Reshaping the City
Zoning for a More Equitable, Resilient, and Sustainable Future

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SMART GROWTH AMERICA | UCLA | CENTER FOR ECONOMIC INCLUSION | CITY OF NORFOLK

MARCH 24, 2023
Today’s Speakers

Toccarra Nicole Thomas, AICP
Director of Land Use and Development | Executive Director Form-Based Codes Institute Smart Growth America

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Author, *Arbitrary Lines: How Zoning Broke the American City and How to Fix It* 
University of California, Los Angeles (UCLA)

Heather Worthington
Managing Consultant 
Center for Economic Inclusion

Jeremy Sharp
Zoning Administrator 
City of Norfolk
Randall Lewis Center for Sustainability in Real Estate

Lead the real estate industry in creating buildings and places where people and the environment thrive
Today’s Agenda and Housekeeping

1. Overview of *Reshaping the City* report
2. Panelist Perspectives on Updating Zoning
3. What do you think? Attendee Polls
4. Discussion and Q&A
5. Survey

Housekeeping:
- This presentation will be recorded and distributed
- Please submit questions through the Q&A feature, and upvote the questions you want to see asked
Bringing together leaders in the fields of real estate and resilience to share practical solutions to protect communities and investment from climate risk while enhancing economic opportunity, environmental performance, and social equity.

Hear from experts, engage in tours, and network at an exclusive closing reception!
Reshaping the City
Zoning for a More Equitable, Resilient, and Sustainable Future

Highlights connections among traditional zoning and today’s land use challenges

Makes the case for updating zoning policies to support health, social equity, climate action and resilience

Shares promising examples of zoning updates from across the United States

knowledge.uli.org/zoning
TRADITIONAL ZONING

SEPARATING USES AND BUILDING TYPES

SEGREGATION BASED ON RACE, ETHNICITY, AND INCOME

INEQUITABLE ACCESS TO OPPORTUNITY

ADVERSE HEALTH AND ENVIRONMENTAL OUTCOMES
**EFFECTS OF CURRENT ZONING APPROACHES**

- **Promoting sprawl**
  Roughly 75 percent of land zoned for housing in major U.S. cities allows only single-family homes. *(Planetizen)*

- **Creating and perpetuating residential segregation**
  Exclusionary zoning leading to residential segregation has created disparities in health outcomes and economic opportunity.

- **Limiting the supply and affordability of homes**
  Common zoning provisions make housing more expensive and place barriers on multiunit and affordable housing.

- **Failing to mitigate and adapt to the effects of climate change**
  Traditional zoning often fails to promote climate resilience and building decarbonization.
ZONING AND THE DEVELOPMENT PROCESS

<table>
<thead>
<tr>
<th>Traditional zoning</th>
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<tbody>
<tr>
<td>Zoning uncertainty <strong>raises costs</strong> at every stage of development</td>
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<tr>
<td>Adding features to comply with traditional zoning may raise costs and may <strong>not meet market demand</strong></td>
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<tr>
<td>Existing zoning may force developers to build less economically viable products to avoid costly and lengthy approvals processes</td>
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<thead>
<tr>
<th>Updated zoning policies</th>
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<tr>
<td><strong>Simplifying zoning</strong> can reduce the cost of development and support affordability</td>
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<tr>
<td>Streamlining the approvals process may give municipalities room to <strong>require</strong> or <strong>incentivize community-supportive</strong> investments</td>
</tr>
<tr>
<td>Aligning zoning with <strong>community needs</strong> and <strong>market demand</strong> may unlock funds for features that support <strong>health</strong>, <strong>equity</strong>, <strong>resilience</strong>, and <strong>sustainability</strong></td>
</tr>
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ZONING TECHNIQUES

- COMPREHENSIVE OVERHAULS
- BY-RIGHT ZONING
- OVERLAYS
- FLOATING ZONES
- ZONING INCENTIVES
- FORM-BASED CODES
Toccarra Nicole Thomas, AICP

Director of Land Use and Development
Executive Director, Form-Based Codes Institute

Smart Growth America
Zoning Reform from a Recovering Practitioner's View
February 21, 2023
Toccara Nicole Thomas, AICP, MBA, CNU-A
Director, Land Use and Development | Executive Director Form-Based Codes Institute
Smart Growth America a National Nonprofit

OUR NORTH STAR

We envision a country where no matter where you live, or who you are, you can enjoy living in a place that is healthy, prosperous, and resilient.

We empower communities through technical assistance, advocacy, and thought leadership to realize our vision of livable places, healthy people, and shared prosperity.
PROGRAMMATIC PRIORITIES

CLIMATE CHANGE AND RESILIENCE

ADVANCING RACIAL EQUITY

HEALTHY COMMUNITIES
Toccarra Nicole Thomas, AICP
Director Land Use and Development | Executive Director Form-Based Codes Institute

Spheres of Influences at SGA:
Attainable Housing,
Zoning Innovation and Reform

Practical Planning
Experience: Comprehensive Planning, Zoning Administration, Community Development, Community Redevelopment, Economic Development
Housing Attainability Professional Passion
Form-Based Codes Institute an SGA Program

FBC Classes

Codes for Communities

Advance zoning reform through the use of form-based codes that empower communities to achieve their vision of livable places, healthy people, and shared prosperity.

FBC Award

More than 400 Form-Based Codes have been adopted into law globally. The majority have been adopted in the United States, with several adopted in Canada, South Africa, and the US Virgin Islands, with many more currently being developed.
Innovative and Once in a Lifetime Projects working With a FBC

Award Winning and Internationally Recognized Ocean Mall Redevelopment
Innovative and Once in a Lifetime Projects working With a FBC

Wrote and Implemented Neighborhood Stabilization Plan ($5MM over 5 years) and Internationally Recognized and Award Winning Community Garden in a Food Desert
Innovative and Once in a Lifetime Projects working With a FBC

$25MM World Class Marina Village and Marina Redevelopment
Traditional Zoning
Constrained My
Creativity
Simple Questions Don’t Have Simple Answers Which Led to Administrative Burden

Agriculture is Agriculture Right? 40 Page Amendment to Determine How to Permit Cannabis

15 Different Pieces of Information For One Parcel

Image Credits: User: Jennifer Martin Cannabis Plant
Administrative Error Led to Expensive Rezoning without Any Relief

ZO Outright Prohibited Innovative Solutions to the Housing Crisis Which was Exacerbated by the Cannabis Industry

Shipping Container House Tiny House Living, Book 3

Manufactured House Courtesy Clayton Homes

Tiny House Courtesy TinyNest

This Photo by Unknown Author is licensed under CC BY-ND
Ultimately Zoning Reform and Housing comes down to choice...
Zoned In: Economic Benefits & Shared Prosperity With Form-Based Codes

Key Takeaways:
• Form-Based Codes Increase Economic Prosperity of Communities
• Bring Positive Impacts for equity and equitable development
• Provide a regulatory framework for good smart growth development

Foot Traffic Ahead 2023

Key takeaways:
• People will pay a price premium for walkable, compact, mixed-use development
• 19.1% of the total U.S. real GDP and 6.8% of the U.S. population are located in walkable urban places that represent just 1.2% of total landmass

Dangerous By Design 2022

Key takeaways:
• More than 6,500 people were struck and killed while walking in 2020, an average of nearly 18 per day, and a 4.5 percent increase over 2019
• People of Color, particularly Native and Black Americas are more likely to die while walking than any other group.
STAY IN CONTACT

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Land-Use Planning After YIMBY

...and Where We Go From Here
Part III: Where Do We Go From Here?
Part III
Paths to Reform

- Local governments can and should remove regulatory barriers to new housing production at all levels of the market.

- States also have an important role to play in putting up guardrails around local planning to ensure sufficient housing is built.

- In the long-term, we need a fundamental rethink both the way we do land-use planning.
How Minneapolis became the first to end single-family zoning

Nov 22, 2013 3:26 PM EST

241 comments

By Megan Thompson
By Melanie Saltzman

CityLab | Housing
Gainesville, Florida, Moves to End Single-Family Zoning

The city commission recently voted to go ahead with the changes, despite vocal opposition.

Gainesville, Florida, could see more residential density in the not too-distant future. Photographer: Walter Belkows/The Image Bank Unreleased
Lexington Uses Nationwide Precedent To Repeal Parking Mandates

Asia Mieleszko · January 24, 2023

(Source: Flickr/Brian Ravnsv-Ketchum.)
Part III
Reviving the California Dream, One Bill At a Time

2021
- **SB 9**: Allowing duplexes and lot splits as low as 1,200 sqft statewide.
- **SB 10**: Exempting missing middle upzonings from onerous environmental review mandates

2022
- **AB 2011**: Allowing mixed-income multifamily in all commercial zones.
- **AB 2097**: Ending parking mandates within a half-mile of transit
A Red-State Take on a YIMBY Housing Bill

Utah’s SB 34, aimed at increasing the state’s supply of affordable housing, may hold lessons for booming cities of the Mountain West, and beyond.

White House: Oregon single-family zoning law could be model for nation

The Biden administration asked House Speaker Tina Kotek to join a panel on solutions to a housing crisis

BY: JULIA SHUMWAY - OCTOBER 28, 2021  4:30 PM

Share this article

The U.S. housing affordability crisis scope, but media coverage tends to cities like San Francisco, San Jose, a where skyrocketing rents and a blog (“In My Backyard”) movement have it from lawmakers. In his inaugural year, newly elected California Gov. Newsom called for a “Marshall Plan” for affordable housing, which would add 500,000 new homes in 10 years.

House Speaker Tina Kotek addresses the chamber during a legislative special session on Monday, Sept. 20, 2021. (Amanda Loman/Oregon Capital Chronicle)

FAQS: 60-DAY RULE FOR ZONING, OTHER ISSUES

By Paul D. Reuvers and Stephanie A. Angolkar, Iverson Reuvers

Date: February 2019

To encourage local government units to consider in a timely manner septic systems and other specific issues, Minnesota Statute, Section 304B.997, requires that a request be submitted within 60 days. Failure to approve or deny within 60 days results in automatic approval.

This may sound simple enough, but several questions arise repeated answers to the most frequently asked.

Does this apply to verbal requests?

No. The “request,” as defined in the statute, must be submitted to the

What does “written request relating to zoning” mean?

It refers to a written request that has a “connection, association, or logical interrelation” to building development or the uses of property. Courts have broadly interpreted this to include applications for permits. Three examples include variances, conditional use permits, and rezoning requests. However, it does not apply to building permits.

Does the applicant need to use the county’s form?

Yes. If the county has an application form, the applicant must use it. The request must clearly identify the form as the one required by the government. In the event the request does not meet the specific information required by the form, the government may reject the request.

start counting?

when the county receives a written request containing all information required by the form. If the application fee is paid a few days after the application is submitted, the request will be counted as received on the date the fee was paid.
S.1614 - Yes In My Backyard Act
117th Congress (2021-2022)

Sponsor: Sen. Young, Todd [R-IN] (Introduced 05/13/2021)
Committees: Senate - Banking, Housing, and Urban Affairs
Committee Meetings: 06/24/21 10:00AM
Latest Action: Senate - 06/24/2021 Committee on Banking, Housing, and Urban Affairs. Hearings held. (All Actions)
Tracker: 0 Introduced

H.R.2483 - Build More Housing Near Transit Act of 2021
117th Congress (2021-2022)

Committees: House - Transportation and Infrastructure; Financial Services
Latest Action: House - 04/15/2021 Referred to the Subcommittee on Highways and Transit. (All Actions)
Tracker: 0 Introduced
Table 2: Control of Land Use by Zones

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Implications</th>
<th>Examples of buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category I</td>
<td>Exclusively low-rise residential zone</td>
<td>Low-rise residential buildings</td>
<td>Homes, townhouses, apartments, condominiums</td>
</tr>
<tr>
<td>Category II</td>
<td>Exclusively low-rise residential zone</td>
<td>Low-rise residential buildings</td>
<td>Homes, townhouses, apartments, condominiums</td>
</tr>
<tr>
<td>Category III</td>
<td>Multi-high-rise oriented residential zone</td>
<td>Medium to high-rise residential buildings</td>
<td>Condominiums, high-rise apartments</td>
</tr>
<tr>
<td>Category IV</td>
<td>Residential zone</td>
<td>Mixed-use buildings with commercial on lower levels</td>
<td>Condominiums, high-rise apartments</td>
</tr>
<tr>
<td>Category V</td>
<td>Neighborhood commercial zone</td>
<td>Mixed-use buildings with commercial on lower levels</td>
<td>Condominiums, high-rise apartments</td>
</tr>
<tr>
<td>Category VI</td>
<td>Commercial zone</td>
<td>Commercial and industrial buildings</td>
<td>Commercial and industrial buildings</td>
</tr>
<tr>
<td>Category VII</td>
<td>Exclusively Industrial zone</td>
<td>Industrial buildings</td>
<td>Industrial buildings</td>
</tr>
</tbody>
</table>

Legend:
- A: Can be built
- B: Not specified above
- C: Not specified above
- D: Can be built
- E: Can be built
- F: Can be built
- G: Can be built

Notes:
- Areas with no land use zone designation are eligible for commercial use.

Areas with no land use zone designation

<table>
<thead>
<tr>
<th>Areas with no land use zone designation</th>
<th>Eligibility for commercial use</th>
</tr>
</thead>
<tbody>
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References:
Conclusion
What Can You Do?

● Get involved with (and support) your local state and local YIMBY chapters, who are driving the reform wave we’re seeing today.

● Work with your state and local electeds and planners who get it—explain the regulatory barriers to housing affordability and collaborate on solutions.

● Leverage new laws to build the housing our cities need—show policymakers that the market can provide the housing we need.
Thank you!
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@mnolangray
Heather Worthington
Managing Consultant
Center for Economic Inclusion
Minneapolis 2040

Lessons Learned

Heather Worthington
Center for Economic Inclusion
Managing Consultant
A new narrative for Housing

• We know that stable, affordable housing is the common denominator for success
  • Kids who have stable housing do better in school
  • Adults with stable housing have a higher rate of employment; less “under-employment”
  • Low-barrier housing for people struggling with drug and alcohol use is key to the housing “ecosystem” in communities—and one of the largest issues impacting homelessness

• We must reshape the dominant narrative about housing—and commit to “housing as a human right” approach
Redlining Map
Minneapolis
c. 1925
Predominantly White

Predominantly People of Color

Found Racial Covenants
Inner Neighborhoods
Rental Housing Affordability in Minneapolis Neighborhoods

Change in Rental Affordability by Race/Ethnicity 2000 and 2014

All bolded values adjusted to 2014 dollars
Income values for households

2000
Median Rent: $899
($575 in 2000 dollars)

Median Renter Income: Affordable threshold:
Black or African American: $28,729 ($19,000 in 2000 dollars) $688 ($475 in 2000 dollars)
Hispanic or Latino: $40,234 ($28,000 in 2000 dollars) $1,006 ($715 in 2000 dollars)
White Not Hispanic or Latino: $39,300 ($28,000 in 2000 dollars) $985 ($700 in 2000 dollars)

2014
Median Rent: $854

Median Renter Income: Affordable threshold:
Black or African American: $14,961 $374
Hispanic or Latino: $30,491 $762
White Not Hispanic or Latino: $39,525 $988
What we’re still missing

• We aren’t addressing the gap between cost of housing (both new construction and rent) and ability to pay—and we can’t continue to demand that the “market” fill this gap—this is a shared responsibility

• Housing markets continue to experience low inventory and extreme price increases in most of the US—we need to build more housing at every price point immediately

• We need to look more deeply at the regulatory levers we can pull—these include:

  • Material costs, parking requirements, other costs related to regulation
  • Incentives for ADUs, cottage courts and other novel housing typologies
  • Eviction reform—especially to improve housing stability
  • Intentional actions that will address the impact of racially biased zoning, land use and regulation—not just eliminating those regulations
  • More construction of housing that includes low-barriers to entry (e.g. for active drug and alcohol users), and wrap-around services to ensure that residents are successful and get the help they need
  • We must intentionally preserve NOAH in our communities—we need a hedge strategy to address the continuing conversion of these units for market-rate tenants. Local governments can use their HRA, PHA and other housing tools to purchase and hold these units, just as they built many of these units in the 1950s-1970’s.
  • States and Locals should look at their reliance on property tax as a revenue generator; this tax is deeply regressive and cannot be sustained in neighborhoods that are threatened by gentrification and displacement

• An alliance of housing advocates who pull in the same direction—we don’t need to agree on everything, but we should be using our shared values to address this issue, and we should demand that this is a priority
Jeremy Sharp
Zoning Administrator
City of Norfolk
Norfolk, Virginia

• Independent city of 238,000 (3rd largest in Virginia)
• 54 square miles, 144 miles of coastline, 97% developed
• World’s largest Naval Station and Port of Virginia (3rd busiest on east coast)
Resilience in Norfolk

- **Norfolk’s Resilience Challenges**
  - **Coastal Resilience**
    - Recurrent flooding and SLR
  - **Economic Resilience**
    - Navy and Port are dominant; too little else
  - **Social (Neighborhood) Resilience**
    - Concentrated poverty; disconnected communities
How can zoning respond to resilience challenges?
Zoning Ordinance Rewrite

• 3½-year process
• 1,000’s of residents reached
  • ~125 public/stakeholder presentations
  • Series of workshops with Tidewater Builders Association (that continue today)
• Council adoption January 23, 2018
  • Went live March 1, 2018
Resilience Quotient for Single-Family

Simpler options

1. **Risk reduction** – elevate by 16”

2. **Stormwater management** – capture 200 gallons of rainwater -or- plant/preserve 1-2 trees per 25 ft. of lot frontage

3. **Energy resilience** – install generator hookup
Resilience Quotient

Single-family

1. Elevate by 16”
2. Capture 200 gallons of rainwater or plant/preserve 1-2 trees
3. Install generator hookup

Multifamily/Commercial

1. Elevate 16” and capture first 1.25” of rainfall
   -or-
2. Select options from points tables
Olde Huntersville Neighborhood (2017)

Neighborhood of approximately 1,300 homes one mile north of Downtown

- 96% minority
- 32% homeownership
- $117,000 median home value
- $29,000 median household income
- Approximately **300 vacant lots**
- Newer development rarely fit neighborhood pattern
- Little to no development interest
Traditional Neighborhoods Plan Book

Olde Huntersville (2017) and Bruce’s Park (2021) Neighborhoods
Olde Huntersville Zoning Framework

Minimum lot dimensions
• Most lots are 25’ x 100’, while zoning required 50’ x 100’
• Minimum lot size reduced to 25’ x 100’

Form and development standards
• Incorporated strict standards directly into zoning
• Focus on elevation, porch size, garage location

Process
• Follow City plans – by-right permit
• Deviate from plans – CUP
Results

Approximately 60 new homes permitted since 2017

• Nearly all built on 25’ lots using Traditional Neighborhoods Plan Book
For More Information

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Survey