blog/9262900/congress-funds-new-yimby-grants-for-zoning-reform/), which could help encourage communities to eliminate discriminatory land use policies through grant funding, was passed in late 2022. New investments, like the [Infrastructure Investment and Jobs Act \(/planning/2021/fall/7-ways-the-new-infrastructure-package-invests-in-planning/\)](/planning/2021/fall/7-ways-the-new-infrastructure-package-invests-in-planning/), would put money toward housing coordination plans to help cities improve the connection between land use, planning, and transportation. These proposals and plans show a renewed energy around zoning and housing at the federal level — and an awareness that the national government can provide the guidance and resources to empower local jurisdictions to enact important changes.

Zoning reform, championed as a key pillar of change, has suddenly become one of the most talked-about policy topics in local government.

"It's something that a lot of people are thinking about as we're dealing with these concurrent crises of housing affordability, racial and economic equity, and opportunity and climate change and sustainability," planner Nolan Gray, research director for California YIMBY and author of [Arbitrary Lines \(/planning/2022/fall/do-we-need-zoning-arbitrary-lines-author-nolan-gray-weighs-in/\)](/planning/2022/fall/do-we-need-zoning-arbitrary-lines-author-nolan-gray-weighs-in/), said in a [recent episode of the APA podcast \(/planning/2022/fall/do-we-need-zoning-arbitrary-lines-author-nolan-gray-weighs-in/\)](/planning/2022/fall/do-we-need-zoning-arbitrary-lines-author-nolan-gray-weighs-in/). Zoning rules from a century ago, he argues, make it harder for cities to adapt and grow over time to create the new infill housing needed to achieve housing affordability and sustainability objectives.

So how does zoning reform work? Just as there are multiple causes for the calamitous housing crisis, there are also multiple solutions, which often overlap and complement each other. Here are six tactics decision makers at local and state levels are exploring:

Single-family-only zoning excludes multifamily options from about 75% of residential land in cities like Chicago, significantly curbing housing diversity.



1. ELIMINATING SINGLE-FAMILY-ONLY ZONING

To build more dense, plentiful housing, cities often need to make room. Zoning rules that only allow single-family residences cover roughly 75 percent of land in American cities (<https://www.nytimes.com/interactive/2019/06/18/upshot/cities-across-america-question-single-family-zoning.html>), limiting the types of buildings that can be constructed, encouraging sprawl, and discouraging multifamily construction and more efficient mass transit networks. Eliminating these restrictions creates more fertile ground for density and development and increased housing opportunities in amenity-rich neighborhoods near employment.

"If you look at the status quo, which is basically the way that zoning is written right now, it leads to increases of single-family housing development and individual lots being for one individual home, rather than more productive land use and more productive housing policy and economic policy," says Jenny Raitt, executive director of Northern Middlesex Council of Governments, a Massachusetts regional planning agency.

In recent years, challenging and overturning these rules has been a popular method of opening cities up to more affordable units. Minneapolis, which helped pioneer the push in 2018 (<https://archive.curbed.com/2018/11/27/18113208/minneapolis-real-estate-rent-development-2040-zoning>), has been joined by dozens of cities — and even states like Oregon and Maine — that have effectively eliminated single-family-only zoning. It's also been a big boost for smaller municipalities: in Walla Walla, Washington, which recently passed zoning reform and redid its housing plan (</planning/2022/summer/zoning-reform-creates-new-model-for-smart-growth-in-walla-walla-washington/>), the new development climate has already spurred the creation of more multifamily and missing middle housing.

"Change in the physical layout of the city is what can enable the heart and soul of the city to carry on and not depart," says Yorik Stevens-Wajda, AICP, planning director of Everett, Washington.

Parking minimums drive up the cost of housing for developers—and residents. Garage spots can raise monthly rents by about \$142 per household.



2. ABOLISHING PARKING MINIMUMS

America's car-centric culture has become intertwined with our planning, with many municipalities requiring a minimum amount of parking space for residential and commercial structures. It's a reason the U.S. has an estimated two billion (<https://www.bloomberg.com/news/articles/2018-11-27/why-parking-lots-are-not-full-even-on-black-friday>) parking spots, most of which sit empty and burden the environment, land use, and construction costs. Mandating parking spots robs developers of leasable space and jacks up rental costs; garage parking, which costs about \$5,000 per surface space and up to \$50,000 per space in multilevel garages, typically adds \$142 a month to a household's rent ([/planning/2018/oct/peopleoverparking/](https://planning.2018/oct/peopleoverparking/)), per UCLA research.

A wave of U.S. cities, including Buffalo, New York, and recently San Jose, California (<https://www.globest.com/2022/12/12/san-jose-becomes-largest-us-city-to-drop-minimum-parking-rules/>), have pushed forward parking reform in recent years ([/planning/2022/spring/a-business-case-for-dropping-parking-minimums/](https://planning.2022/spring/a-business-case-for-dropping-parking-minimums/)), unlocking new development potential and cutting the cost of new construction. After passing such laws in 2021, Seattle and Buffalo developers built more mixed-use projects; in San Diego, the number of affordable housing proposals rose fivefold after parking space requirements were eased. It's a boon for small cities, too ([/planning/2022/spring/a-business-case-for-dropping-parking-minimums/](https://planning.2022/spring/a-business-case-for-dropping-parking-minimums/)): Fayetteville, Arkansas, and Sandpoint, Idaho, reformed parking rules and found it encouraged new developments and helped create opportunities for new housing and small businesses.

Zoning requirements like large minimum lot sizes often make missing middle housing (think duplexes and townhomes) impossible to build.



3. PROMOTING MISSING MIDDLE HOUSING

While many zoning reform provisions open up the universe of possibilities for builders, some municipalities and local governments are going a step further to encourage the creation of certain building types. So-called missing middle housing, a term coined in 2010 by [Daniel Parolek](https://opticosdesign.com/about/staff/daniel-parolek/) (<https://opticosdesign.com/about/staff/daniel-parolek/>), principal and CEO of Opticos Design, consists of multifamily structures of just a handful of floors that offer minimal density and more affordability. In recent decades, they've been hard to build, caught between single-family-only neighborhoods and the economic realities of multifamily construction, where taller and denser are more economically feasible.

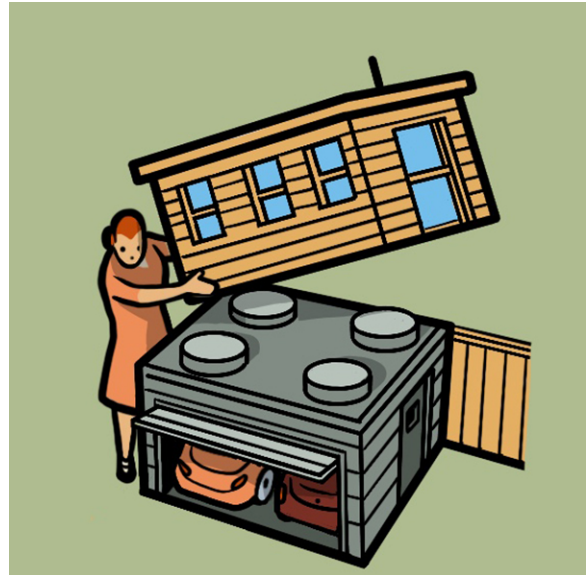
[Numerous changes to zoning and building codes \(/planning/2022/winter/5-practical-zoning-hacks-for-missing-middle-housing/\)](#) can encourage more of these kinds of projects: Reducing minimum lot sizes encourages smaller, multistory buildings. Tweaking rules to allow multiple, smaller units within a larger structure improves density. Eliminating zoning restrictions and parking minimums means lower costs for builders. And these are often the kinds of historic, widely admired building types that form the backbone of popular neighborhoods — an easy case to make to the public.

"When you put it in real terms that people understand, when you can point to that four-plex that already exists in the community and say, 'Hey, you know, would it be so bad if we had a few more of these? Then I think it starts to click,'" says Gray, "People start to get it."

Oxford, Mississippi, embarked on a comprehensive rework of its land use plan in 2017, which planner Ben Requet says included a bedroom-per-acre calculation that incentivized builders to build different kinds of housing. It's already led to more vibrant communities in the southern college town.

"Zoning reform has already started to show significant advances and creativity in our housing supply in Oxford," he says. "We're starting to see more density that's applied in new developments that provide more options and opportunities for not only our student population, but our older populations and even young families."

Converting garages into accessory dwelling units provides more (and cheaper) housing, but regulatory and financial barriers continue to limit construction.



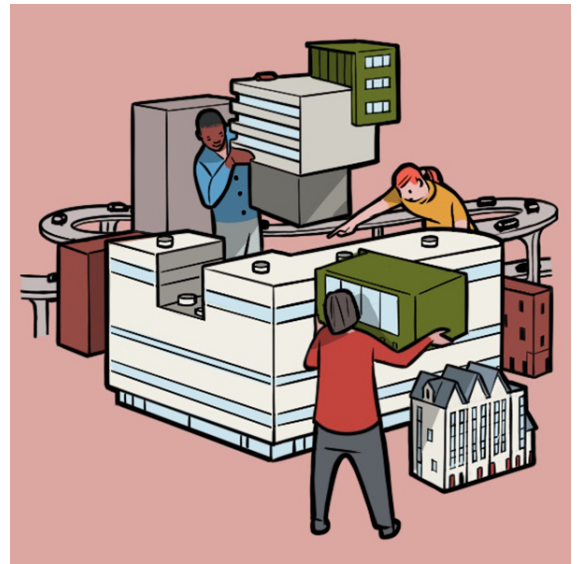
4. ALLOWING ADUS

It's hard to radically change the geography and concentration of American housing in single-family only neighborhoods. Accessory dwelling units (</knowledgebase/accessorydwellings/>), or ADUs, seek to work within the system, so to speak, making it legal, quick, and affordable for property owners to add an additional back-yard unit. Early legislation faced pushback from local governments, so states have steadfastly revisited the issue, refining regulations to make permitting more streamlined.

This new push for more ADUs, which has been successful in states like Vermont and New Hampshire, has been especially robust along the West Coast. California alone has seen roughly 60,000 ADUs permitted since 2016 as more state laws and regulations meant to champion backyard building have been passed.

"Accessory dwelling units have quietly been a huge planning reform success story," says Gray. "We've made it to where more homeowners can add additional units in their backyard or in their unused attics or unused basements. These are units that just wouldn't otherwise have existed, units that are making even some of our most exclusionary, high-cost jurisdictions a little bit more affordable and a little bit more diverse and accessible."

With less restrictive zoning districts, adaptive reuse could transform vacant office space into as many as 20,000 homes in New York City alone.



5. ZONING FOR ADAPTIVE REUSE

The easiest, and sometimes cheapest, housing to construct is one that's already finished. Promoting adaptive reuse (/planning/2021/spring/how-adaptive-reuse-can-help-solve-the-housing-crisis/) and the transformation of existing building stock into new housing has long been a tool planners have used to revitalize neighborhoods. In New York City, for example, conversions remade Chelsea and created a live-work-play neighborhood in Lower Manhattan.

But there are so many other great examples of taking old warehouses, commercial spaces, and historic properties and turning them into new housing; it's an especially apt topic as cities like Pittsburgh promote the widespread conversion of downtown commercial space into housing (/https://www.wesa.fm/development-transportation/2022-12-05/officials-say-the-future-of-downtown-is-residential-but-getting-there-will-be-tough/) as a response to remote and hybrid work (/planning/2021/winter/increased-remote-work-could-mean-big-changes-for-cities/).

An increasing number of conversion ordinances and programs have propelled these projects forward. Los Angeles has seen a flourishing of newly created units, especially in its Arts District and Downtown, with more than 46,000 completed since the city's Adaptive Reuse Ordinance (/https://www.ladbs.org/services/core-services/plan-check-permit/plan-check-permit-special-assistance/adaptive-reuse-projects) was passed in 1999. More recently, New York City announced a new effort in 2023 (/https://www.timeout.com/newyork/news/behind-mayor-eric-adams-decision-to-turn-empty-nyc-offices-into-new-apartments-011023#:~:text=Earlier%20this%20week%2C%20mayor%20Eric,back%20in%20July%20of%202022.) to rethink its zoning districts to allow for conversion of empty offices into as many as 20,000 housing units. By saving time and money — and building within existing neighborhoods containing transportation infrastructure — adaptive reuse can be a smart and sustainable way to help close the housing gap.



State preemption offers backup for local reform. Since California started passing pro-ADU legislation in 2016, more than 60,000 permits have been issued statewide.

6. EMBRACING STATE PREEMPTION

NIMBY foes and allies in local government often push back against zoning reform, citing a variety of complaints about crowding, environmental issues, and neighborhood character. Increasingly, battles for housing regulations are being elevated to the state level. While there are examples like Texas pre-empting pro-housing regulations in cities like Austin, other states, most notably California, are pushing local governments to unlock housing creation and curtail restrictive regulations.

In recent years, California has established a suite of these measures: statewide rent control, requirements for new units, ADU laws, dismantling of single-family zoning, and bills to promote commercial-to-residential conversions and transit-oriented development. And the state has added teeth to this legislation by aggressively enforcing new and existing requirements.

Through zoning reform, planners can play an essential role in building affordable, equitable, sustainable communities, says Gray. In pursuit of equity and environmental goals in a changing city, thoughtful, evolving policies are essentials.

"I want to hit the reset button," he says, "and I think a lot of planners do, too. Lurking below the surface in planning is this eagerness, this appetite for a fundamental rethink."

Patrick Sisson is a Los Angeles-based writer and reporter focused on the tech, trends, and policies that shape cities.

Reshaping the City

Zoning for a More Equitable, Resilient,
and Sustainable Future



Executive Summary

Current zoning requirements often promote negative outcomes for cities, people, and communities. Many policies lead to development patterns that increase traffic congestion, contribute to air pollution, raise housing costs, prevent walkability, and exacerbate the effects of climate change, among other consequences.

Traditional zoning has contributed to the creation and perpetuation of racially and economically segregated communities with inequitable access to critical public resources, like parks. Communities that are home to historically disenfranchised groups lack equal access to housing and opportunities for economic mobility¹ and may suffer disproportionately when exposed to shocks and stresses, including extreme weather and rising housing costs.

Outdated policies can make development projects that aim to support housing affordability and in-demand building and community features time-intensive and costly to complete, thereby potentially reducing quality of life and limiting project success.

In recognition of the need to address today's pressing challenges, cities across the United States are overhauling zoning codes, with important implications for real estate—including potentially streamlining the development process and making it more straightforward to meet the market demand for healthier, more environmentally friendly projects.

Since most zoning bylaws have not been updated in decades, updates can give people an opportunity to share what they value in their communities through outreach processes that influence policy decision-making. Zoning updates can also play a role in integrating positive land use strategies throughout policies and geographies, increasing the likelihood that development will reflect locally defined priorities.

Potential benefits of zoning updates include the following:

- **Creating more livable and equitable places.** Updating zoning can promote development patterns that achieve multiple intersecting goals, including supporting healthy and sustainable mobility, housing affordability, climate resilience, and other positive outcomes.
- **Creating opportunities to meet the demand for sustainable, resilient, and healthy development.** Updating zoning policies can allow, incentivize, or require development types, uses, and features that are aligned with market demand for healthy, sustainable, resilient, and energy-efficient developments—which are often not possible by right under traditional zoning.
- **Providing consistency and predictability in zoning.** Outdated zoning policies can make development projects that would support resilience, sustainability, health, and equity goals illegal or difficult, time-intensive, and costly to complete. Updating zoning can lessen these barriers.

Goals of Zoning Code Updates

Certain zoning techniques are increasingly being used to advance updates with the potential to promote a healthier, greener, and more equitable and resilient future. When aligned with complementary city policies—like building and energy codes—zoning reforms can promote public- and private-sector investment that advances key goals. The goals of zoning code updates may include one or more of the following:

- Increasing production of a **variety of housing types**, leading to increases in affordable and attainable housing;
- **Lowering the cost of housing** development by reducing or eliminating policy barriers;
- Promoting **low-carbon building** principles and certification standards (e.g., Leadership in Energy and Environmental Design, known as LEED; Building Research Establishment Environmental Assessment Method, known as BREEAM; Passive House, and others);

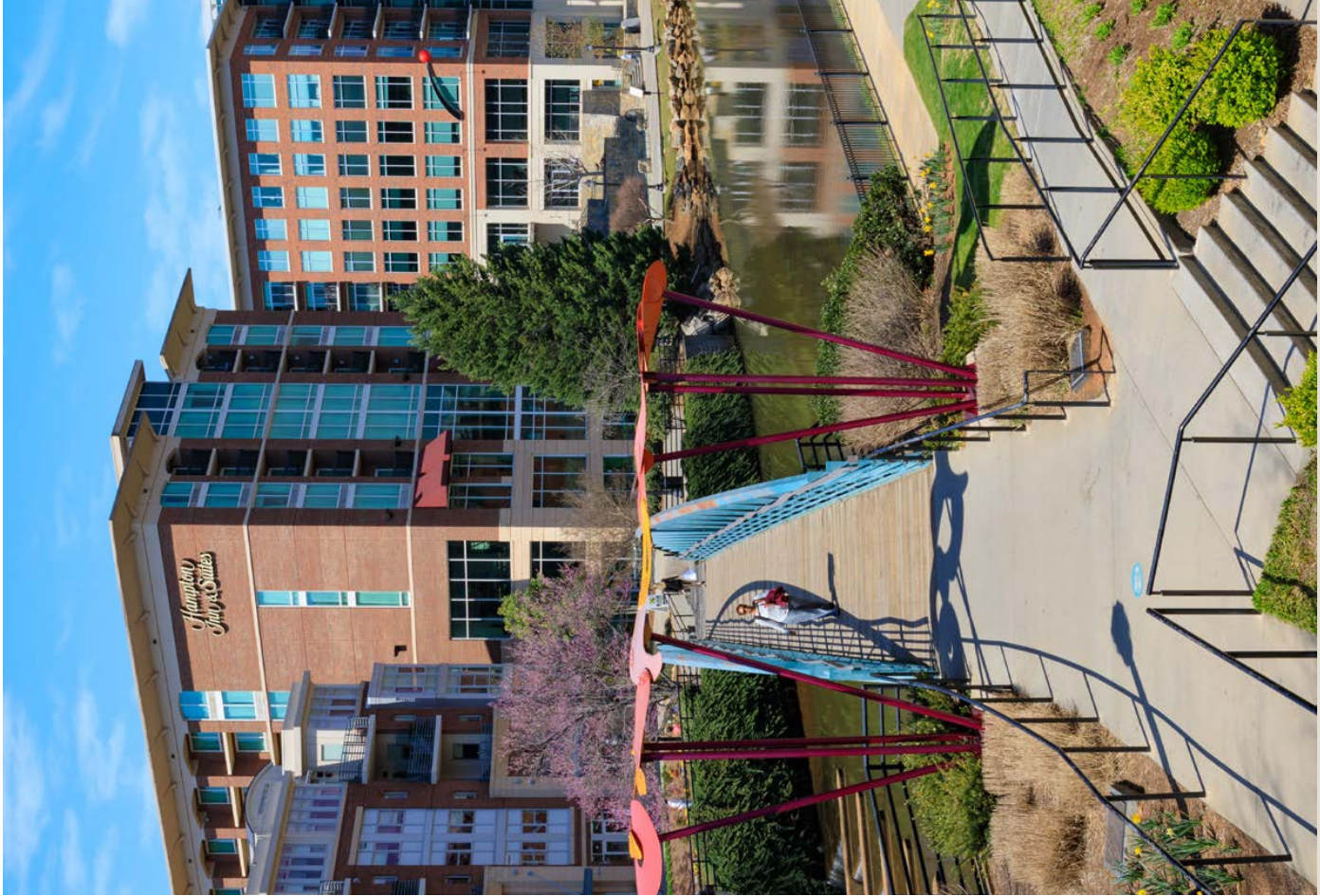
- **Increasing permeable surfaces** to reduce flooding and adding **shade and reflective surfaces** to address the urban heat island effect, thereby enhancing climate resilience;
- Encouraging mode shift away from driving and car ownership, toward **transit, biking, and walking** by supporting the development of compact, mixed-use communities;
- **Integrating transit and real estate development**, and building more housing within walking distance of major transit hubs;
- Providing **parks and open space** and viewing them as critical infrastructure;
- Prioritizing **tree preservation** and protection;
- Including **food retailers** with fresh produce in development projects;
- Building **community gardens and farms**;
- Adding **community facilities** and promoting community-serving retail;
- Creating **walking and biking connections** to transit; and
- Supporting **water efficiency**.

Common zoning techniques that are being used to advance updates, include

- **Comprehensive overhauls.** New zoning policies to replace previous codes;
- **By-right zoning.** Policies allowing projects that comply with certain zoning standards to obtain approvals and building permits through relatively simple administrative processes;
- **Overlays.** Special districts placed over existing zones that include provisions in addition to those already present;
- **Floating zones.** Districts that delineate conditions which must be met before the area is approved for a given set of zoning rules; and
- **Zoning incentives.** Tools to make it more attractive or financially feasible for developers to provide certain public benefits by offering incentives that offset all or part of the cost of providing such features.²

Form-based codes, which are land development regulations that use physical form (rather than separation of uses) as the organizing principle for the code, are another approach certain cities are using to support their land use goals.³

The promising zoning innovations explored in the body of this report advance many of the preceding goals and generally aim to enable a wider range of development typologies that support sustainability, housing affordability, health and social equity, and other key goals. Updating zoning can lead to multiple benefits for business, people, and the planet, and the real estate community can provide valuable insights that make reforms more successful.



Benefits of Updating Zoning

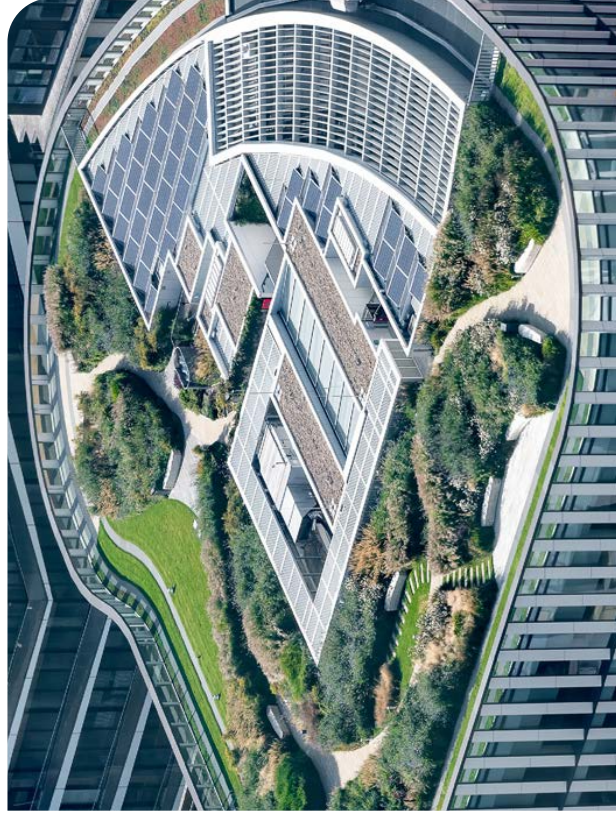
Today, zoning codes often outline an outdated notion of what has been deemed unwanted or undesirable—for example, apartments next to single-family homes or developments without dedicated parking. The process of updating zoning policies can be a powerful way to instead determine how best to promote healthier, more equitable, and greener communities. Since most zoning bylaws have not been updated in decades, the process of advancing reforms can also give people an opportunity to share what they value in their communities through outreach processes that influence policy decision-making.

Zoning updates can also play a role in integrating positive land use strategies throughout policies and geographies, increasing the likelihood that development will reflect locally defined priorities that address today's pressing challenges and meet market demand. Examples of the demand for sustainable, resilient, affordable, and healthy projects and community features include the following:

- **Low-carbon buildings.** In a 2021 global survey of senior executives representing building occupiers and investors, 79 percent of occupiers of commercial real estate said they were prioritizing location searches for buildings that will help reduce their emissions, yet only 63 percent of leading investors were planning to prioritize investments to own, build, or invest in net zero carbon assets—showing that investors may be underestimating demand for greener real estate.⁵⁶

- **Climate resilience.** Investors are increasingly assessing a city's preparedness for climate change when deciding where to buy or build. Cities need to show that they are prepared for emergencies, investing in resilient infrastructure, and making commitments to energy efficiency to continue to attract investment.⁵⁷ Highlighting how some investors now view this issue, Laura Craft, head of global ESG strategy, Heitman, notes in ULI's 2020 report *Climate Risk and Real Estate*,⁵⁸ "We have created a system that allows us to assess and account for market-level risk in investment decision-making by understanding the type of climate market risk faced, the market risk mitigants and resilience, the investment time horizon and structure, and the portfolio exposure tolerances."

- **Housing affordability.** Attainable housing, which refers to modestly priced for-sale homes,⁵⁹ represents as much as 60 percent of market demand in some areas.⁶⁰ Recent research indicates a national production shortfall of 3.79 million housing units, with 169 regions experiencing underproduction as of 2019.⁶¹
- **Health-promoting community features.** When asked which community characteristics people in the United States value the most, 50 percent of U.S. residents said walkability was a top or high priority when considering where to live,⁶² and 85 percent identified proximity to parks, playgrounds, open space, or recreation centers as an important factor in deciding where to live.⁶³





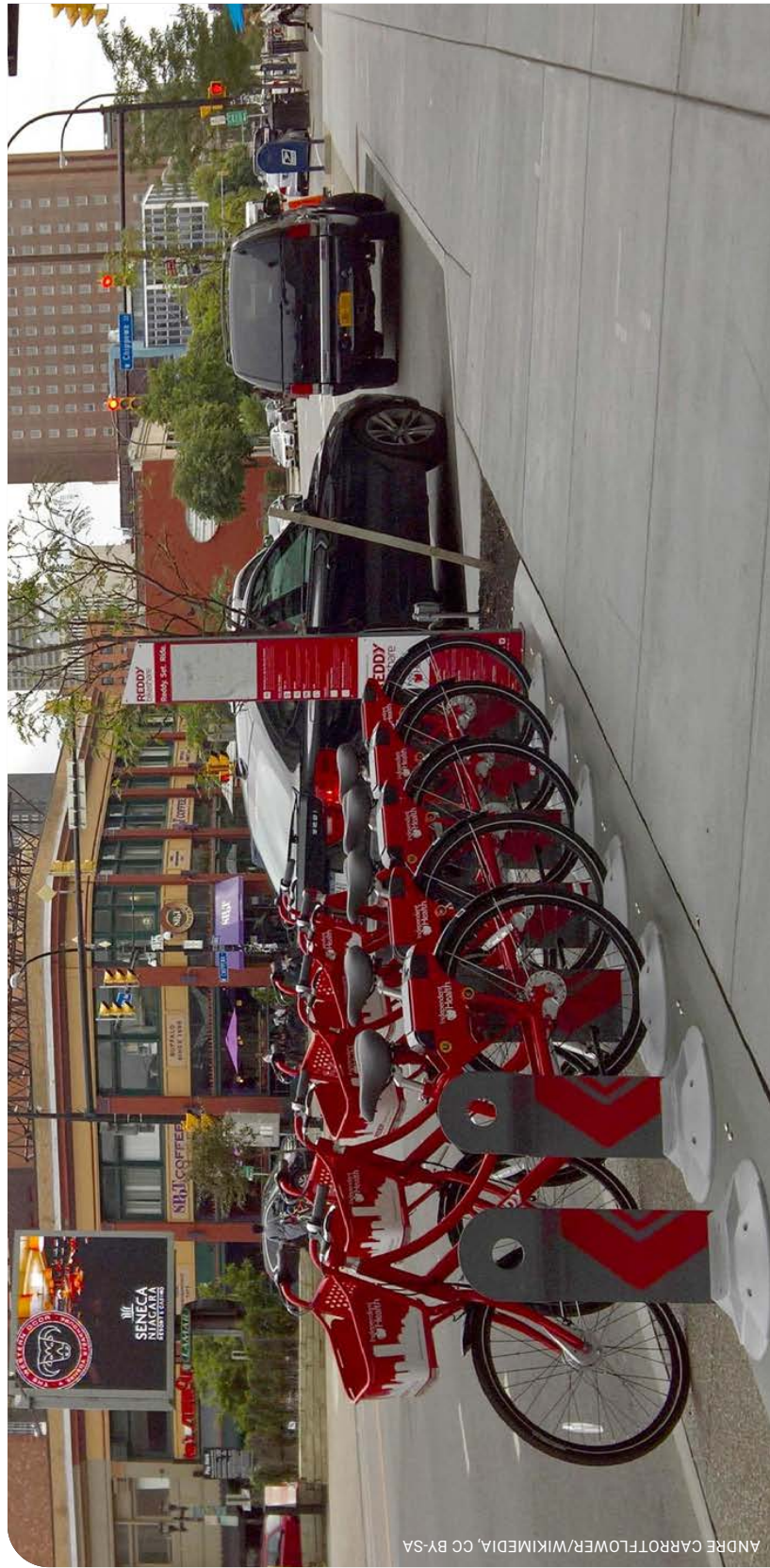
Zoning Innovations: Techniques and Approaches

Certain techniques are increasingly being used to advance zoning innovations with the potential to promote a healthier, greener, and more equitable and resilient future. When aligned with complementary city policies—like building and energy codes—zoning reforms can promote public- and private-sector investment that advances key goals. This section outlines examples of zoning techniques and innovations; details potential health, social equity, climate resilience, and low-carbon building benefits; and provides examples of relevant city policies in action.

The types of zoning approaches covered in this document, summarized in the following overview, represent common techniques that can be used to update zoning policies across the country. They range from comprehensive overhauls, which include extensive outreach processes and may take many years to complete, to more targeted approaches, such as providing incentives for land uses that are likely to support locally defined goals.

The end of this section includes a guest contribution on opportunities and potential benefits related to form-based codes, which was authored by the Form-Based Codes Institute.

These common techniques can be used to advance zoning updates and may be combined with one another. Their utility varies based on past zoning rules, local infrastructure investments, and other contextual considerations.



Overview of Zoning Techniques and Policy Examples

Zoning technique	Overview	Policy examples
Comprehensive overhauls: Creation of new zoning policies to replace previous codes	- Includes extensive outreach processes and creation of guiding documents, such as comprehensive plans - Can simplify complicated zoning policies, determine community priorities, and integrate land use strategies throughout all policies and geographies	Buffalo, NY: Promoting walkability and eliminating minimum parking requirements through comprehensive overhaul Baltimore, MD: Promoting healthier development through comprehensive overhaul Stamford, CT: Strengthening and encouraging greener buildings through a comprehensive overhaul Norfolk, VA: Comprehensively addressing community vulnerabilities through zoning overhaul
By-right zoning: Policies that allow projects that comply with certain zoning standards to obtain approvals and building permits through relatively simple administrative processes	- Can expand the types of projects allowed in specific zones or citywide - May streamline the development process—potentially resulting in lower project costs	Minneapolis, MN: Allowing increased residential density by right by eliminating single-family zoning Denver, CO: Allowing lower parking ratios by right for affordable housing Boston, MA: Adopting net zero carbon standards by right through strengthening low-carbon building requirements Summit County, CO: Minimizing losses from wildfire damage

Overlays: Special districts placed over existing zones that include provisions in addition to those already present	• Can be used to protect features, including historic buildings, wetlands, and waterfronts, or to encourage certain types of development projects, such as mixed use, transit-oriented development, waterfront development, affordable or mixed-income housing, and developments that account for future climate risk⁶⁷ • Provides opportunities for additional oversight through site plan reviews and other processes	<u>Indianapolis, IN</u>: Promoting healthier, more equitable development by zoning overlay <u>Northampton, MA</u>: Creating a sustainable growth district through overlay zoning <u>Stonington, CT</u>: Using overlays to achieve scalable flood hazard mitigation
Floating zones: Districts that delineate conditions that must be met before the area is approved for a given set of zoning rules	• Can promote local priorities while allowing for flexibility • Can be written to facilitate urban development that regulates both form and use⁶⁸	<u>Cambridge, MA</u>: Facilitating green, resilient, and flexible development <u>James City County, VA</u>: Creating a planned unit development for conservation and community resilience
Zoning incentives: Tool to make it more attractive or financially feasible for developers to provide certain public benefits by offering incentives that offset the cost of providing such features⁶⁹	• Can help municipalities obtain a public good at low or no cost • Can be used to stimulate residential development in previously largely commercial areas, promote affordable housing, support elevation in flood-prone areas, promote low-carbon building practices, and create or preserve open space	<u>New York, NY</u>: Promoting healthy food access <u>Arlington County, VA</u>: Advancing carbon neutrality through density bonuses

Glossary

This glossary provides short definitions of common zoning terminology. Links throughout this report refer to the glossary to orient the reader to some of the most common zoning jargon.

- **Accessory dwelling units (ADUs):** Smaller, independent dwelling units with a full kitchen and bathroom that may be attached or detached from a primary residential building.^{[166](#)}
- **Building codes:** State-level policies that concern safety and technical requirements, including those related to fire safety, structural loads, and maximum occupancy.^{[167](#)}
- **By-right zoning:** Allows projects that comply with certain zoning standards to obtain approvals and building permits through relatively simple administrative processes—without requiring discretionary approval.
- **Comprehensive overhauls:** Zoning updates that involve extensive outreach processes and the creation of guiding documents, such as comprehensive plans, to create brand-new zoning policies that replace previous codes.

- **Critical infrastructure:** Resources that serve communities, providing functions such as roads, hospitals, community centers, utility facilities, and commercial centers.
- **Discretionary approval:** Requirements that officials must decide whether a development can proceed, usually when proposals do not conform to zoning or building codes.^{[168](#)}
- **Entitlement:** Legal approval of development plans.
- **Equitable transit-oriented development (eTOD):** “Development that enables all people regardless of income, race, ethnicity, age, gender, immigration status or ability to experience the benefits of dense, mixed-use, pedestrian-oriented development near transit hubs.”^{[169](#)}
- **Euclidean zoning:** “The separation of land uses by type—residential, commercial, retail, industrial, etc.—each into their own zones or areas within a given city.” The name “Euclidean” came from the U.S. Supreme Court decision *Euclid v. Ambler* (1926) that gave local governments the power to determine which properties and zones should accommodate specific uses.^{[170](#)}

- **Exclusionary zoning:** Ordinances that restrict the types of homes that can be built in certain neighborhoods that have often been used to discriminate against people of color and maintain property prices in suburban and urban neighborhoods.^{[171](#)}
- **Floating zones/districts:** A tool to promote local priorities while allowing for flexibility. Floating zones are districts that delineate conditions which must be met before that zoning district can be approved for an existing piece of land. The zone “floats” until a development application is approved, then it is added to the official zoning map.^{[172](#)}
- **Form-based code (FBC):** “A land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law.”^{[173](#)}
- **Inclusionary zoning (IZ):** Encourages or requires developers to create below-market rental apartments or owner-occupied housing in connection with local zoning approval of a proposed market-rate development.^{[174](#)}

- **Missing middle housing:** “A range of house-scale buildings with multiple units—compatible in scale and form with detached single-family homes—located in a walkable neighborhood.”¹⁷⁵
- **Overlays:** A special district placed over existing zones that includes provisions in addition to those already present. Communities may use overlay zones to protect features including historic buildings, wetlands, and waterfronts or to encourage certain types of development projects, such as mixed use, transit-oriented development, waterfront development, and affordable or mixed-income housing.¹⁷⁶
- **Parking minimums:** Policies that require developers to build a set ratio of parking spaces based on a building’s square footage, planned uses, or the number of bedrooms in multifamily units.
- **Performance-based zoning:** Traditional zoning prescribes rules such as the minimum number of required parking spaces and minimum setbacks or lot sizes, whereas performance-based zoning focuses primarily on outcomes, often laying out performance criteria to evaluate the expected impacts of land use decisions rather than predefined rules.¹⁷⁷
- **Resilience:** The ability to prepare and plan for, absorb, recover from, and more successfully adapt to adverse events. Enhancing resilience entails designing buildings, infrastructure, parks, and public spaces that are prepared for extreme events such as hurricanes, as well as the longer-term impacts of climate change, such as sea-level rise and extreme temperatures.¹⁷⁸
- **Shocks:** Generally single-event disasters, like fires, earthquakes, and floods.¹⁷⁹
- **Single-family zoning:** Residential zoning that limits development to single-family detached homes; restricts duplexes, multifamily housing, and other nonresidential uses; a form of exclusionary zoning.
- **Stresses:** “Factors that pressure a city on a daily or reoccurring basis, such as chronic food or water shortage, an overtaxed transportation system, endemic violence, or high unemployment.”¹⁸⁰
- **Sustainability:** Meeting the needs of the present without compromising the ability of future generations to meet their own needs.¹⁸¹
- **Transfer of development rights:** Programs that seek to preserve landowners’ asset values by moving the right to build from a location where development is prohibited to a location where development is encouraged.¹⁸²
- **Variance:** A request to deviate from a requirement applicable to a zone in which a property is located;¹⁸³ variances are applicable when compliance with the requirements would cause undue financial hardship, including because of the physical characteristics of the land.
- **Zoning incentives:** A tool that cities can use to make it more attractive or financially feasible for developers to provide certain public benefits as part of their projects by offering incentives that offset the cost of providing such features.¹⁸⁴

The 6 Zoning Reforms Every Municipality Should Adopt

Nolan Gray · November 1, 2023



(Source: [Unsplash](#)/Cytonn Photography.)

At least once a week—sometimes daily—I’m asked by local planners and elected officials where they should start when it comes to zoning reform. It’s a good problem to have. My first recommendation is usually to look at market signals. Are you regularly receiving “rubber stamp” requests for a [variance](#) to get out of having to comply with this or that standard? Are you regularly receiving rezoning requests in this or that neighborhood? Well, there’s your sign: those rules are probably out of sync with reality, and a fine place to start reform.

Of course, this answer is often unsatisfying—folks want me to give them specific solutions. (I get it, we’re all busy.) Toward this end, below I list out the six zoning reforms that I think every city and town in North America should adopt. While this program might have seemed radical five years ago, I consider this to be the bare minimum for zoning reform in 2023. These are “no-brainer” reforms that have been tried and tested in more than a few jurisdictions. For each item, I point you to a good “comp” and suggest some educational material on the subject.

Whether your community is trying to tackle housing affordability, kickstart economic revitalization, undo segregation, or retool around sustainability, these six reforms are a fine place to start.

1. Eliminate minimum parking requirements—citywide, all uses.

Minimum parking requirements condition any new development on the construction of lots of new parking. In suburbs, this means giant parking deserts. In cities, this means towering parking garages. All of this parking doesn't come cheap—there's no such thing as [free parking](#). On the contrary, these mandates can [raise housing costs](#) by tens of thousands of dollars. Worse yet, they effectively write automobile dependence into law, forcing our cities to grow in a way that is hostile to anyone not getting around by car.

Don't take the half-baked reform approach here. Ten years ago, it might have been a big win to eliminate parking requirements only downtown, or only for certain types of housing, or subject to a study. No more. What are you waiting for? Say it with me: eliminate parking requirements—citywide, all uses.

- Looking for a comp? My hometown of [Lexington, Kentucky](#), eliminated parking requirements last year. What's your city's excuse?
- Looking to learn more? The Parking Reform Network has [everything](#) you need to reform your local parking policies.

2. Legalize accessory dwelling units (ADUs)—and do it right.

ADUs are small additional units that share a lot with a single-family home. They may go in unused attics, basements, garages, or new detached structures. ADUs are a win-win: for homeowners, they create a potential new source of revenue, or a chance to bring family closer to home. For renters, they create a new supply of housing, often in high-opportunity neighborhoods that have historically added little new housing. Here in [California](#), statewide legalization has facilitated over 80,000 new ADUs since 2017.

But be careful to do it right: there are a lot of counterproductive ways to “legalize” ADUs. Do: make approvals quick and easy, exempt ADUs from impact fees, and allow detached ADUs. Don't: impose parking requirements, limit ADUs to owner-occupiers, or mandate public hearings. How do you know if you did it the right way? Keep track of permitting data and find out.

- Looking for a comp? Since refining its ADU framework, [Portland, Oregon](#), has emerged as a mecca of the backyard housing boom. What's your city's excuse?

- Looking to learn more? AARP has a lot of amazing [resources](#) on how to legalize ADUs the right way—be sure to connect with your local chapter.

3. Reduce or eliminate minimum lot and unit size mandates.

Minimum lot sizes essentially say: if you can't afford a lot or a home of a certain size, you are not allowed to live here. If we are going to build the next generation of starter homes, these rules have to go. In contexts where there isn't water or sewer service, minimum lot sizes may serve health and safety purposes. Everywhere else, they serve no purpose other than to raise the cost of housing and segregate our cities.

Be mindful that you can't change this rule in isolation: If rules like setbacks or lot coverage still make it physically or financially infeasible to build a home on a small lot, those rules also need to be adjusted. With this reform in particular, I would recommend co-developing standards with your local infill developers—if you are lucky enough to have them—to make sure you are legalizing something that can actually be built.

- Looking for a comp? In 1998, [Houston, Texas](#), reduced minimum lot sizes from 5,000 to 1,400 square feet, kicking off a townhouse building boom that has produced nearly 100,000 new infill homes. What's your city's excuse?
- Looking to learn more? Charles Gardner has a neat [report](#) on how (and why) to reduce or eliminate minimum lot sizes.

4. Legalize home-based businesses.

Even after the rise of remote work, it's still illegal to operate a business out of your home in many North American cities—that is, unless you ask for permission. The zoning regulations we have on the books don't make any sense and are a constant source of headache for would-be entrepreneurs. Instead of antiquated lists of permitted and prohibited uses, focus your regulations on measurable impacts. Define a category of “no-impact home-based businesses” and exempt them from the need for permits or public hearings.

If you want to take this reform to the next level, consider legalizing [accessory commercial units](#) (ACUs)—think ADUs, but for small businesses. Historically, great neighborhoods hosted daily uses like corner groceries, barbershops, and doctor's offices. Why not again?

- Looking for a comp? [Ann Arbor, Michigan](#), recently liberalized their home-based business ordinance to strike a solid balance. What's your city's excuse?

- Looking to learn more? I just put together a [Planetizen Course](#) explaining why and how to reform home-based business regulations.

5. Expand ministerial approvals as much as possible.

If I had a dollar every time I heard a planner say, “We allow that, you just have to request a special use permit/planned use development/variance,” I would have enough money to become a California homeowner. Discretionary process is, more often than not, a waste of time, both for applicants and staff. Worse yet, it stops many projects from happening at all—especially small projects, for which the prospect of a lengthy delay may be an unacceptable risk. If a project is “legal,” but securing a permit requires a public hearing, an environmental report, and two years of haggling with staff, is it really legal?

Take it a step further: Write out objective standards that take the guesswork out of building. Let staff make decisions without forcing the applicant to go before a commission. Adopt permitting shot clocks—typically 60 to 90 days, though you can do better. Treat every application for which no action is taken as “deemed approved.” And require that every denial must be made with written findings.

- Looking for a comp? [San Jose, California](#), has same-day permit issuance for preapproved ADU plans. What’s your city’s excuse?
- Looking to learn more? I was part of a team that [studied](#) how discretion needlessly delays development.

6. Legalize multifamily housing in commercial zones.

In most cities, the most obviously underutilized lots are in commercial zones. You know the ones I’m talking about: the dilapidated strip malls that deaden your city’s major corridors, the half-empty office parks that will never be fully leased in an age of remote work. Yet in many cities, it’s illegal to turn these parcels into mixed-use developments. This should change—housing should be allowed by-right in all commercial zones.

With prudent planning—stop me if I’m asking too much—these upzonings could be used to turn stroads into multimodal corridors. Coordinate all that new density with upgrades like bus rapid transit and protected bicycle lanes to give all those new residents alternatives to automobile

dependence, and enrich the quality of life of current residents. (And don't [overthink](#) it when it comes to ground-floor retail.)

- Looking for a comp? [Arlington, Virginia](#), spent the past few decades turning a typical stroad into a thriving multimodal corridor.
- Looking to learn more? Emily Hamilton [explains](#) how nearby Fairfax County turned a sprawling office park into a new town center. What's your city's excuse?

"Yes, yes," you may be saying, "these are all fine ideas. But my city doesn't have any YIMBYs to advocate for stuff like this."

I have good news, dear reader: not only does your city have a YIMBY, but you're the most important one—the one who will start a local pro-housing movement. Start a Facebook Group or Twitter profile, schedule a monthly happy hour, and show up at public hearings. With a modicum of effort, you will be surprised by how rapidly strangers get involved and local elected officials start taking you seriously—many are thinking about zoning for the first time and are searching for low-cost solutions.

How do I know? I've seen it happen. Good luck!



[M. Nolan Gray](#)

M. Nolan Gray is the research director for California YIMBY and an expert in urban land-use regulation. He is the author of *Arbitrary Lines: How Zoning Broke the American City and How To Fix It*. Gray previously worked as a planner in New York City, where he worked on the front lines of zoning. He is a widely published author, with work appearing in outlets such as The Atlantic, Bloomberg CityLab, and The Guardian. He lives in Los Angeles, California, and is

originally from Lexington, Kentucky. You can connect with him on [Twitter](#) and [LinkedIn](#).

‘This is a big, big deal’: Mayor signs zoning change

By Alaina Mencinger / Journal Staff Writer Jul 6, 2023 Updated Nov 8, 2023

1 of 3



Mayor Tim Keller signs the Housing Forward legislation inside City Hall in Downtown Albuquerque on Thursday. The initiative aims to add 5,000 units of housing to the city by 2025 that wouldn't normally be created by the market. Chancey Bush/ Journal

Albuquerque Mayor Tim Keller signed into law a zoning change aimed at increasing housing stock around the city.

The bill, which passed the City Council last month, included provisions such as opening up more of the city to casita development — a change that Keller called “fundamentally New Mexican.”

The zoning code change, part of the annual update to the Integrated Development Ordinance, will take effect on July 27. Zoning is one of the major tenets of Keller’s Housing Forward initiative, which aims to add 5,000 units of housing to the city by 2025 that wouldn’t normally be created by the market.

“We decided to put something forth — it was very bold, very visionary,” Keller said. “And it came from the team saying that, ‘Look, right now our current zoning code — not on purpose, but by default — discourages things like casitas, things like converting hotels to apartments.’”

Several speakers at the bill signing on Thursday referred to the legislation as a “compromise bill.” The bill survived City Council with several amendments, which Keller called reasonable.

Next on the Housing Forward agenda is implementing the zoning code changes and making headway on hotel conversion projects around the city. One of the provisions of the zoning code change was allowing a microwave and additional heating element, such as an induction cooktop, to qualify as a kitchen — a change partly intended to make it easier for developers to convert out-of-use hotels and motels into housing.

“This is a big, big deal for Albuquerque,” Keller said.

The Planning Department is already working toward meeting the administration’s goal of 1,000 new casitas in the city by 2025.

Planning Manager Mikaela Renz-Whitmore said the department is currently discussing how to lower the bar of entry for property owners to build casitas. Within 120 days, she said, the department is expected to release some preapproved casita designs, which should reduce the time and cost for a homeowner to build an accessory dwelling unit.

The department is also looking at how other cities have incentivized casita construction. In Los Angeles, Renz-Whitmore said, there’s a program where the city will loan building costs to homeowners that agree to rent their casita to a Section 8 housing voucher holder for a certain number of years. Renz-Whitmore said the department is discussing a similar program.

“That really helps make sure that this isn’t just for the people who can already afford to build an extra unit,” Renz-Whitmore said. “It actually helps those folks who are middle income — they’re already homeowners and they’re just looking for either a little bit of rental income, or even to provide housing for their own family members.”

We want to hear from you

For general questions or concerns, email web@abqjournal.com

Alaina Mencinger covers city and county government for the Albuquerque Journal. She can be reached at amencinger@abqjournal.com or at 505-823-3864.



PLANNING

[Home](#) / [Planning](#) / [Accessory Dwelling Unit](#) / [Free Casita Construction Plans](#)

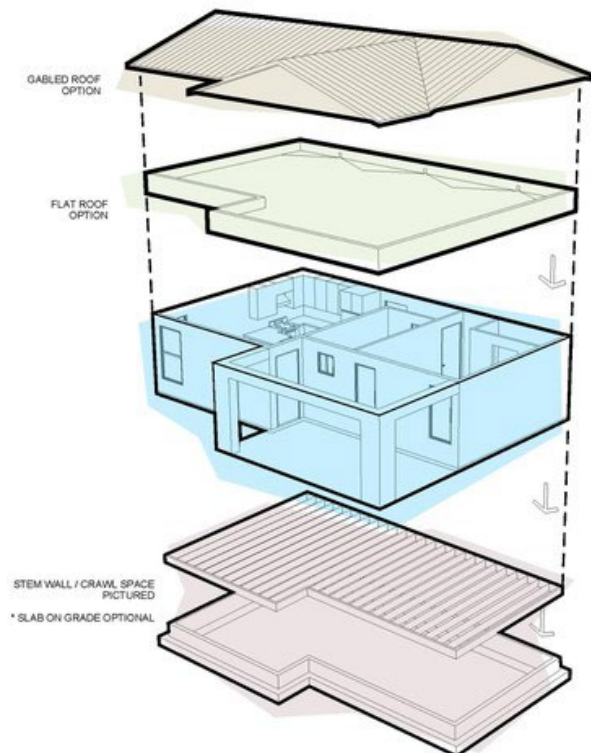


Free Casita Construction Plans

This page contains the City's free casita construction plans and permitting information.



650sf FLOOR PLAN



3D DIAGRAM

3D diagram courtesy of Steve Miller, LivLab Studios

Free Casita Construction Plans

The City of Albuquerque's Planning Department is providing four different casita construction plans for free to the community. These construction plans range in size from 450 to 750 square feet and meet the currently adopted building codes and standards. The City greatly appreciates Ron Montoya Designs Inc. for their donation of the construction plans.

The links below have options for both square footage and roof type. Choose which casita construction plans will work best for you, review the [necessary requirements](#), and then start following the step-by-step approval process.

[450 square foot casita with a flat roof](#)

[450 square foot casita with a pitched roof](#)

[550 square foot casita with a flat roof](#)

[550 square foot casita with a pitched roof](#)

[650 square foot casita with a flat roof](#)

[650 square foot casita with a pitched roof](#)

[750 square foot casita with a flat roof](#)

[750 square foot casita with a pitched roof](#)

Step-by-step Approval Process

Follow these steps to apply for a building permit to construct a casita:

Step 1: Submit a Site Plan

- Create/update a [Site Plan](#), which needs to include:
 - the location of the existing property line and existing house
 - any easements on the property
 - the locations of all existing structures on the lot
 - the location and size of the new ADU
 - the location of the required off-street parking space
- Choose your desired casita construction plans from the options above
- If choosing the pitched roof option be sure to include the new truss detail drawings from the supplier that are sealed and stamped by a New Mexico Licensed Structural Engineer.
- Obtain an updated Grading and Drainage Plan
- Provide all the required public notices, including posting a sign and emailing the Neighborhood Association
 - See the [Public Notice page](#) for more information about posting signs, requesting email addresses for affected Neighborhood Associations from the Office of Neighborhood Coordination, and required public notice forms.
- Submit an application for a Site Plan - Administrative by email to plndrs@cabq.gov
 - [Download forms](#) for a Development Review Application and Site Plan Checklist.

Step 2: Submit a Building Permit

- [Apply for a permit online](#) or in person at the Building Safety counter, located in suite 190 on the lower level of the Plaza Del Sol Building at 600 2nd St. NW.
- Be prepared to provide all project information and upload the pre-selected plans for your project.
- Pay all associated fees online or at the Treasury Department on the ground floor of the Plaza Del Sol building.
- NOTE: Please be advised that trade permits will be needed for electrical, plumbing, and mechanical in addition to your building permit.

Step 3: Upload Permit Package

Once *plan review* fees are paid, you will receive an email invitation to upload your plans/drawings and documents. For more detailed instructions please watch our [Uploading Your Electronic Plan Sets to ePlan video](#) from our [Building Safety instructional videos page](#).

Step 4: Make Corrections, If Needed

If corrections are needed, you will receive an email explaining the need to upload corrected plans/drawings and documents. For directions and additional information on uploading your documents please see the [ePlan User Manual](#) and our [Building Safety instructional videos page](#).

Step 5: Pay for Building Permit

Once your permit is ready to be issued, you will receive an email with information about applied permit fees and how to obtain your printed permit. You will also have the ability to print your approved plans, drawings, and documents to have on the project site.

Step 6: Download and Print Approved Building Plan Set

Make sure to download approved plans and provide a printed set on-site for inspections. For assistance, please call the Building Safety permitting counter at 505-924-3320.

Step 7: Complete Inspections

Construction inspections are required at several different steps in your project. Inspections may vary depending on your particular project. Some of the inspections required are: foundation, framing, insulation, electrical, plumbing/mechanical, and the final inspection. To schedule an inspection visit [the Building Safety Division website](#) or call the Building Safety permitting counter at 505-924-3320 for more information.

Once all inspections have been passed, your permit will be complete.

Other Resources

- [Integrated Development Ordinance](#)
- [Use-specific Standards for ADUs](#)
- [Integrated Development Ordinance Zone Look-Up Map](#)
- [Accessory Dwelling Units FAQ](#)
- [Housing Choices for Albuquerque's Older Adults – A Resource Guide from Senior Affairs](#)
- [Building Safety Resources](#)

Mitigation Matters: Policy Solutions to Reduce Local Flood Risk

This brief is one of 13 that examine state and local policies that have resulted in actions to mitigate flooding.



A father and daughter kayak down Magnolia Avenue in Norfolk, Virginia, in 2009 after a severe nor'easter. The city has revamped its zoning regulations to encourage investment in areas less prone to flooding.

Norfolk's Revised Zoning Ordinance Aims to Improve Flood Resilience

Changes include new building standards to help protect Virginia city's residents

Overview

Lying between the Elizabeth River and Chesapeake Bay, Norfolk, Virginia, boasts over 200 miles of shoreline.¹ The long stretch of inlets and beaches lures seasonal visitors, and the deep water offshore provided one of several rationales to build the country's biggest naval base there.

But in the past 50 years, changing precipitation patterns, sea level rise, and land subsidence have led to recurrent flooding.² In 2013, officials decided that Norfolk's zoning ordinance did not support the city's goals and needed to be overhauled to mitigate flooding and promote safer development. The revised ordinance, approved in January 2018, includes new zoning requirements to encourage investment in less risky areas.³

Plans point to flooding challenges

Proximity to the shore benefits Norfolk's economy⁴ and has given residents an attractive quality of life, while also providing a home to Naval Station Norfolk, which employs more than 100,000 active duty personnel and civilians.⁵ But persistent flooding in recent years has damaged homes, businesses, and infrastructure, and posed a threat to military assets.⁶

The risk is exacerbated by a growing population and aging infrastructure.⁷ The sea level has risen over a foot here in the last 80 years,⁸ with the settling or sinking of ground accounting for half of the change.⁹ By 2050, it is expected to be 1.6 feet above 1992 levels.¹⁰

In 2013, the General Assembly asked the Virginia Institute of Marine Science, a research and education center connected to the College of William & Mary, to assess how the state could combat recurrent coastal flooding. The institute predicted in its report¹¹ that it would probably take the state at least two decades to mount an effective response to flooding from rising sea levels but that it could take measures immediately to begin mitigating it.

The measures outlined in the report helped Norfolk include flood mitigation strategies in two successive city plans: The first, *plaNorfolk2030*,¹² guided short-term development; the second, *Norfolk Vision 2100*,¹³ considered a longer time horizon. Both strategies informed Norfolk's decision to rewrite its zoning ordinance.

Ordinance rewrite for cost-effective mitigation

Although still growing, Norfolk is almost fully developed, with only 3.1 percent of land vacant.¹⁴ Balancing the tension between flood risk and being almost at capacity, *plaNorfolk2030* was designed to guide the city's economic and physical development.¹⁵ The plan called for a comprehensive zoning ordinance update to mitigate flooding and sea level rise.¹⁶ Beginning in 2014, the ordinance overhaul involved significant public input and numerous drafts.

As noted by Wetlands Watch, a nonprofit dedicated to protecting the natural environment, "zoning areas are not static, but comprehensive zoning rewrites are rare."¹⁷ The city's undertaking was no small feat, but officials pursued the retooling as a cost-effective way to reduce vulnerability.

In January 2018, officials adopted a zoning ordinance to direct new and more intense development to higher ground.¹⁸ The ordinance, which went into effect that March, largely applies to recent development projects,¹⁹ which account for many of the city's structures that have been subject to flooding problems. It includes a scoring system for approving projects and a series of new resilience overlays.

Resilience quotient

Under the terms of the ordinance, each new development and redevelopment project (both residential and nonresidential) must achieve a minimum threshold of points that are awarded based on whether the project meets standards to boost its resilience against flooding and other threats. Developers are encouraged to meet three standards set for flood risk reduction, stormwater management, and energy resilience.²⁰ The threshold, called a resilience quotient, varies by the type of development and ensures that developers think holistically about site design.

If developers do not plan to meet the three resilience standards, they must go through a more complex site review, in which they must demonstrate that their plans meet a range of additional goals, including conserving water resources, protecting water quality, supporting multimodal transportation and mobility (especially walking and biking), and providing mixed-income residential or mixed-use developments.

Zoning overlays

A zoning overlay district is a geographic area with requirements that go beyond the base zone standards that apply to every property in the city.²¹ A key part of the ordinance update was new overlays, which have their own standards that can add, remove, or modify those of the base zoning district. The overlays relate to flood risk priorities that were outlined in Vision 2100.

Coastal resilience overlay

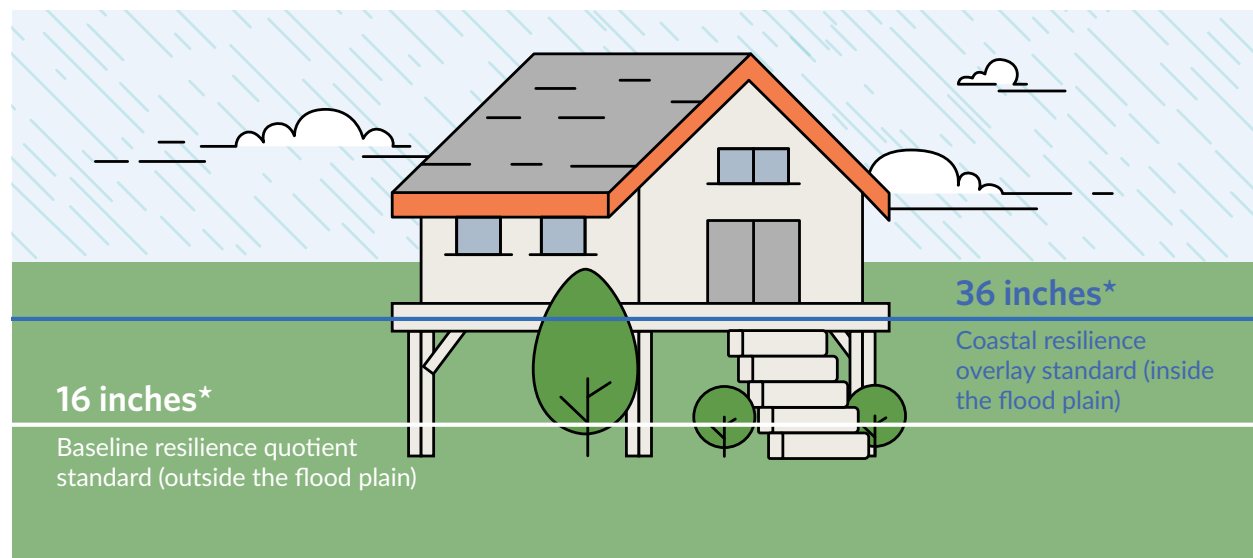
The minimum point requirement for the coastal resilience overlay's (CRO's) resilience quotient is higher than in other parts of the city.²² Properties in the flood plain—which overlaps with the CRO—are required to be elevated at least three feet. Basements are prohibited, and electrical system components must be raised a foot above the finished floor.²³ Landscaping must consist exclusively of salt-tolerant and native species,²⁴ requirements for open spaces must be maintained, and limits are set on paved parking spaces that cannot absorb rainwater.²⁵

Norfolk also requires all new construction in the 500-year flood plain (an area with a 0.2 percent annual chance of flooding) to be elevated three feet above the ground or 1.5 feet above the 500-year flood elevation, whichever is higher. When the CRO overlaps with the 500-year flood plain, the rules for that flood plain apply.²⁶

Figure 1

Norfolk Requires Homes Outside the Flood Plain to Be Elevated

Residences built in the flood plain must be raised 3 feet, compared with 16 inches elsewhere in the city



* The structure must be raised this amount from the highest point of the natural ground next to it, also known as the highest adjacent grade.

Note: For developers building outside the flood plain, meeting the resilience quotient standard is one of two methods to comply with Norfolk's zoning ordinances. Where the elevation standards of zoning overlays conflict, the higher requirement applies.

Source: City of Norfolk, Virginia, "Building a Better Norfolk: A Zoning Ordinance for the 21st Century," accessed June 13, 2019, <https://www.norfolkva.gov/norfolkzoningordinance>

© 2019 The Pew Charitable Trusts

Upland resilience overlay

The upland resilience overlay (URO) encourages development in higher areas, with the goal of transforming them into “walkable, bikeable, transit-rich neighborhoods.”²⁷ Property owners in the URO can forgo some resilience requirements in these areas, which have less flood risk²⁸—if they agree to relinquish development rights in areas vulnerable to flooding in the coastal resilience overlay. These properties in the CRO are then put into conservation easements restricting the property’s use to open space, conservation, or reducing the maximum density, with rights conferred to the city to make improvements for water retention or flood protection.²⁹

Elevation requirements outside the CRO

The zoning ordinance contains varying elevation requirements throughout Norfolk for areas not covered by the CRO. The baseline resilience quotient standards for residential development (barring a few exclusions, such as historical properties) in these areas require that homes must be elevated at least 16 inches above the ground. All nonresidential development must be raised 8 inches.

Concerns about growth and future flooding

During the public comment phase and after the ordinance was passed, builders argued that the zoning requirements were being implemented too abruptly and would stifle economic growth.³⁰ Ordinance opponents also pointed to uncertainties in predicting exact levels of sea level rise, but city officials responded that they were confident that the ordinance addresses the appropriate level of risk.³¹ Much of the broader community supported the ordinance changes.³² Perhaps explaining this support, 63 percent of respondents in a community survey in 2018 said they thought flooding had increased in the last 30 years, and more than 70 percent said they were very or somewhat concerned about it.³³

Officials are collaborating with Wetlands Watch to evaluate the URO, assess its effectiveness, and advise on how to market and administer it. Officials are also looking to expand the CRO to other high-risk areas identified in Vision 2100.³⁴

Because the ordinance changes took effect in 2018, it’s too soon to gauge the results. But the measures are likely to be cost-effective; compared with other types of flood-mitigation programs, such as grants, fewer city expenditures are required. And by requiring more resilient construction and encouraging development on higher ground, Norfolk is better positioned to protect its residents and the naval base from the impacts of stronger storms and sea level rise. Officials say it can serve as a model for other coastal cities.

“Mitigation Matters: Policy Solutions to Reduce Local Flood Risk” examines policies in 13 locations: Arkansas; Brevard, North Carolina; Fort Collins, Colorado; Indiana; Iowa; Maryland; Milwaukee; Minnesota; Norfolk, Virginia; South Holland, Illinois; Vermont; Washington state; and Wisconsin.

To prepare the briefs, The Pew Charitable Trusts contracted with the consulting engineering firm Dewberry, which identified a range of state and local policies across the U.S. that are helping to reduce flood risk. Local officials and disaster resilience experts provided input during the research process. Two external reviewers—Nate Woiwode, project manager of The Nature Conservancy’s North American Risk Reduction and Resilience team, and Elizabeth Albright, assistant professor of the practice of environmental science and policy methods at Duke University’s Nicholas School of the Environment—provided expert insight. Neither they nor their organizations necessarily endorse the conclusions.

Pioneering Zoning Reforms in Grand Rapids, MI

Sep 07, 2023

SHARE

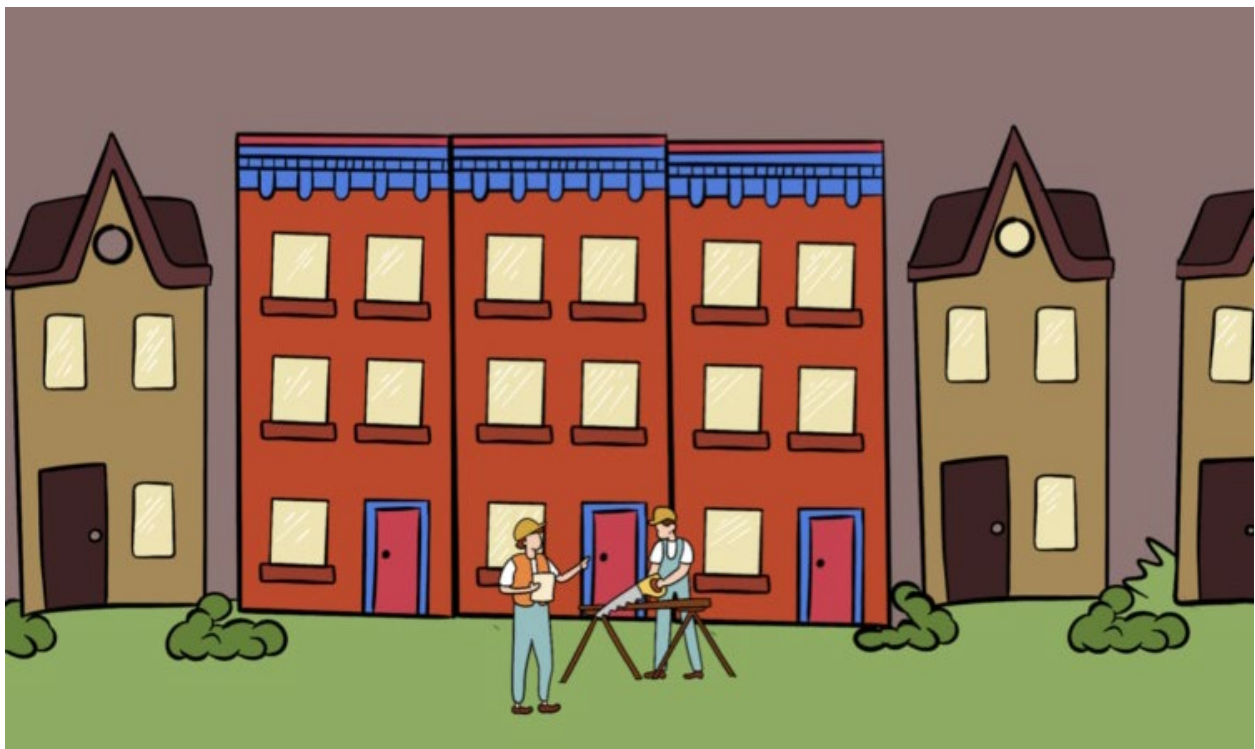


Illustration by Wynton Henderson

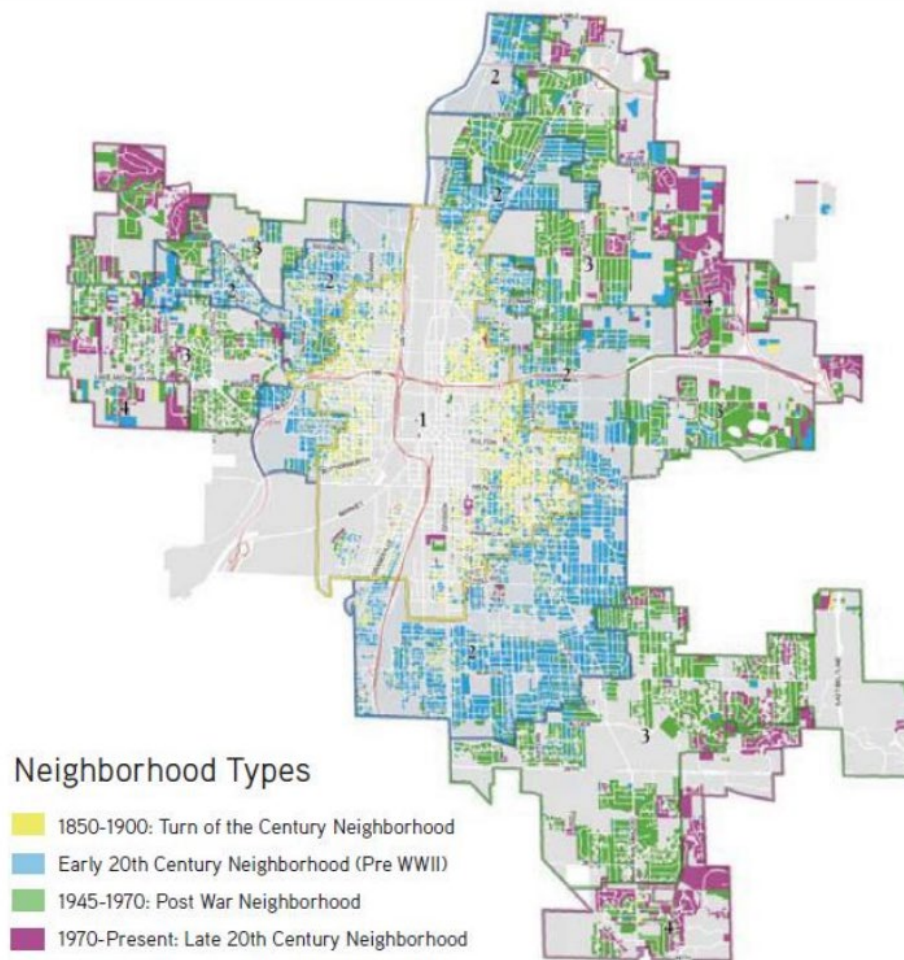
Background

Before Grand Rapids, MI started to [pursue](#) zoning reform in the early 2000s, its city plan was rife with inconsistent and complex land use practices that hampered development. To help inform its reform efforts in the years leading up to 2008, the city carried out an 18-month planning process including almost 250 community engagement meetings. During these meetings, residents and business owners generally expressed a desire to maintain the character of their neighborhoods while not substantially opposing greater density.

Reforms Implemented

While Minneapolis' more recent zoning-reform plan has garnered far more national attention, Grand Rapids [effectively eliminated single-family zoning](#) nearly a decade before in 2008. The city approved a new zoning ordinance that split the city into “character districts,” allowing denser development than was permissible in the early 2000s so long as it was consistent with what had historically been allowed before more restrictive zoning practices were implemented over the course of the 20th century. All the character district types allowed duplexes or apartments either by-right or with special approval—and 97% of applications seeking special approval were approved.

Grand Rapids Zoning Ordinance: Neighborhood Types



The city streamlined the permitting process by allowing more housing by-right, with faster approvals, and by allowing multifamily housing development by-right in mixed-use commercial zones. The new ordinance also reduced parking minimums for both single-family and multifamily housing.

Reportedly, the new zoning ordinance received [very little opposition](#) and was embraced by the public—perhaps a credit to the city’s extensive community engagement effort. According to Suzanne Schulz, a former planning director for the city of Grand Rapids, efforts to maintain neighborhoods’ design elements quelled residents’ opposition to greater density. Residents came on board when they learned that the increased density would reflect what had been developed historically—so neighborhoods would not see any entirely new forms of development that appear out of place. As Schulz put it: “If we already have different housing types in a community, why would we want to prohibit it in the future?”

Early Evidence

Since the new zoning ordinance was implemented in 2008—when housing production began to plummet nationwide because of the financial crisis—it is difficult to measure the impact of the reform on housing production. In the years immediately following the measure, multifamily housing production was low in Grand Rapids as well as the rest of the state. However, over the last decade, multifamily housing supply in Grand Rapids has seen a robust increase, which may have been made possible by the 2008 zoning ordinance. Further research would be beneficial to help determine the direct effect of zoning reform on housing supply and affordability in Grand Rapids.

According to Schulz, the streamlined approval process enticed some developers—including Low Income Housing Tax Credit developers—and investors to build housing in Grand Rapids because it is easier to build there than elsewhere.

Increasing population has been a priority for the city of Grand Rapids, which set the goal of adding [12,000 downtown residents](#)—an objective made more feasible by zoning that allows for denser development. While this ambitious target is far off, Grand Rapids did increase its downtown area population by [47%](#) between 2010 and 2020 according to census data, up to 6,402 people, thanks largely to the development of new apartments.

Grand Rapids still has a significant need to build more affordable housing. According to [one analysis](#), Grand Rapids has a housing shortage of about 7,961 rental units and 6,155 for-sale units, compared to a total population of just under [200,000](#). All affordable rentals that operate under either the LIHTC program or with a government subsidy are now fully occupied.

Recognizing the continued need to build affordable housing, Grand Rapids implemented further reforms in 2018, extending by-right approvals to townhouses near commercial areas and corner lot duplexes. In 2023, the city is considering another round of reforms, including proposals to:

- Further reduce or eliminate all parking minimums
- Allow single-room occupancy units (also known as microunits)
- Allow a greater number of unrelated individuals to share a unit on land near universities
- Streamline the review process for ADUs and eliminate owner-occupancy requirements

Read more zoning and land use case studies [here](#).

JOIN US!

Interested in connecting to additional resources from the Mayors Innovation Project? Learn more about the benefits of membership today.

Visit us at mayorsinnovation.org



mayors
innovation
project

7122 Sewell Social Sciences Building | 1180 Observatory Dr | Madison, WI 53706

608.890.0730 | mayorsinnovation.org