



Rethinking zoning

Jenny Schuetz

Brookings Institution



Presentation overview

- Overview of land use regulations
 - Examples of zoning codes, historic & today
 - Economic and political rationales
- Impacts on housing markets
 - Quantity, type, and location of new housing
 - Affordability concerns
- Current trends in zoning/land use regulation
 - State & local land use reforms
 - Federal engagement with land use



Overview of land use regulations

- What are common types/forms of land use regulations? What do they do?
 - Zoning
 - Type of allowed uses
 - Height, density, other physical dimensions
 - Procedural requirements
 - Besides standard zoning, local governments can adopt variety of land use plans, environmental regulations, infrastructure requirements, subdivision standards, building codes, etc.
- In general, larger cities have more – and more complicated – regulations. But they also tend to allow greater height and density.



Preamble to 1916 NYC zoning law

CITY OF NEW YORK
BOARD OF ESTIMATE AND APPORTIONMENT

BUILDING ZONE RESOLUTION
(Adopted July 25, 1916.)

A Resolution regulating and limiting the height and bulk of buildings hereafter erected and regulating and determining the area of yards, courts and other open spaces, and regulating and restricting the location of trades and industries and the location of buildings designed for specified uses and establishing the boundaries of districts for the said purposes.

Be it resolved by the Board of Estimate and Apportionment of The City of New York:

ARTICLE I – DEFINITIONS

NYC's 1916 Zoning Resolution fits on 14 pages.



DC Office of Zoning

[Home](#)[Services](#)[Zoning Commission](#)[Board of Zoning Adjustment](#)[Regulations](#)[Resources](#)[Search](#)[About DCOZ](#)

DC Office of Zoning

[Listen](#)[SHARE](#) [Facebook](#) [Twitter](#) [LinkedIn](#) [Print](#) [PDF](#)

Office Hours

Monday to Friday, 8:30 am to 5:00 pm, except District holidays

Connect With Us

441 4th Street, NW, Suite 200S,
Washington, DC 20001
Phone: (202) 727-6311
Fax: (202) 727-6072
TTY: 711
Email: dcoz@dc.gov



Ask the Director
Agency Performance

Amharic (አማርኛ)
Chinese (中文)
French (Français)
Korean (한국어)
Spanish (Español)
Vietnamese (Tiếng Việt)

Zoning Regulations of 2016 (Unofficial Version) - Technical Corrections

Reference: 08-06L

The following PDF documents are the Subtitle that comprise the new Zoning Regulations of 2016, as amended through 9/26/17 which includes corrections made through Case No. 08-06K. Please note this is a courtesy "unofficial" version of the Zoning Regulations of 2016, as amended. The Official version of the Zoning Regulations of 2016, as amended, can be found on the website of the Office of Documents and Administrative Issuances at dcregs.dc.gov.

Attachment(s):

- [Title 11 Subtitle A - Authority and Applicability - 540.7 KB \(pdf\)](#)
- [Title 11 Subtitle B- Definitions, Rules of Measurement, and Use Categories - 655.5 KB \(pdf\)](#)
- [Title 11 Subtitle C - General Rules - 973.9 KB \(pdf\)](#)
- [Title 11 Subtitle D - Residential House \(R\) Zones - 746.8 KB \(pdf\)](#)
- [Title 11 Subtitle E - Residential Flat \(RF\) Zones - 553.3 KB \(pdf\)](#)
- [Title 11 Subtitle F - Residential Apartment \(RA\) Zones - 624.4 KB \(pdf\)](#)
- [Title 11 Subtitle G - Mixed Use \(MU\) Zones - 958.2 KB \(pdf\)](#)
- [Title 11 Subtitle H - Neighborhood Mixed-Use \(NC\) Zones - 931.0 KB \(pdf\)](#)
- [Title 11 Subtitle I - Downtown \(D\) Zones - 4.8 MB \(pdf\)](#)
- [Title 11 Subtitle J - Production, Distribution, and Repair \(PDR\) Zones - 545.2 KB \(pdf\)](#)
- [Title 11 Subtitle K - Special Purpose Zones - 2.8 MB \(pdf\)](#)
- [Title 11 Subtitle U - Use Permissions - 866.4 KB \(pdf\)](#)
- [Title 11 Subtitle W- Specific Zone Boundaries - 297.7 KB \(pdf\)](#)
- [Title 11 Subtitle X - General Procedures - 574.9 KB \(pdf\)](#)
- [Title 11 Subtitle Y - Board of Zoning Adjustment Rules of Practice and Procedure - 777.1 KB \(pdf\)](#)
- [Title 11 Subtitle Z - Zoning Commission Rules of Practice and Procedure - 768.9 KB \(pdf\)](#)
- [Title 11 DCMR 2016 Zoning Regulations - 9.7 MB \(pdf\)](#)



FIGURE 1

Zoning map for Falls Church, Va.



Source: <https://www.fallschurchva.gov/DocumentCenter/View/690/Zoning-Map?bidId=>





GENERALIZED SUMMARY OF ZONING REGULATIONS CITY OF LOS ANGELES

Zone	Use	Maximum Height		Required yards			Minimum Area		Min. Lot Width	Parking Req'd.													
		Stories	Feet	Front	Side	Rear	Per Lot	Per D.U.															
Multiple Residential																							
R2	Two Family Dwellings R1 Uses, Home Occupations	Unlimited (8)	45 or (6),(7),(8)	20% lot depth; 20 ft. max., but not less than prevailing	10% lot width < 50 ft.; 5 ft.; 3 ft. min.; + 1 ft. for each story over 2nd	15 ft.	5,000 sq. ft.	2,500 sq. ft.	50 ft.	2 spaces, one covered													
RD1.5	Restricted Density Multiple Dwelling One-Family Dwellings, Two-Family Dwellings, Apartment Houses, Multiple Dwellings, Home Occupations										15 ft.	10% lot width < 50 ft.; 5 ft.; 3 ft. min.; + 1 ft. for each story over 2nd, not to exceed 16 ft. (6)	15 ft.	5,000 sq. ft.	1,500 sq. ft.	60 ft.	1 space per unit < 3 habitable rooms; 1.5 spaces per unit = 3 habitable rooms; 2 spaces per unit > 3 habitable rooms; uncovered (6) 1 space each guest room (first 30)						
RD2																		6,000 sq. ft.	3,000 sq. ft.	2,000 sq. ft.			
RD3																					10% lot width, 10 ft. max.; 5 ft. min., (6)	6,000 sq. ft.	3,000 sq. ft.
RD4																		8,000 sq. ft.	4,000 sq. ft.				
RD5																		10,000 sq. ft.	5,000 sq. ft.	70 ft.			
RD6																		12,000 sq. ft.	6,000 sq. ft.				

Source: City of Los Angeles, Department of City Planning

ROC Local





LIST NO. 1 OF USES PERMITTED IN VARIOUS ZONES IN THE CITY OF LOS ANGELES

(Breakdown by Different Zones)

Uses listed in black are permitted by-right in the indicated zone. Uses colored **red** require a conditional use permit (CUP) in the indicated zone. Uses colored **green** may be permitted as a public benefit in the indicated zone.

OS OPEN SPACE ZONE

AQUARIUM, according to Section 12.24 U. 19. (f).

ARENA, according to Section 12.24 U. 2.

ATHLETIC FIELD.

AUDITORIUM, according to Section 12.24 U. 2.

AUTOMOBILE PARKING, under the provisions of Section 12.21 A. 4.

BASEBALL FIELD.

BINGO (subject to the provisions of Section 12.21 A. 13).

CEMETERY, performance standards, according to Section 14.00 A. 1.

CHILD CARE FACILITY.

GEOLOGICAL CORE HOLE DRILLING and TESTING, temporary, according to Section 12.24 W. 47.

GOLF COURSE.

GOVERNMENTAL ENTERPRISE, performance standards, according to Section 14.00 A. 3.

HIGH VOLTAGE TRANSMISSION LINES and TOWERS, according to Section 12.24 U. 19. (g).

HISTORICAL VEHICLE COLLECTION (accessory), according to Section 12.24 X. 29.

LAND RECLAMATION PROJECT, according to Section 12.24 U. 13.

LIBRARY, public, according to Section 12.24 U. 19. (a).

MARINE PRESERVES, sanctuaries, and habitat protection sites.

MUSEUM, nonprofit, performance standards, according to Section 12.24 U. 19. (c).



Rationales for zoning

- Reduce negative impacts of development on neighbors
 - What are some negative impacts?
 - What specific zoning terms reduce these impacts?
- Fiscal impacts of development on local government/taxpayers
 - In what ways does new development “cost” existing taxpayers?
 - What zoning mechanisms alleviate these costs?
 - What are the implications of fiscal zoning?
- Political & social rationales for zoning
 - Preferences over who can move into a community/sorting



Impacts on housing markets

- How does zoning impact:
 - What type of structures get built
 - Where structures get built
 - Size/density of buildings, number of houses
 - Prices/rents of new and existing houses
 - Developer profits
- We want to think about these impacts at several geographic levels
 - Project/parcel
 - City and region



Parcel-level: Allowing “gentle density”

FIGURE 1

More homes, less yard



One single-family detached
3,000 square feet
2.5 stories



Three townhouses
2,000 sq. ft./house
2.5 stories



Six condominiums
1,200 sq. ft./condo
3 stories

Note: These are hypothetical examples created for this analysis. Structure types and building dimensions are typical of homes in Washington, D.C., verified against Computer Assisted Mass Appraisal residential data from opendata.dc.gov.

B Metropolitan Policy Program
at BROOKINGS

Source: <https://www.brookings.edu/research/gentle-density-can-save-our-neighborhoods/>
ROC Local

B



Impacts at city/regional level

- If zoning restricts new development across a city/region, how does that affect:
 - Number of houses built
 - Size, quality, & price of houses built
 - Long run price of new and existing housing
- Research suggests that zoning has limited supply & increased prices in large metropolitan areas
 - Particularly Northeast corridor (DC-Boston) and West Coast
 - Largest impact on young households, renters and first-time homebuyers
 - Regionally, can impact labor market efficiency.



Levers to increase housing supply

- Most regulatory barriers to housing are local
 - [Zoning](#) limits land where [apartments](#) are legal
 - Lengthy, complex, expensive [development process](#)
 - Discretionary approval process empowers NIMBY residents
- Federal, state & local governments are exploring new ways to reduce barriers
 - [Minneapolis 2040](#), Oregon HB 2001, California SB50
 - Proposals from [Democratic presidential candidates](#)
 - White House Council on reducing barriers to affordable housing
- Effective policy solutions face steep political opposition
 - Changing specific zoning components on paper may not increase housing growth
 - Would need strong financial incentives (penalties) to change behavior of most exclusionary places



Additional references

- Examples of zoning texts:
 - NYC 1916 zoning:
<https://www1.nyc.gov/assets/planning/download/pdf/about/city-planning-history/zr1916.pdf>
- DC 2016 zoning:
 - <https://dcoz.dc.gov/zrr/zr16>
- Recent articles:
 - <https://www.nytimes.com/2017/09/06/opinion/housing-regulations-us-economy.html>
 - https://www.washingtonpost.com/news/wonk/wp/2016/08/07/why-building-a-home-on-your-own-land-has-become-so-controversial/?utm_term=.ca949e16cc03
 - Schuetz. 2019. Is zoning a useful tool or a regulatory barrier?
 - Murray and Schuetz. 2019. Is California's Apartment Market Broken?



Comments & questions welcome!

jschuetz@brookings.edu

 @jenny_schuetz



Rethinking Zoning

July 1, 2020

Karen L. Black, Esq.

May 8 Consulting Principal

University of Pennsylvania Lecturer

Healthy Rowhouse Project Co-Founder

Drexel University Lindy Institute for Urban Innovation Senior

Research Fellow



@KarenBlackMay8

ROC Local



Zoning is a Civil Rights Issue

- Exclusionary zoning based upon minimum lot size or type of use
- Lack of zoning protections for less affluent culturally rich neighborhoods
- Environmental justice –location of noxious uses

Eliminating Exclusionary Land Use Regulations Should Be the Civil Rights Issue of Our Time

AUGUST 2019 | MICHAEL STEGMAN





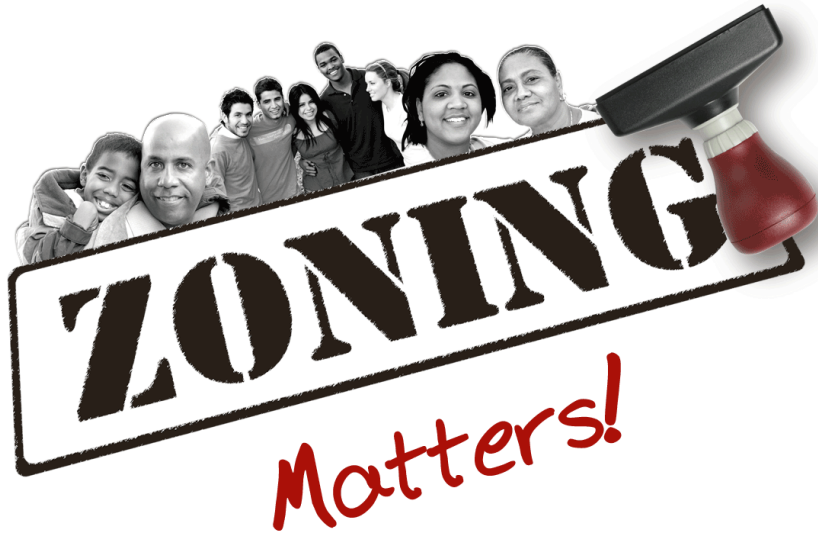
Rezoning Philadelphia



- 50-year old Zoning Code
- Over 600 pages long
- 55 Zoning designations
- 33 overlay districts
- Little as-of-right development



FixItPhilly Coalition

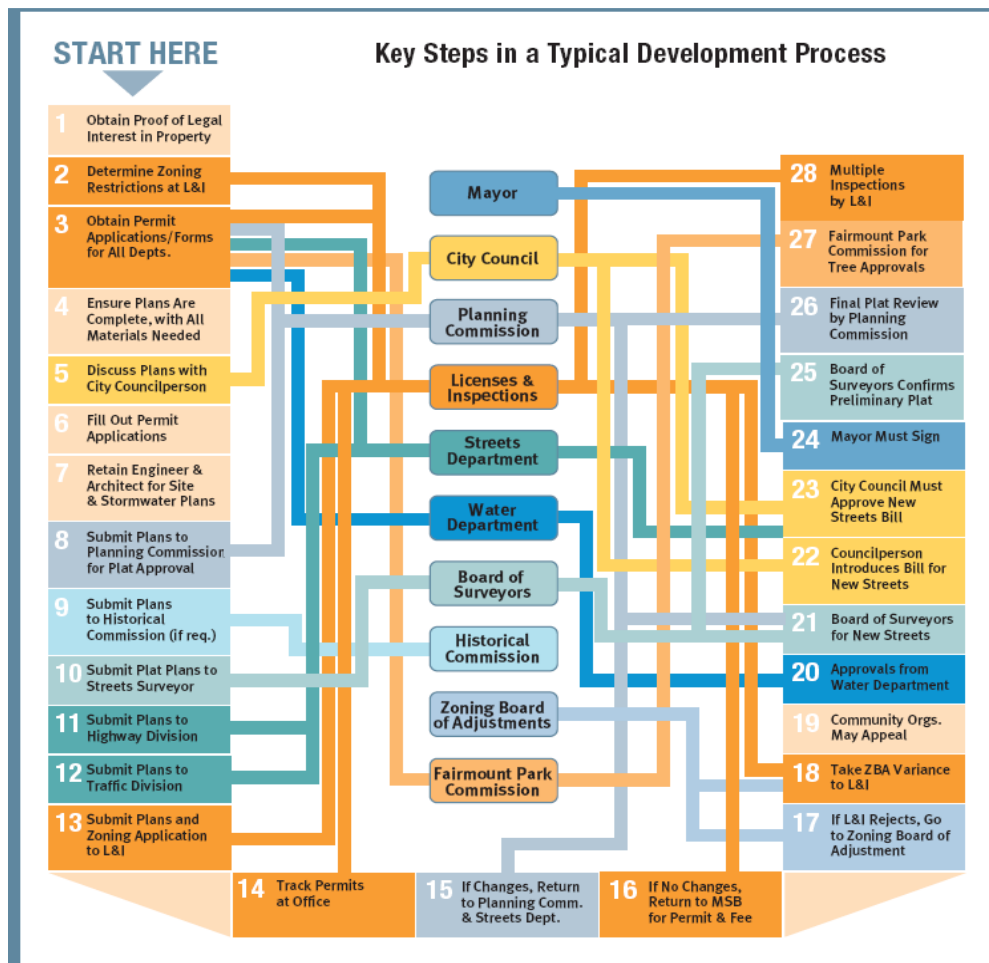


Philadelphia's Zoning Code Failed the American Planning Association's Test

Zoning decisions are regularly appealed or adjudicated	<input checked="" type="checkbox"/>
Code is subject to different interpretations.	<input checked="" type="checkbox"/>
Code is not administered in an evenhanded and consistent manner	<input checked="" type="checkbox"/>
Excessive number of zoning districts (Over 15 suggests a problem)	<input checked="" type="checkbox"/>
Standards not in keeping with modern development practices	<input checked="" type="checkbox"/>
Inconsistent writing styles (differing terms used interchangeably)	<input checked="" type="checkbox"/>
Archaic terms, legalese, confusing language	<input checked="" type="checkbox"/>
Code is too voluminous (May be a problem if code exceeds 300 pages)	<input checked="" type="checkbox"/>



Developers wanted transparency and consistency



- 14 review agencies for review of construction or rehab projects
- Community approval - important factor
- Councilmanic prerogative and ZBA
- Inconsistent codes and regulations



Modern Zoning 2012 – Prepared for Upcycle

Philadelphia Zoning

Print Zoning Code Pending Legislation Help

Enter Address: 630 CHESTNUT ST Change Address Council District # 1

Scale: 1" = 600' (1 : 7200)

Address: 630 CHESTNUT ST
Zoning: C5

Center City Commercial Area Special Controls 14-1607 Show

Real Estate signs 14-1902(3) Show

Chestnut St.(b) 14-1902(4)b Show

ATTENTION: This report represents an indication of the zoning restrictions that may apply to the selected property and does not represent a zoning evaluation or decision. For a definitive zoning decision, you must contact Licenses and Inspections.

- Huge consistency and transparency gains
- Half of neighborhoods remapped
- Variances still largely granted
- Continuing amendments to Code



Zoning Can Promote or Stop Revitalization

Monticello, NY - no residential apartments over Main Street retail
Chicago, IL - downzones dense neighborhoods near transit and de-converts houses





Upzoning – Will it Increase Affordable Housing Supply?

- Fairfax County – Taller, bigger buildings near metro – floor area ratio
- Seattle’s Grand Bargain – upzoning in 27 neighborhoods if build affordable housing
- 2019 Chicago Upzoning study - didn’t increase housing supply but did increase land values





Eliminate Single-family Zoning – A Plan to Add Equity & Density



Minneapolis 2040 Master Plan (Oct 2019)

- Allows duplexes and triplexes in all single-family neighborhoods
- Permits 5 & 10-story buildings along transit corridors



Accessory Dwelling Units on Same Lot





Basement Apartments – Clear Rules



- NYC seeks to legalize basement apartments with:
 - Multiple egress
 - 50% of window above grade
 - Proper ventilation
 - 7 ft ceiling



More Permissive Co-living/Rooming Houses/Conversions

- Can double rental income while providing more units
- LA – rent up to 5 rooms in home
- Cleveland – lease must cover > 30 days
- NYC -must not exceed occupancy requirements





Zoning for Student Housing



- Student housing increases rental prices
- Can student housing be separately regulated in your state?
- Occupancy limits (3 student max)
- Minimum distance requirements
- Prohibition in certain areas
- Design overlay for higher density on commercial corridor



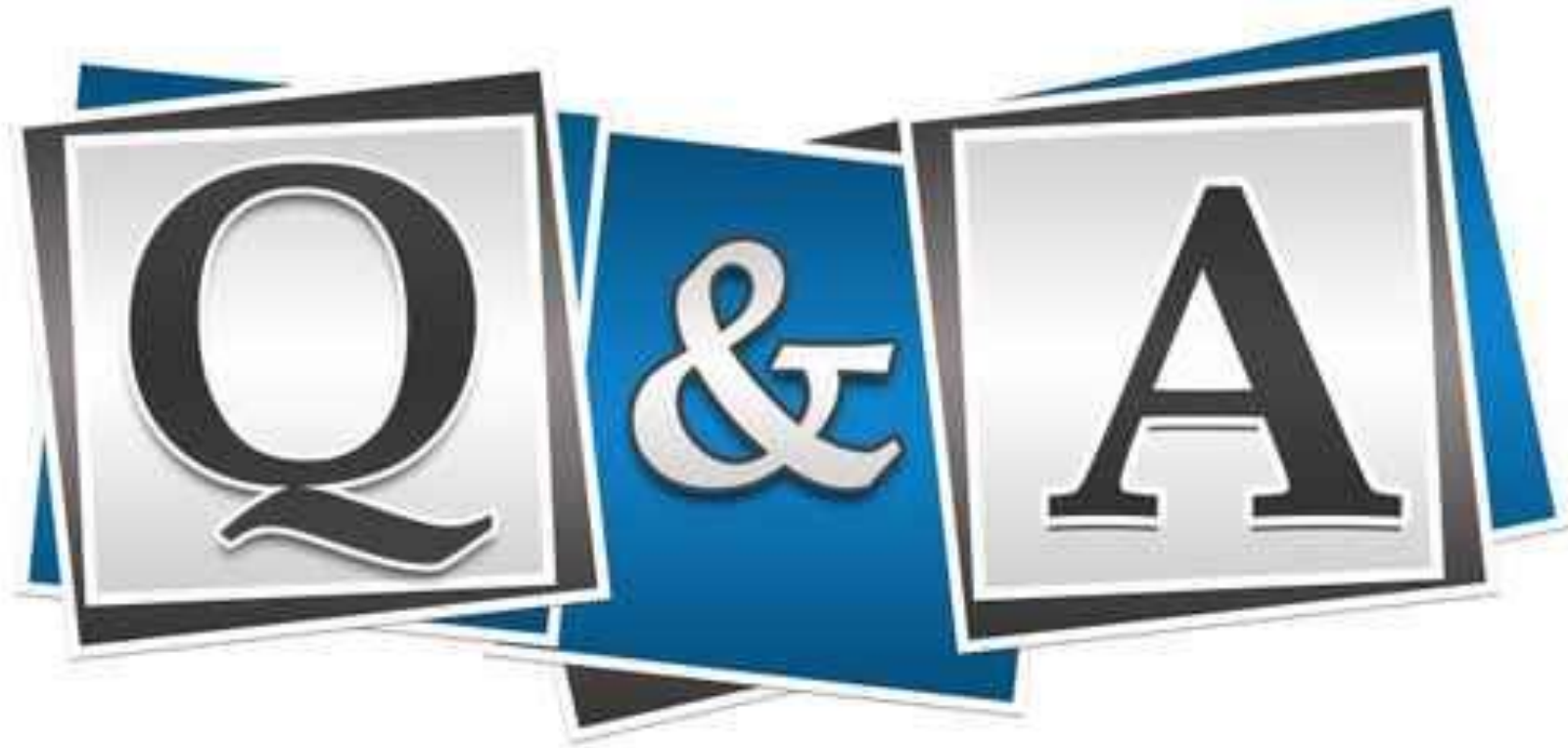
Infill Zoning for Higher Density Affordable Housing

- Zone and make available publicly owned land to developer through RFP process for affordable housing
- 2019 – California makes excess state land available for affordable housing





Discussion



ROC Local



Zoning Incentives

- Density bonuses
- Streamlined process
- Parking minimums eliminated or reduced
- Zoning variances
- Fee reduction



Buffalo Eliminates Parking Minimums