

ZONING PRACTICE

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PRACTICE ZONING MINIMALISM



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Zoning Minimalism

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“Less, but better” is a time-tested principle of great design. First heralded by Dieter Rams, the credo has been infused into the creation of everything from consumer goods to software. The wisdom can be applied in practically everything we make, including land development policy. Our zoning ordinances are a product of design. They are rarely a product of this approach.

Every practitioner has a sense that some of our rules are more effective than others. It begs the question: *What is the most important rule in your zoning ordinance?*

I’ve posed this question to many colleagues across the country, and I am delighted by the answers I get. For some, the answer is build-to lines. For others it is the street standard. Someone once told me transparency requirements are the most critical. Amid the variety of answers, one thing has been clear: I have yet to hear a planner tell me that the land-use table is paramount to our efforts. Land use is not what matters most. Landscaping requirements do not seem to be the cornerstone, either. Or signage. Or fence heights. Or parking.

Those things can be important, but they do not constitute the “vital few” in anyone’s mind. After all, this question gets us to the first principles of city planning and land development. When we work from this base level, we tend to deal with the elements of physical planning. Our focus is on the relationships between the public and private realm, where street frontages, street types, and building placements determine so much of the eventual form and function.

And for good reason: when we regulate these elements effectively, we achieve something akin to 90 percent of the urbanism we want with less than 10 percent of the regulations we administer. This article makes a case for why a minimalist approach to zoning may be necessary to achieve our core aims. It proposes five simple rules that could constitute the basis of an effective zoning code and demonstrates how these rules might work in practice.

THE CASE FOR ZONING MINIMALISM

Planners generally occupy two mindsets when dealing with zoning regulations. We must be both the designer and the administrator. As designers, we are tactical and immediate, navigating the code on a case-by-case basis, working within its parameters to help builders do the best they can with what is on the ground. As administrators, we are strategic and systematic, thinking in abstractions about the new rules and policies that can guide broader change across whole communities.

The designer implements the code. The administrator changes it. Sometimes.

We know that too many rules lead to too many inconsistencies, just as too many lines of computer code lead to more bugs in the program. As designers, we tend to resolve these issues through administrative waivers, variances, and conditions of approval. This is us fighting our own code to make good things happen. Over time, we maintain a list of the most persistent issues and then, as administrators, we make changes so that the

good things happen more easily. Case in point: I remember giving waivers to commercial developments that wanted to do *less* parking until, finally, we changed the onerous parking standard and its extreme minimum requirements. No more extreme parking requirements and, better yet, no more administrative waivers.

When done well, this incremental approach gives us an ever-evolving development code that is more amenable to current trends, more internally coherent, and easier to manage as a system. This is a good thing. It is also insufficient and can obscure a deeper problem.

The popular question these days isn’t how *much* minimum parking one should require but, rather, *why have a parking minimum at all?* The more pressing question to me is this: why has it taken us so long to ask this very question?

I blame the incremental approach. The incremental approach narrows our focus and actually keeps us stuck in the designer mindset. It leads us to negotiate on a rule-by-rule basis in the same way we negotiate subdivisions on a case-by-case basis. What are we negotiating? The most immediate obstacles we see, like egregious parking minimums, instead of the larger problems that the system creates by extension of such rules (e.g., auto-centric urbanism). In other words, the incremental approach draws our attention away from the end results and first principles of great city planning—the stuff that inspired our rules in the first place.

I have overseen regulatory systems across the country now, and I must admit guilt here. In every place, with every code, I have helped my communities revise their rules in an incremental approach. Doing so has helped us to increase the fairness, ease, and effectiveness of all the bad rules that generate sprawl, restrict housing supply, exacerbate traffic congestion, and degrade sustainability.

This is never deliberate, of course. We simply try, in the designer's incremental approach, to make things better. We cannot see the limitations until we step back, as administrators, and view the regulatory system as a whole. When we do so, we naturally find ourselves wanting to start over. We feel frustrated by the complexity, the minutiae, the bad processes, and flawed rules.

This is when zoning minimalism, as a rationale, becomes attractive. At first blush, the idea resonates on the commonsense notion that a smaller code will have less noise and internal conflict. But that is just the beginning. Zoning minimalism is not inherently an attack against complex rule-books. Zoning minimalism is a response to clear ambitious goals for the urban environment. We don't always have such goals.

So back to the question: **What is the most important rule in your zoning ordinance?** Whatever your answer, it is your way of communicating what you think the goal must be for your community. If you explore this further, and refine the very goal itself, the rest of the minimalist approach comes naturally.

THE GOAL

A clear, tractable, underlying goal is essential to recognizing the value of a rule. Creating such goals is the most difficult challenge in minimalism. Most examples that you find in a zoning ordinance begin with generic aspirations and broadside proclamations of how the rules are established to protect the "health, safety, and welfare" of the community. From there, you might find more purposeful language tied to the policies of a comprehensive plan—with objectives like "reduce greenhouse emissions" and "increase the supply of affordable housing." Then we take a big leap into the rules themselves.

There is a chasm between these goals and the rules that follow. We lack a direct, literal connection between the two. It begs the question: which rules are written to achieve which aspirations? All of them? Half of them? None? Did you define your minimum lot size to increase housing affordability or lower greenhouse gasses? Or both? Or is your lot size requirement designed to solve something else?

We must have an answer. We must bridge these gaps. The only way to understand the quality of a rule is in relation to the goal we seek to achieve. Otherwise, without a clear goal, we will lack a clear method for evaluation.

I cannot stress enough how critical this is to the concept of minimalism. After all, the idea here is to show what is minimally *viable*. Viability is relative to what you are trying to do. For the sake of this article, I will present what I consider to be the fundamental goal of a zoning ordinance in 2021:

To foster an accessible, resilient urban form that accommodates and adapts to human needs over time.

This is the seed from which my sample ordinance will grow. The first order of business is to define the terms:

- **Accessible:** provides accessibility in all manners of intended use for all residents of a community
- **Resilient:** can retain its form and function against external stressors
- **Accommodate:** to satisfy the wishes and needs of the intended party
- **Adapt:** to adjust to new conditions
- **Urban form:** the physical characteristics that make up built-up areas, including the shape, size, density, and configuration of settlements
- **Human needs:** physiological needs for shelter, safety, accessible travel, electricity, water, and sanitation and psychological needs for congregation, communication, and commerce

I strictly limit myself to the built environment. It is very easy to creep into other realms of need that the built environment does not directly affect. Case in point: some

zoning regulations attempt to limit land use as a means of indirectly lowering noise and reducing traffic intensity. As if the city doesn't have another rule book for managing nuisances and enforcing speed limits. There are many local public services and local government codes that are better designed to meet different needs. So let's focus on what those codes cannot do well: optimizing the built environment.

FIVE SIMPLE RULES

For the goal I've defined, I theorize that the best solution already exists. It is the city grid. The grid has worked nicely for quite some time. It provides a platform for all building types and uses, functions well for all types of local travel, encourages efficient land consumption, can be easily expanded with the terrain, and looks neat on a map.

Consider how William Penn's 1682 grid for Philadelphia remains largely intact nearly 400 years later, supporting all manner of change within the stately confines of its public space. The grid is tied to simple rules that make it easy to start and easy to continue; you can see this in the way that Philadelphia extended Penn's grid westward in the late 19th century. Doing so continued a sustainable, resilient urban form that is clearly capable of meeting human need.

To foster an accessible, resilient urban form that accommodates and adapts to human needs over time, we will write a development code that implements a version of this classic grid pattern. And, in the interest of *doing no harm*, the ordinance will operate with as few rules as possible to avoid unintended consequences.

Using five rules detailed below, I will focus on the assembly of the public space while ensuring an orderly, consistent relationship with the private space. I will build around a small town's courthouse square because, well, we have to start somewhere (see figure 1).

Block Dimensions

Any combination of platted lots will maintain block lengths that are greater than or equal to 200 feet in length but less than or equal to 400 feet in length. Block sections, or the

maximum distance between any two points on the perimeter of a block, must measure no less than 283 feet in length and no more than 566 feet in length (see figure 2).

Street Standard

Public streets must meet the following standard (see figure 3): three-lane street with a 10-foot dedicated center lane for transit, 11-foot vehicle travel lanes, 8 feet for on-street parking, and 12-foot sidewalks. Trees must be planted along the sidewalk every 25 feet on-center and streetlamps provided in alternating fashion every 25 feet on-center. *Sidenote: variations are easy to accommodate. Maybe a center transit lane needs to be 12 feet and sidewalks can be 10 feet and parking 9 feet. Easy enough.*

Build-To Frontage Ratios

At least 80 percent of a building’s street facade will be within 5 feet of the public street boundary (see figure 4).

Minimum Lot Coverage

Buildings will be constructed in a manner that occupies at least 60 percent of the total platted lot surface area (see figure 5).

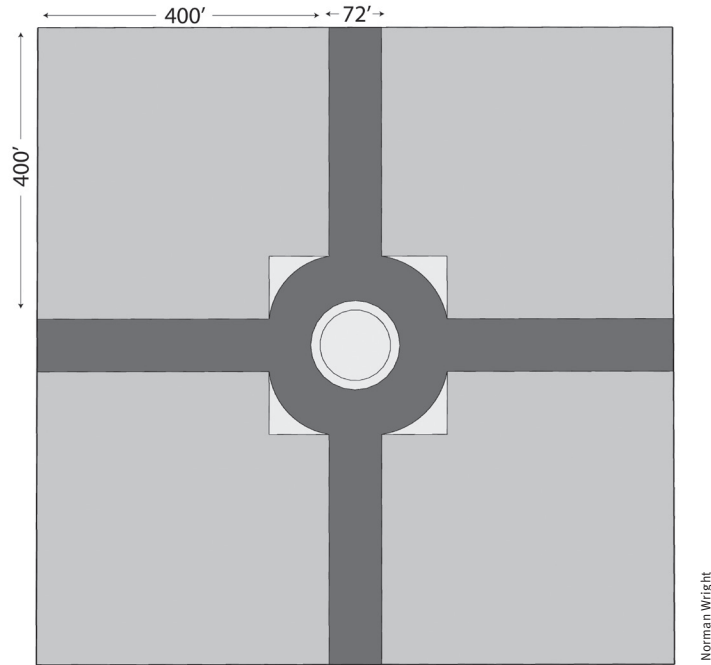
Transparency

At least 70 percent of a nonresidential building’s ground floor frontage will be composed of transparent glass. All other floors, and residential ground floors, will be composed of at least 50 percent transparent glass.

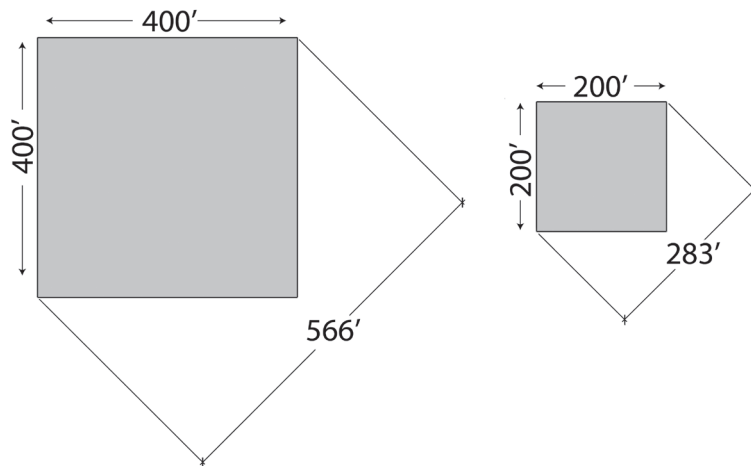
INTERPLAY AMONG THE RULES

Block length might be the most powerful rule of all. From our initial courthouse square, you can see it drastically shape the urban form. I have drawn a randomized plan using the min-max allowance of 200–400 feet (see figure 6). Because it’s random, the block sizes vary quite a bit. Four-way intersections aren’t guaranteed and, frankly, aren’t always so critical. The occasional T-intersection creates a nice opportunity for sight termini that give the area a cozy feel.

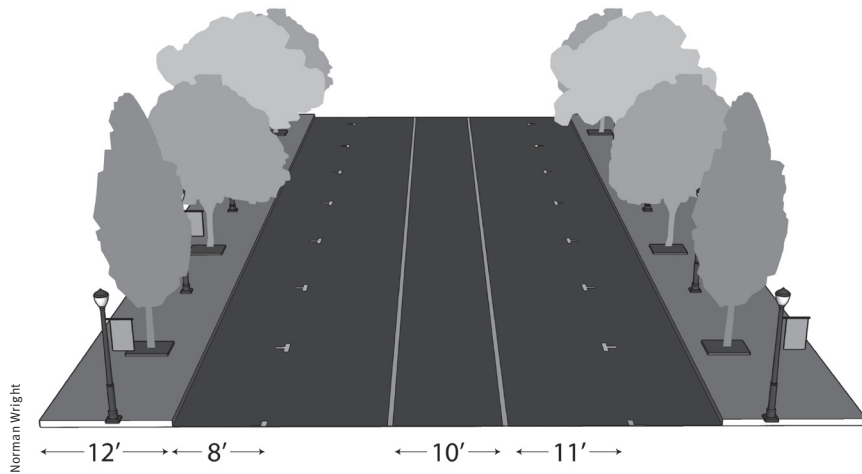
There are weird remainders, though. Every now and then a pattern like this has spaces where the land can’t quite accommodate the rules. No worries. Inadvertent



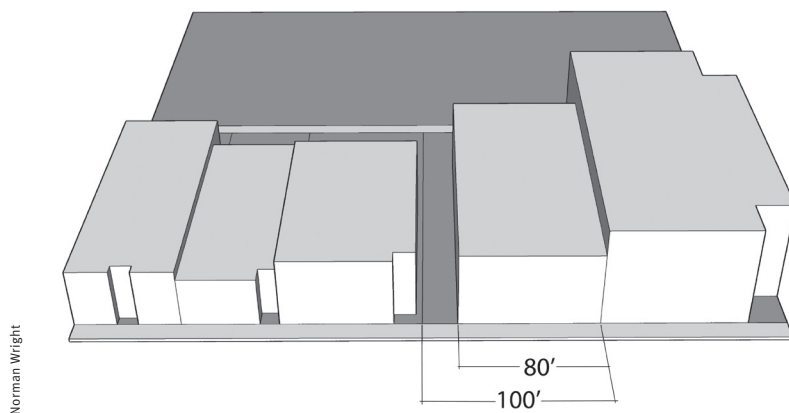
➡ Figure 1. A small town’s courthouse square



➡ Figure 2. Maximum and minimum permissible block configurations



➔ Figure 3. A street section showing the mandatory allocation of space



➔ Figure 4. A block face with a building illustrating the maximum permissible deviation from the build-to-frontage ratio

remainders of land are how pocket parks are born.

From there, the city streets inject vibrancy. This gets to another theory: Just as street grids are the core of sustainable development, great streets are the core of great urbanism. We'll zoom in at the new park and find street trees, wide sidewalks, and a shared middle lane for dedicated transit and left-hand turns.

Next come the buildings (see figure 7). I have no idea what they are used for. I don't even know how tall they will be. All I know is that each structure must be positioned near the street to create a nice interplay with the public realm. Variation matters, though, so 20 percent of each building is free to be separated from the sidewalk's edge. This allows for nice flourishes along each frontage (e.g., small entrances tucked into alcoves,

platform patios for dining alfresco, or stairways leading to two-story walkups).

As a general massing model, we find the code's lot coverage creates a very efficient use of space. A 60 percent minimum lot coverage is very confining. It creates a powerful indirect effect: Either buildings must be bigger, or lots must be smaller. Small lots create rich urbanism just as surely as rich soil makes great gardens. Most lots shrink when minimum lot coverage reaches levels of 60 percent or greater. Huge parking lots are no longer possible. Massive separations between buildings are eliminated. Wasted space is no longer wasted.

Finally, there is transparency. I used to be more sanguine about windows, thinking they were nice but not necessary. Enough time in derelict districts have taught me otherwise. Windows make this overall pattern welcoming and livable. Without them, I think we'd feel claustrophobic.

This is it. This is my city. This is my code. The space is accessible, resilient, and—like Penn's plan—it accommodates and adapts to human needs over time. It isn't perfect, of course, but these five simple elements make something that is better than what most codes can produce.

LESS BUT BETTER

Just because it is better does not mean this scheme is easier. I am quite certain that I would have an absolute battle on my hands if I were to institute this five-rule system in any jurisdiction I've served. Nevertheless, I am quite certain that if I were to hold firm on these requirements—only these and nothing more—I would forever alter the urban form in ways that are far more beneficial than anything I can produce within the confines of my current systems. The benefits would be profound.

Just like the existing ordinance, this code would not supersede other city ordinances. The building code remains intact, with all its imperfections. Public dedication and utility requirements still apply. Land recording and subdivision processes continue as always. These five rules would only replace the remainder of the land development code that current regulates form and use.

The benefits go beyond the outcomes, too. Imagine a developer is properly researching your city to find out what it takes to build there. A plain, concise code of this nature could be profoundly attractive. *Build to this simple (and effective) standard. Don't expect us to ask for anything else.*

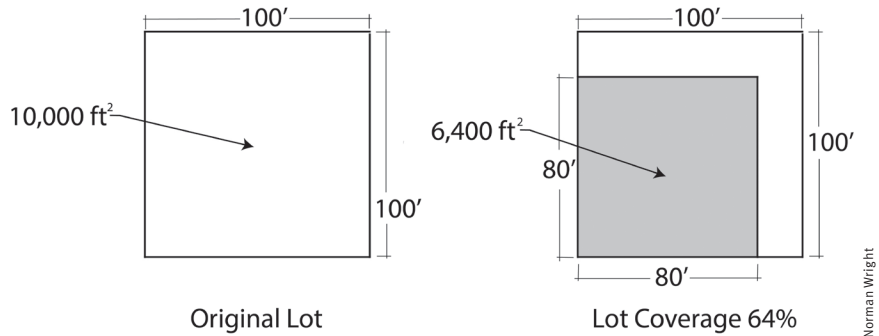
Such a predictable, clear, objective stance gives all developers—all *people*—the exact thing we want to provide: an even playing field. In this scheme, your next-door neighbor will know as much about how to contribute to the urban form as a multinational development corporation. Isn't that beautiful? We bring accessibility not only to the form itself but to the process of building it.

What about landscaping, land use, architectural design, signage, housing values, traffic and school impacts, tree preservation, and climate change? All these things are important. None directly relate to my goal. But my solution does.

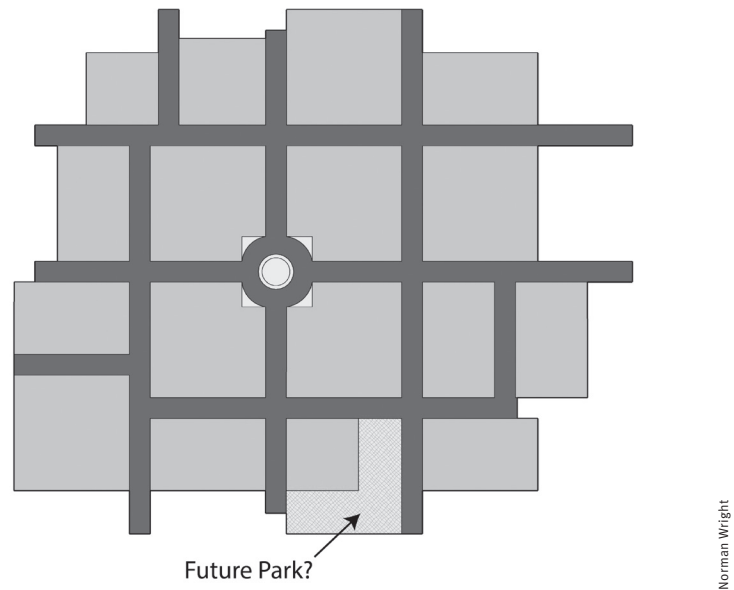
This is where we must recognize leverage points in a system. If we build the right form, the rest can follow. For example, a great deal of research has demonstrated that a well-designed street grid is the best method for delivering the most benefits to the most needs, from the environmental to the aesthetic to the functional to the economic and the societal. By simply ensuring its continued development, we can produce a cascade of secondary benefits that, *but for* this form, a normal zoning ordinance cannot ensure with a thousand additional rules.

But I am not here to praise the grid. Many high performing urban environments effectively demonstrate the need for a wider variety of design schemes. So be it. Let's embrace this with variations of the minimalist approach.

Whatever the context, once a core set of rules is properly calibrated, we have a platform for developing the rest. Establishing the core rules is akin to laying out the buildings on a college campus and then allowing people to forge their desire paths to each place before we pave the eventual sidewalks that connect. Paving the "desire path" is easy and exciting once the fundamentals are anchored.



➡ Figure 5. An example of a permissible lot coverage

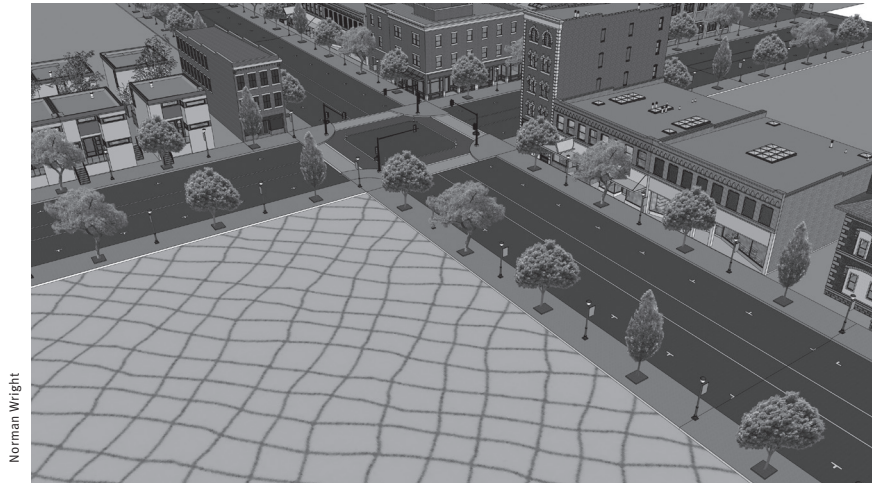


➡ Figure 6. A randomly generated street plan

A paradox emerges in efforts like this. We need more discipline to administer less rules. We have to say “no” to many things that people want a zoning ordinance to solve.

Finally, please note that this article is not advocating for *only* five rules. Have 10 rules. Have 30. Vary it by district or transect

or zone or whatever nomenclature you desire. The number does not matter so long as there is clear intent, actionable goals, tractable theory, and a direct connection between the rule and the goal we aspire to achieve. These are the fundamentals of zoning minimalism. These fundamentals are becoming increasingly relevant.



Norman Wright

Figure 7. A hypothetical build-out of an intersection with park frontage

THE CORRECTIVE WAVE

The demonstration above might seem far-fetched to some. It involves a blank canvas of land and a “start from zero” approach to regulation that none of us have experienced. All planners in local government have inherited rulebooks with hundreds, or even thousands, of pages. Yet, new opportunities are emerging across the country to diminish that regulatory burden. As these moments arise, it is critical that we think more about what rules we should leave in or leave out.

In my first article for *Zoning Practice* in November 2012, I wrote an argument against density standards, proclaiming “the use of density regulations often leads to unintended consequences ...” and “modern zoning practice must acknowledge the limits of density regulations.” I remember presenting the argument at a conference soon after and seeing the grave concern on the audience’s faces. Some welcomed the idea. Most didn’t. I was not invited to the next conference.

Six years later, in 2018, California State Senator Scott Wiener introduced SB 827/50, a proposal to effectively eliminate local density restrictions within a half-mile of a major transit stop. The reasons are many, but the goal was clear: Senator Wiener and his constituents wanted to eliminate an

unnecessary barrier to housing. The bill failed repeatedly but heralded the start of a new wave.

The next year, 2019, Governor Kate Brown signed House Bill 2001, effectively prohibiting single-family zoning across the State of Oregon.

In 2020, Minneapolis enacted new regulations eliminating single-family zoning as a major first step in implementing its new comprehensive plan. The city decided there were more effective ways to manage growth without the collateral damage that single-family density restrictions create.

What happens next? I don’t know, but I applaud these efforts. It takes a great deal of courage, or desperation, to remove rules and restrictions. These actions are systemic responses to a clear and present housing crisis. These actions get at one of the root causes that we practitioners have known about for quite some time. We didn’t need a housing crisis to know the limitations of single-family zoning. We don’t need other crises to know the consequence of our other nonessential rules.

No question about it: we need more than five rules. The point is that we also need to reconsider our rules whenever we can. Regularly imagine the clear ideal of what are cities need to be. Express it as a goal. Draw

it out. Then write the code on a blank sheet of paper. Start at zero (or five) and watch the “vital few” requirements unfold.

I always find myself wishing I would do this more often. It feels right to do so, the pinnacle of elegance. As counterintuitive as it may feel, time and again I see that requiring less helps us accomplish more.

ABOUT THE AUTHOR

Norman Wright, AICP, is the director of community development for the city of Salem, Oregon. A past contributor to *Zoning Practice*, his work has also been featured in *Planning*, *Planetizen.com*, and *Public Management Magazine*.

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