



# **ZONING FOR EQUITY:** GUIDANCE FROM THE AMERICAN PLANNING ASSOCIATION

APA NATIONAL PLANNING CONFERENCE 2023



# TODAY'S PRESENTERS

- **Charnelle Hicks, AICP**

- Founding Principal at CHPlanning & Nspiregreen
- Co-lead on APA Equity in Zoning Policy Guide

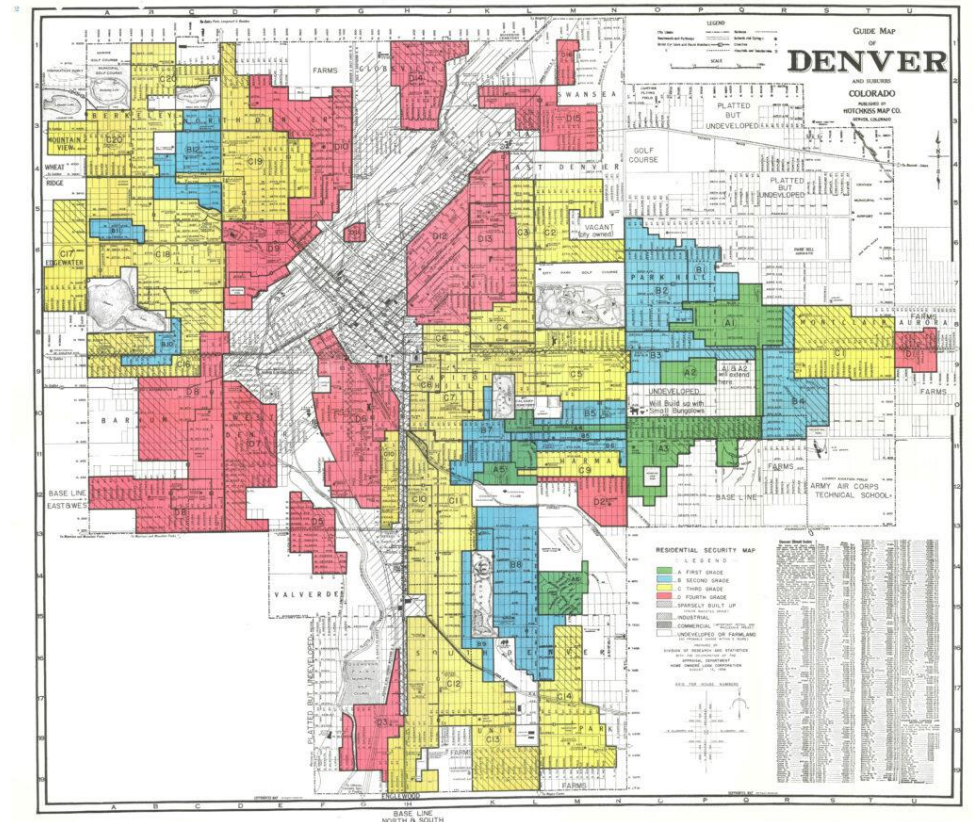
- **Jordan Exantus, AICP, LEED AP**

- Senior Managing Associate, Nspiregreen/CHPlanning
- Co-author on APA Equity in Zoning Policy Guide



# WHY THIS TOPIC?

- Zoning is a very powerful force in determining where people live and work
- It also turns out to powerfully reinforce racial, ethnic, and income segregation
- Zoning reinforces lending patterns that have tended to limit wealth accumulation in BIPOC communities
- Many of these results are caused by unspoken impacts of facially neutral language that needs to be revised or removed
- The APA Equity in Zoning Policy Guide provides planners with solutions to alleviate the disproportionate impacts of zoning



# CONTEXT

- Zoning operates within a system of real estate, lending, governance, and property rights that tends to institutionalize segregation and limit upward mobility.
- The fact that zoning cannot solve all these challenges does not mean it is not a key part of the solution
- Zoning is a very white and very male profession, and many reforms will not happen until that changes

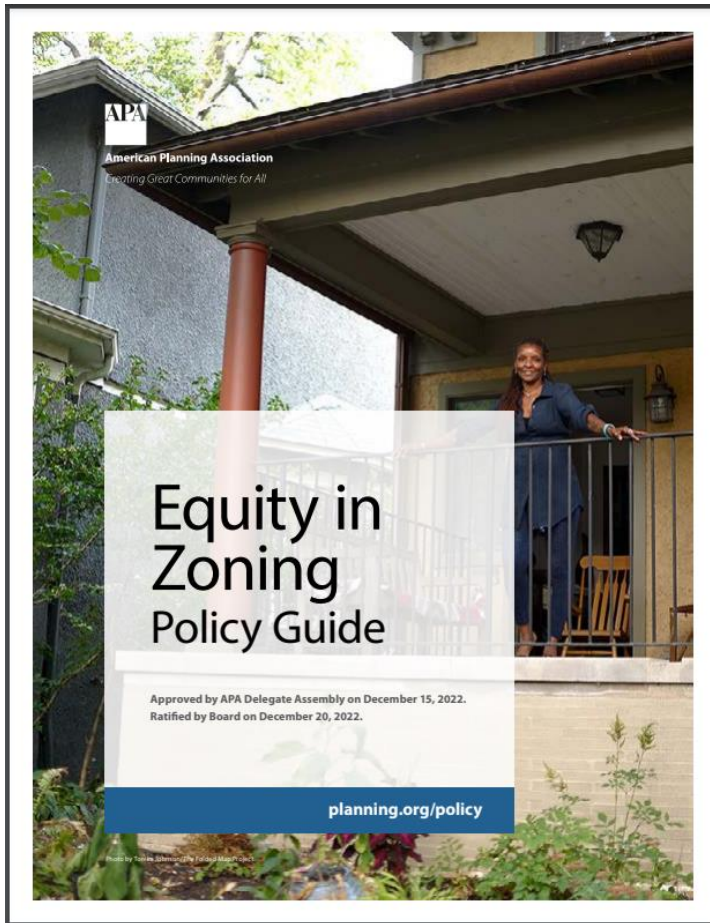


We have the responsibility to be hypersensitive about equity issues—if we're not, it doesn't happen by accident.

—Kirk E. Harris, MPA, JD, PHD, ESQ.,  
Associate Professor, University of Wisconsin-Milwaukee



# ABOUT THE POLICY GUIDE



Focus is on discriminatory impacts based on:

- Race and Ethnicity
- National Origin
- Religion
- Resident /Tenancy Status
- Age
- Gender
- Physical Disability
- Sexual Orientation

Available for download and distribution on APA's website:

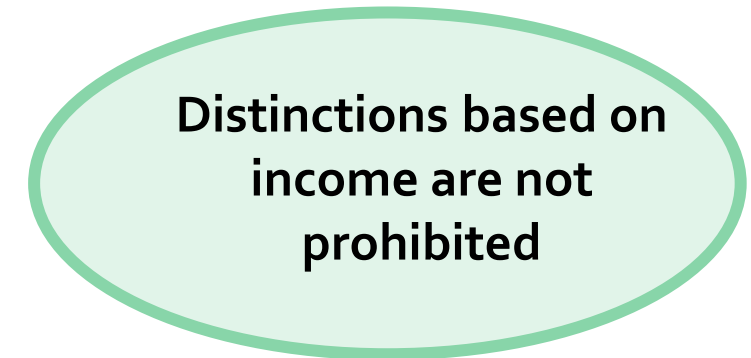
<https://planning.org/policy/guides/>

# RACE, ETHNICITY, GENDER, DISABILITY – AND INCOME

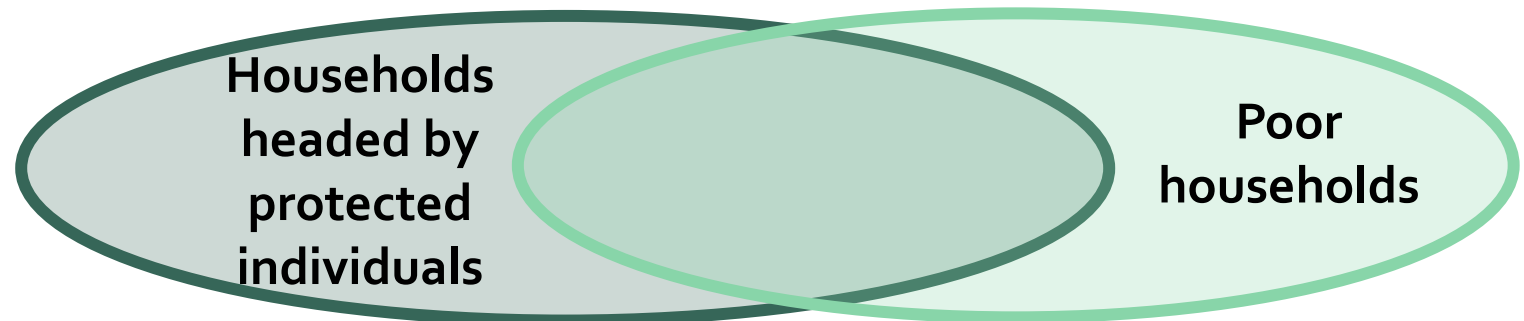
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**In Theory:**



**In Reality** – the two circles overlap – a LOT



# ABOUT THE POLICY GUIDE

- Multi-year and iterative drafting process including APA Legislative Committee, APA Delegate Assembly, APA general members, and non-APA writers, teachers, and experts on zoning and/or equity
- Approved and ratified by unanimous vote of Delegates Assembly and APA Board in December 2022



**American Planning Association**

...and more



# ABOUT THE POLICY GUIDE

**Focuses on improving zoning equity in 3 key aspects of zoning:**



**People** – Ensuring that all residents are fairly included and represented in drafting, applying, changing, and enforcing zoning



**Substantive Rules** - Removing or revising facially neutral rules that have disproportionate impacts on what types of structures and activities are permitted in different neighborhoods



**Zoning Maps** - Removing the legacy of redlining while protecting residents of historically redlined areas from the unintended impacts of those changes

To avoid overlap with other Policy Guides, this one focuses on:

- Regulations and Incentives – not advisory policies in advisory planning documents
- Equitable participation in the zoning process – not the planning process



# CHAPTERS 1 AND 2

## Introduction and Overview

- Identify specific ways in which the drafting, public engagement, administration, mapping, and enforcement of zoning regulations can be changed to dismantle barriers to equity.
- Build on, and not repeat, recent APA Policy Guides (e.g. Housing & Healthy Communities).
- Cross-cutting issues such as lack of diversity in the profession, real estate practices, private covenants, and income disparities.

## What is Equity in Zoning?

- “Those who write, administer, or enforce zoning regulations take clear steps to “undo” unfair outcomes generated or compounded by unequal ability to participate in all parts of the zoning process.”
- Focus on the disproportionate impacts of zoning rules on some individuals and neighborhoods, and then redraft and remap zoning to reduce or eliminate those impacts.

# CHAPTER 3: THE RULES – SUBSTANTIVE ZONING REGULATIONS

- Regulations that limit the size and shape of lots and buildings, the types of activities that can operate within those lots and buildings, and the physical design of those lots and buildings
- Five cross-cutting equity concerns:
  - Public Health
  - Environmental Justice
  - Fair Access to Housing
  - Fair Access to Economic Opportunity and Services
  - Aging in Place

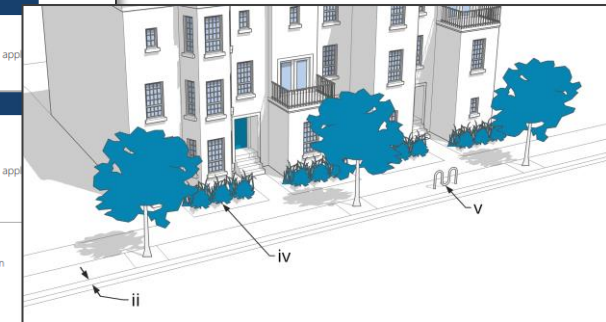
**Table 02-8: RH District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)	Multifamily Dwelling	Single-Family, Duplex, Triplex, or Fourplex Dwelling
A Lot area	5,000 square feet (0.115 acres)	R4 district standards apply
B Lot width	50 feet	
<b>Building Setbacks (Minimum)</b>		
C Front	15 feet	
Attached front-loading garage or carport	25 feet [1]	R4 district standards apply
D Side	10 feet [2]	
E Rear	10 feet [2]	
<b>Other Standards</b>		
Front parking setback (minimum)	20 feet behind the primary structure's front building wall	
Impervious surface coverage (maximum)	65%	R4 district standards apply
Landscape area (minimum)	35%	
F Primary structure height (maximum)	5 stories, not to exceed 63 feet [2] [3]	
Accessory structure height (maximum)	20 feet	

**Notes:**  
 [1] Or equal to the setback of the primary structure, whichever is greater.  
 [2] Buildings abutting a property in the RE, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).  
 [3] See Section 20.04.110 (Incentives) for alternative standards.

Not to scale, illustrative only

**Figure 14: RH Dimensional Standards**



4.2.3 Maximum facade width (cont.).



Fig. 4-16: Retail center where different storefronts are designed to look like separate buildings.



Fig. 4-18: The continuous strip mall building (below) and continuous facade, color, and material over a full block (below) exceed the maximum facade width.

Land Use	Open Space and Residential				Mixed-Use				Old Town				Commercial and Industrial		Reference					
	OS	RA	RN	R6	R13	R24	MO-N	MO-S	MO-U	MO-T	OT-EY	OT-GV	OT-OW	OT-RN		OT-RR	OT-W	CG	IL	IG
Single-Family Detached	A	A	A	A	A	A	C	C	C	C			A	A	A					3-1-3-2
Duplex			L <sup>1</sup>	L	L	L	L	L	L	C	C	C								3-1-3-2
Townhome					L	L	L	L	L	C	C	C			A	A				3-1-3-2
Multiplex					A	A	A	A	A	C	C	C	A	A	A	A	A			-
Multifamily					A	A	A	A	A	C	C	C	A	A	A	A	A			-
Cottages, Micro-Homes, or Co-Housing					A	A	A	A	A	C	C	C								-

TABLE NOTES:  
1 Duplex units are only allowed in the RN-D subdistrict.

# CHAPTER 3: HIGHLIGHTS



## Zoning Districts

- Expand residential and mixed-use districts
- Establish overlay zones to protect vulnerable populations and improve health outcomes



## Form and Design

- Reduce or remove minimum lot size and maximum density standards
- Add accessibility and mobility standards
- Avoid drafting design requirements that increase development cost



## Use Regulations

- Diversify residential housing types and expand allowances
- Ensure access to healthy food by allowing grocery stores, restaurants, etc. near residential
- Prohibit the location of new industrial uses with public health impacts



## Development Standards

- Draft thresholds for compliance with specific development standards to avoid disproportionate impacts
- Eliminate or reduce minimum off-street parking requirements
- Require adequate levels of lighting to protect safety



## CHAPTER 3: HIGHLIGHTS



### Zoning Districts

“The same zoning change that may expand opportunities for better housing, livelihoods, and services in one part of the community may lead to speculative investments and displacement of historically disadvantaged and vulnerable households and businesses in another.”

### Form and Design

“Cities and counties should consider how building form and design standards may increase the cost of building and maintaining properties, create barriers to access, and encourage or discourage investment.”

### Use Regulations

“....dismantle the negative stereotypes of some commercial uses, expand the provision of essential goods and services into historically disadvantaged and vulnerable neighborhoods, and increase access to employment opportunities.”

### Development Standards

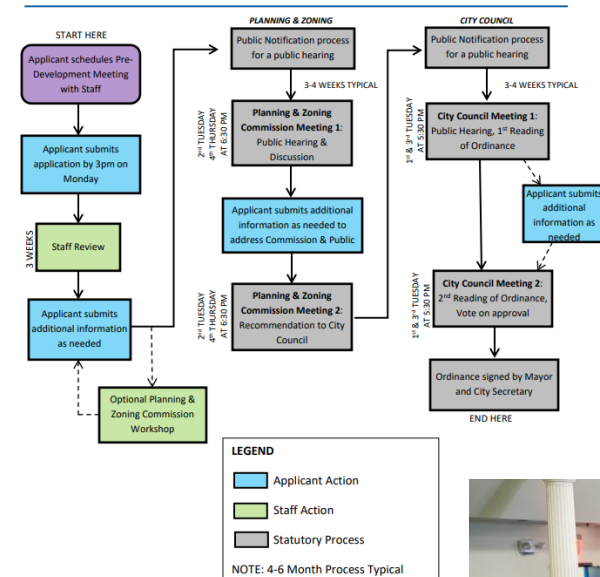
“Minimum off-street parking regulations raise the cost of housing and other development and often make redevelopment of older infill sites difficult or impossible, which likely has a disproportionately negative impact on historically disadvantaged and vulnerable Neighborhoods.”



# CHAPTER 4: THE PEOPLE –ZONING PROCEDURES



- Capacity Building
- Appointing Representative Advisory and Decision-Making Boards
- Writing and Changing the Zoning Rules
- Applying the Zoning Rules to Individual Properties
- Enforcing the Zoning Rules
- **“informed participation is critical to eliminating racism and discrimination in zoning”**



Who is helped?

Who is harmed?

Who is missing?





# CHAPTER 4: HIGHLIGHTS



- Ensure that planners and elected and appointed officials receive diversity, equity, and inclusion (DEI) training
- The composition of nonelected boards and committees should reflect the community
- Avoid overly complicated regulations and legalistic language and speak to the community in the language(s) they understand
- Draft clear and objective, equity-based standards and review criteria
- Formalize and expand requirements to use newer means of notification
- **Only require public hearings when there is a genuine need to use discretion in applying zoning criteria and standards to the facts of a specific development proposal**

## Public Notices



Mayor and City Council Meetings

Public Notice of any Mayor and City Council meetings, such as Ward Meetings or City Council agendas.



Planning Commission and Board of Adjustment

Public Meeting notices for all Planning Commission and Board of Adjustment public meetings

## Example of Objective Design Standards

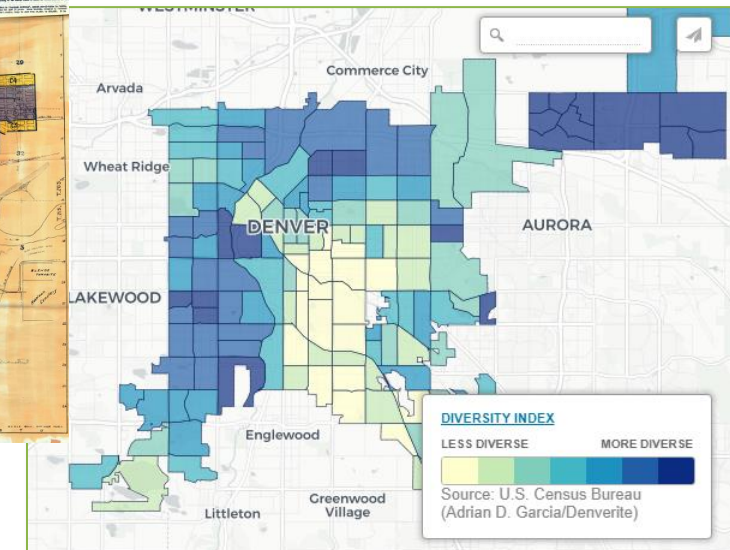
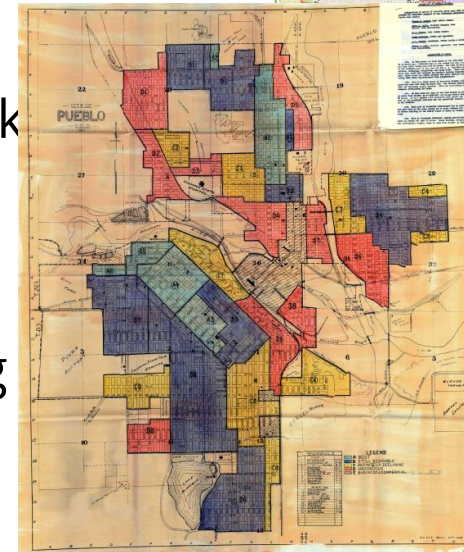
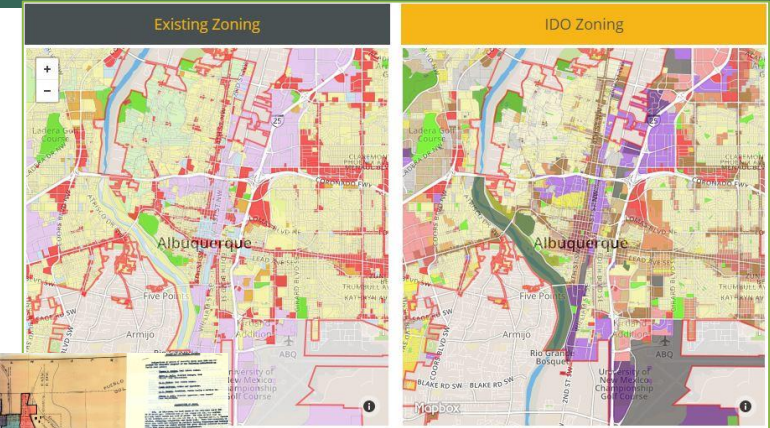
Street-facing building facades shall include building entrances that front the street.

Automobile and pedestrian access points shall not be gated or otherwise closed off to the public.

# CHAPTER 5: THE PEOPLE – ZONING MAPS



- Drawing and changing area-wide zoning maps
- Making land available for needed types of development
- Removing disparities in neighborhood health risk
- Removing disparities in access to key services and facilities
- Removing Historic segregation through mapping changes



## CHAPTER 5: THE PEOPLE – ZONING MAPS



### A More Equitable Zoning Map:

- Makes more land available for needed types of development
- Removes disparities in neighborhood health risks
- Removes disparities in access to key services and facilities
- Include many fewer exclusionary lines designed to ensure homogeneous building forms, lot sizes, or land uses, or to protect “neighborhood character” or property values.
- Remove lines deliberately created along borders between neighborhoods distinguished from each other mostly by race or ethnicity, except in situations where the historically disadvantaged neighborhood wants some of those differences preserved

# KEY TAKEAWAYS

- **Zoning is a very powerful tool**

- For decades it has been used in ways that segregate or disadvantage some populations, businesses, or neighborhoods from others
- It has great (largely untapped) potential to remove those barriers – or to advantage those same populations, businesses, or neighborhoods

- **But zoning reform is not enough**

- Decades of unfair zoning laws, maps, and procedures have resulted in vast differences in ability to participate in zoning decisions, as well as vast disparities in wealth that make it difficult for disadvantaged communities to take advantage of opportunities opened up by fairer zoning
- Capacity building, translation services, protections against displacement, and access to finance are all very important if we want improve opportunity



# QUESTIONS?

GROUP ACTIVITY IS NEXT!





# GROUP ACTIVITY

- **Exercises:**
  - 1 = Barriers on Housing Opportunity
  - 2 = Required Public Hearings and Adequacy of Notice
- **Read the scenario, the Policy Guide recommendations, and the zoning regulations**
- **Discuss the following questions:**
  - Do the zoning regulations align with the Policy Guide Recommendations?
  - What changes would be necessary to bring them into alignment?
  - Are there zoning changes that you would only apply in more affluent neighborhoods and would not apply in lower income neighborhoods because they would lead to gentrification and displacement?
- **Report-outs to the larger group**

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Examples 1 and 2 are available here:  
<https://bit.ly/APA-equity-guide>

OR

Example 1 is available here



Examples 2 is available here

