



# EMERGING ZONING PRACTICES

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# CURRENT TRENDS IN ZONING REFORM



Across the nation, the following items are gaining traction as practices that have been working well for community goals.

Practice 1

**Elimination of Minimum Parking Requirements**

Practice 2

**Creation of Parking Maximums**

Practice 3

**Accessory Dwelling Units**

Practice 4

**Reduction and Elimination of Lot and Structure Size Minimums**

Practice 5

**Mixed-Use Zoning**

Practice 6

**Allowing Ground-Floor Residential in Commercial Zones**

Practice 7

**Removal of Exclusionary Zoning**

Practice 8

**Home Occupations**

Practice 9

**Expansion of Staff Approvals**

Practice 10

**Reduction or Elimination of Conditional Uses**

# ELIMINATE / REDUCE MINIMUM PARKING REQUIREMENTS

[Parking Reform Link](#)

Minimum parking requirements have long been a primary shaper of communities. These requirements have been behind sparse development and raise investment cost for projects greatly.

Reducing or eliminating these requirements allows developers to build the amount of parking stalls they believe is truly needed for a site and removes the legal requirement for them to create more than they might need.

The evolving nature of commercial development, especially retail does not warrant the need for minimum parking standards, at least not in the traditional zoning sense. Communities, and their development partners, need the tools to right-size parking based on local market conditions.

## PRECEDENTS

City of West Allis: No minimums citywide

City of South Milwaukee: No minimums downtown

City of Sheboygan: No minimums downtown

City of Superior: No minimums citywide

City of Manitowoc: No minimums downtown for non-residential



## ALTERNATIVES

- Minimum parking requirements can be eliminated;
  - Citywide
  - In a certain zone or zones such as Downtown, workforce housing, or TOD
  - From certain uses
- Allowing reduced parking requirements based on parking study or other standard.
- Restrict or prohibit the use of exclusive parking lots or covenants where shared parking makes sense.
- Allow for the substitution of parking requirements for site improvements that support other modes.



## BENEFITS

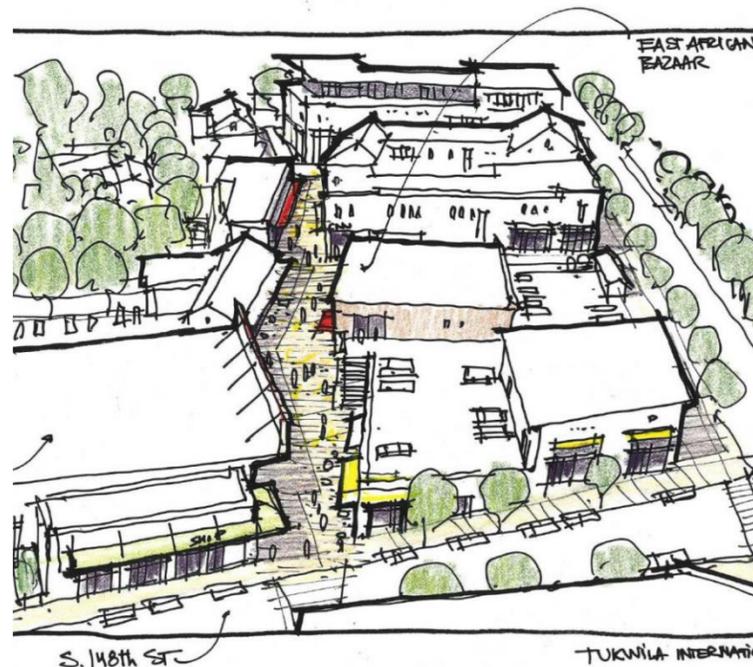
- Reduced development costs, and therefore housing costs.
- More efficient land use and reduced sprawl.
- Reduced impervious surface from lots, driveways/garages.



## CONSIDERATIONS

- Safe and desirable walking infrastructure should be required to support walking trips and longer walks to destinations from parking spots.
- Can be paired with public parking management/metered parking in high-demand parking areas.

Photo By: The Congress for New Urbanism



# CREATE PARKING MAXIMUMS

Similar to the elimination of parking minimums, removing the need for lots of parking stalls, parking maximums prevents this by law.

While it is cheaper to build as few parking stalls as possible, there may be an occasion where a project includes a very large number of stalls, and a maximum limit may prevent the creation of a mass parking lot taking up lots of space. Many developers exceed minimums to avoid negative feedback during reviews. Maximums communicate a different intention from the local government and encourage creative transportation solutions.

## PRECEDENTS

City of West Allis

Kalkaska, MI

DeForest, WI



## ALTERNATIVES OF IMPLEMENTATION

- Parking maximums could be based on the old minimum requirements.
- Maximums could be implemented;
  - Citywide
  - In a certain zone or zones such as Downtown, workforce housing, or TOD
  - In certain uses
  - Based on lot coverage – though may encourage sprawl and larger lots.



## BENEFITS

- Prevents sparse development.
- Prevents the creation of massive parking lots and limit “big box” type development.
- Limits amount of impervious surface on a site.
- Encourages context sensitive design and site design flexibility, providing opportunities for productive outdoor spaces and social spaces.



## CONSIDERATIONS

- A parking study and review of regional vehicle ownership rates may best reveal where maximums would be beneficial.
- Safe and desirable walking infrastructure should be present for individuals to be willing to walk further to their destination.
- Support for alternate modes such as bike parking should be required.
- May discourage development if too restrictive and inflexible to market conditions.

Photo By: Brad K



Photo By: Daily Tribune



# ACCESSORY DWELLING UNITS

Also referred to as a “Granny-Flat”, “In-Law Suite”, “Carriage House”, or “Backyard Cottage”. ADUs are a dwelling unit located on the same property as a principal residential structure, oftentimes detached.

This rentable or purchasable dwelling unit, separate from the primary residence, is typically smaller in size.

## PRECEDENTS

- City of Madison
- Columbia, MO
- Minneapolis, MN
- Chicago, IL
- Most of the State of California



## ALTERNATIVES OF IMPLEMENTATION

- ADUs could be allowed;
- As an accessory structure
- As part of the primary structure
- As both of either an accessory structure or part of the primary structure
- On all single-family properties
- In certain defined regions



## BENEFITS

- Facilitates down-sizing for empty-nesters, provides needed senior housing, freeing up larger units for young families.
- Increases the density of existing single-family neighborhoods.
- Provides much needed affordable housing option.



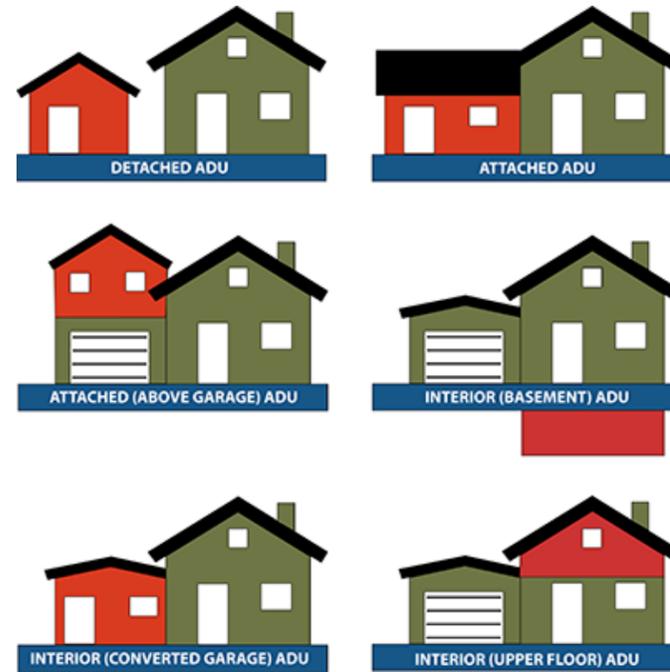
## CONSIDERATIONS

- Not restricting ADUs to owner-occupied benefits the housing stock of the community and provides homeowners with an option for passive income.
- Adding parking requirements may reduce feasibility.
- ADUs could be extended to include short-term rentals.
- Need to consider number of occupants, minimum square footage, required approvals, inspections, etc.

Photo By: Sightline Institute



Photo By: American Planning Association



# RETHINK LOT MINIMUMS & STRUCTURE SIZE MINIMUMS/MAXIMUMS

Minimum structure and lot sizes set the baseline for physical housing space, and therefore a baseline for price. These requirements often indirectly write the minimum housing cost of a community.

In reality, successful and desirable projects can be built that are smaller than most minimum lot sizes. Many homes are built precisely on the minimum required area, because smaller lot sizes are desirable.

Removing or reducing these restrictions can afford opportunity for new forms of housing which are affordable, and in high demand.

## PRECEDENTS

Houston, TX: Allows as little as 1,400 SF per lot.

Many cities have nonconforming lots with less than 1,000 SF per lot, such as Los Angeles



## ALTERNATIVES OF IMPLEMENTATION

- Lot size minimums can be reduced or eliminated based on;
  - Zoning
  - Use
- Structure size minimums/maximums can be changed or eliminated based on;
  - Zoning
  - Use
- May also increase maximum number of structures per lot by right.



## BENEFITS

- Lowers land cost of development, enables in-fill development.
- Provides options for “missing middle” affordable housing gap.
- Eliminates existing non-conforming lots.
- Reduced driving speeds and feelings of exposure along street.
- Allows owners of large homes to downsize, subdivide, and stay in their neighborhoods.
- Reduces initial infrastructure and costs for provision of ongoing public services and long term maintenance.



## CONSIDERATIONS

- Other regulations may need to be adjusted to ensure these reforms permit feasible development, such as;
  - Setbacks
  - Lot coverage maximums
  - Story maximums
  - Building/unit sq ft minimums
- Potential impacts on stormwater management should be assessed.

Photo By: Sightline Institute



Photo By: Sightline Institute



# MIXED-USE ZONING

Having diverse and harmonious uses in proximity has long been a formula for success. Despite recognition of mixed-use's value, the practice is often blocked by local zoning.

By identifying potential barriers to this development, communities can create opportunity for this type of development to occur more easily.

## PRECEDENTS

Cities across the US already include mixed use zoning



## ALTERNATIVES OF IMPLEMENTATION

- Different types of residential can be permitted in commercial zones;
  - Condominiums
  - Apartments
  - Townhomes
- Certain commercial uses can be permitted in certain residential zones, especially on corner lots and collector streets.
- Mixed districts with single-use buildings or mixed-use structures, or both may be permitted.
- Mixed institutional/residential/office/commercial can all be compatible.
- Mixed commercial/industrial may be compatible.



## BENEFITS

- Provides opportunity to fulfill "live-work-play" lifestyle, increasing walkability and decreasing vehicle miles traveled (VMT).
- Creates harmonious areas with more desirable housing and neighborhood choices.
- Provides local businesses and downtown districts with a large local consumer base and workforce.



## CONSIDERATIONS

- Downtown mixed-use developments can create incredibly high value housing, be sure to encourage mixed-use in lower-income regions as well.
- Ensure design/dimensional requirements of existing districts do not conflict with good design of mixed-use districts.

Photo By: Brent VA



# GROUND FLOOR RESIDENTIAL IN COMMERCIAL DISTRICTS

Due to economic forces, many communities have an excess of commercially-zoned property with high vacancy rates.

Many communities do not allow ground floor residential in commercial districts, instead having it lifted above (or sometimes located below) the ground floor or not allowed at all.

Permitting this option does not guarantee its implementation, but opens up yet another alternative for mixed-use development in commercial districts, reducing vacancy.

## PRECEDENTS

Denver, CO

Chicago, IL

Philadelphia, PA

Detroit, MI



## ALTERNATIVES OF IMPLEMENTATION

- Allow ground floor residential units in commercial districts.
  - Require a minimum term of prior vacancy to ensure potential high-value commercial space is not lost on main streets.
  - Allow ground floor use for leasing offices, community spaces and fitness centers



## BENEFITS

- Reduced vacancy
- Increased adaptability and economic resilience
- Street-level activation, especially for community amenities.



## CONSIDERATIONS

- Consider a limit on the frequency for this practice, to ensure a dense commercial environment, based on commercial vacancy issues.
- Aim for a commercial vacancy rate no lower than 5-7%
- Ensure building design that allows for ground floor residential/commercial is designed to accommodate both.
- Consider potential impacts to renters in ground-level units if retail markets strengthen and lead to evictions.

Photo By: Warren LeMay



Photo By: Warren LeMay



# REMOVE EXCLUSIONARY ZONING

Exclusionary Zoning describes the practices of zoning which create contiguous and uniform neighborhoods.

These neighborhoods often have very little diversity in housing, or in demographic makeup. They are typically very expensive and make for an unaffordable housing stock.

Taking different steps to break up this uniformity, and encouraging diversity in neighborhoods can greatly increase the quality of a community's housing stock.

## PRECEDENTS

Minneapolis/St Paul, MN

Alexandria, VA

Arlington County, VA

Gainesville, FL

Toronto, CAN



## ALTERNATIVES OF IMPLEMENTATION

- Permitting duplex to four-plex in all single-family districts by right
- Permitting any number of dwelling units based on a minimum unit size
- Permitting townhomes and attached dwellings
- Permitting small-lot, small unit single-family homes



## BENEFITS

- Brings diversity of housing to neighborhoods.
- Provides more affordable housing options.
- Promotes intergenerational neighborhoods as family sizes change over time.
- Promotes socioeconomic integration and economic resilience



## CONSIDERATIONS

- Regulate design, not use. Preserve neighborhood character without restricting uses by units per structure.

Photo By: Luke Jones



Photo By: Chris & Karen Highland



# HOME OCCUPATIONS

Working from home has become increasingly common in the past few years, but in many communities, there are legal barriers to operating one's own business in their own home.

Making no-impact businesses legal provides opportunities for local entrepreneurs and brings local businesses into neighborhoods.



## ALTERNATIVES OF IMPLEMENTATION

- Define no-impact home-based businesses and allow them, while requiring permit for home-based businesses which will impact the surroundings.



## BENEFITS

- Brings local businesses to neighborhoods.
- Provides small businesses a chance to grow without the need of massive overhead or operating cost.
- Opens a variety of new businesses which can only operate out of a home.
- Home based businesses can function as an entry point to expanding small business elsewhere in the community.
- Creates walkable commercial activities and decreases VMT



## CONSIDERATIONS

- Asses the impact of the home occupation on the surroundings;
  - Street parking
  - Hours of operation
  - Customer interactions
  - Public access
  - Signage
- Should not accommodate businesses that are a regional draw.

Photo By: Michael Steeber



Photo By: Michael Steeber



# APPROVAL STRUCTURE REFORM/MINISTERIAL APPROVALS

The public hearing and public meeting approval process can be a massive barrier preventing would-be developments from occurring.

Often the number of requirements, poor communication of requirements, and the large time it takes for items to be approved is too large of a financial risk for developers, dramatically increasing costs over time.

Local residents hold excessive power to burden and delay new developments through opposition not grounded in evidence.



## ALTERNATIVES OF IMPLEMENTATION

- Guarantee quick permit approval, around 60-90 days or faster.
- Make permits with no response be approved by default after a certain length of time.
- Expand staff's ability to approve projects as much as possible by;
  - Creating standards for certain items
  - Instructing staff on using these standards to approve or deny items
  - Eliminate the need for Plan Commission approval on desirable development types.
- Create model development designs that are automatically approved if proposed.
- Include the public in high-level planning processes that generate support overall for the types of Staff approvals that are intended, rather than each individual review.



## BENEFITS

- Greatly reduces financial risk for developers by decreasing approval wait time.
- Easy, predictable approval processes attract developers to create projects.



## CONSIDERATIONS

- Close care should be given to the standards applied to items for staff approval.
- Every approval and denial should be given with written findings. Denials may be appealed to the Plan Commission as though they are new applications.

Photo By: AJ Lavin



Photo By: Alejandra Higuera



# REDUCTION & ELIMINATION OF CONDITIONAL USES

Municipal discretion over conditional uses has been severely limited by recent policy. While conditional uses allow communities to control certain aspects of sensitive site uses, this comes with a more complicated and often lengthy approval process.

Instead, by creating these sensitive uses as permitted uses with standards, the same effect can be achieved with a simpler process, removing the need for a conditional use permit, and allowing sensitive uses to only operate legally under the outlined standards.



## ALTERNATIVES OF IMPLEMENTATION

- Turn previous conditional uses into permitted uses with standards.
- Keep conditional uses, but develop standards for each of them rather than developing standards on a case-by-case basis.



## BENEFITS

- Developer friendly, reducing approval process by removing the need for a public hearing.
- Fairness across multiple administrations/commissions in the otherwise potentially arbitrary application of conditions.



## CONSIDERATIONS

- Without a public hearing, there is potential for less community understanding of new uses being developed.



Photo By: write4jo



Photo By: Doug Connell