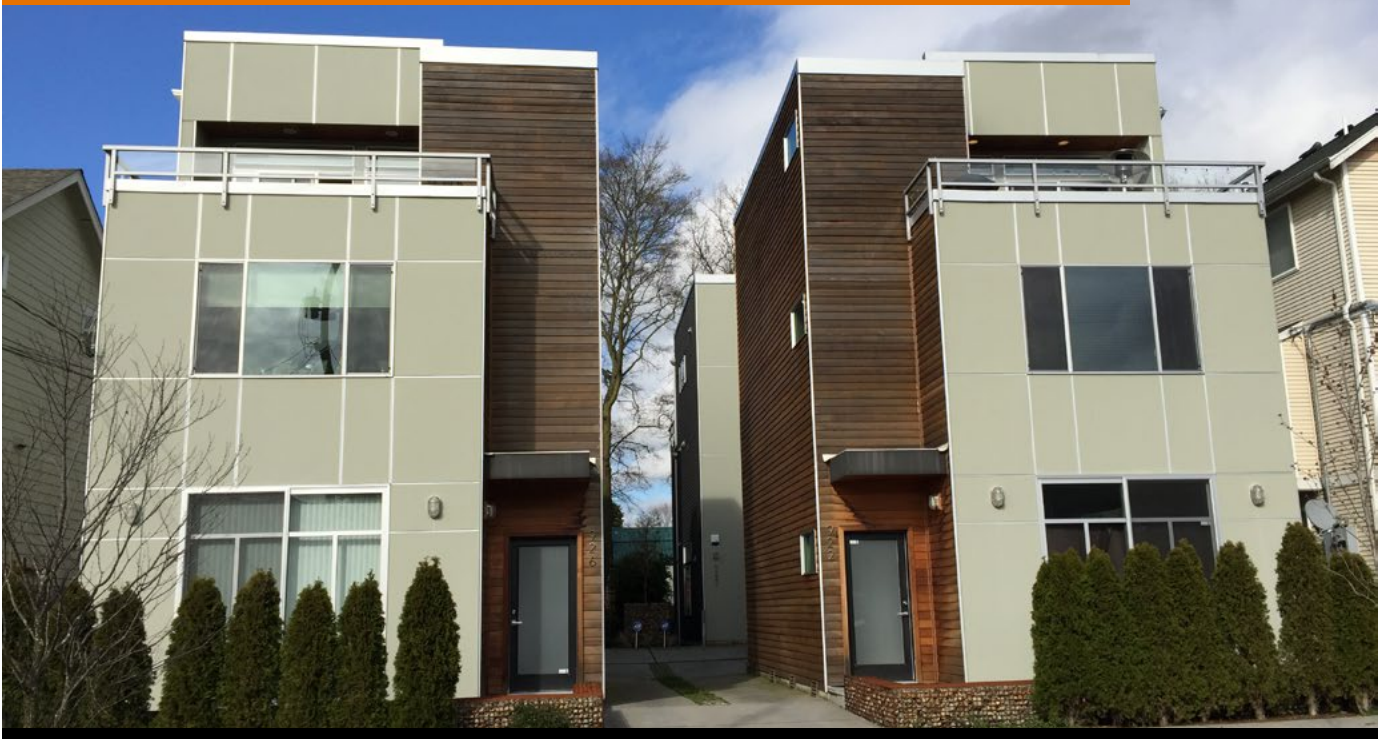


ZONING PRACTICE

Unique Insights | Innovative Approaches | Practical Solutions

Practice Gentle Density



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Practice Gentle Density

By Jackie Berg, AICP, and John Houseal, FAICP

Cities, towns, and counties across the country are facing a housing availability and affordability crisis. To address the issue, many are developing plans and policies that promote housing stock diversification in both new and infill development scenarios (Figure 1). However, when such development proposals are presented for review and approval, neighbors often fiercely oppose them, citing concern over a perceived change in the character of their neighborhoods and loss in property value and quality of life.

This issue of *Zoning Practice* explores zoning strategies that balance the concerns of residents and the demands of the housing market by accommodating gentle density increases in a context-sensitive manner. From historic downtown neighborhoods to modern residential

subdivisions, the tools presented can be used by planners throughout the country to implement housing policy through regulation.

The Legacy of Single-Family-Only Zoning

Beginning in the early 20th century, zoning was introduced in American cities as a means to control booming development. Beyond land-use control, however, zoning was also motivated by special interests concerned with maintaining existing community character in the face of both cultural and physical change, especially changes in cultural and ethnic makeup resulting from immigration. As written by M. Nolan Gray in *Arbitrary Lines*, “[Zoning’s] defining contribution was to enshrine

Figure 1. A range of medium-density housing types
(Credit: Sightline Institute, Flickr)



the single-family house as the urban ideal, while casting apartments as mere ‘parasites’ and corner grocers as threats to public welfare.”

After the Supreme Court ruled in favor of the constitutionality of zoning in the 1926 *Euclid v Amber* case, the federal government incentivized municipalities across the country to adopt zoning regulations—often by tying the availability of federal funding for transportation infrastructure, housing subsidies, and disaster recovery to zoning implementation. The spread of zoning, especially single-family-only zoning, throughout the country is intimately linked to the rapid suburbanization experienced after World War II. The rise of the suburbs and the segregated, low-density land uses that define them, worsened issues of economic segregation and related racial and ethnic segregation stemming from the high cost of car and home ownership required for suburban life. This transition left many

inner-city neighborhoods in a state of disinvestment, further cementing the sentiment that high-density housing leads to crime, property devaluation, and quality-of-life decline. It also exacerbated the acute housing availability and affordability crisis since the Great Recession by limiting the amount and types of housing that can be built.

State and Local Responses

The legacy of single-family-only zoning and a severe housing affordability crisis have motivated several distinct types of state and local zoning-reform efforts. Some states and local jurisdictions have explored eliminating single-family-only zoning. Many others have taken less-drastring measures to reform regulations related to housing development in an effort to accommodate additional and affordable housing in single-family districts.

Table 1. Select State and City Actions to Eliminate Single-Family-Only Zoning

Jurisdiction	Action
California	Eliminated single-family-only zoning in cities and urbanized unincorporated areas by authorizing property owners to build two dwelling units on any single-family-zoned lot and to subdivide any single-family-zoned lot large enough to split into two lots of at least 1,200 square feet (Senate Bill 9 , 2021)
Charlotte, NC	Rezoned all previously single-family-only districts as Neighborhood 1 Zoning Districts, which permit duplexes and triplexes in addition to single-family homes (Unified Development Ordinance , 2022)
Gainesville, FL	Rezoned all previously single-family-only districts as Neighborhood Residential districts, which permit up to four dwelling units per lot (Ordinance No. 211358 , 2022)
Maine	Eliminated single-family-only zoning by authorizing between two and four dwelling units on any lot in a zoning district that permits housing, depending on whether the lot is located in a designated growth area or has an existing dwelling unit (LD 2003 , 2022)
Minneapolis, MN	Eliminated single-family-only zoning by authorizing up to three dwelling units on any lot in the lowest-intensity residential district (Table 546-1)
Oregon	Eliminated single-family-only zoning for many cities by requiring all cities with populations of at least 1,000 in metropolitan service areas and all other cities with populations of at least 10,000 to permit at least two units on each lot in areas zoned for residential use (HB 2001 , 2019)
Walla Walla, WA	Rezoned all previously single-family-only zones as Neighborhood Residential zones, which permit duplexes, triplexes, fourplexes, and cottage homes in addition to single-family homes (Ordinance 2018-53 , 2018)

Efforts to Eliminate Single-Family-Only Zoning

To combat the issues of housing availability and affordability being faced by communities across the nation, several states and local governments have taken dramatic steps toward eliminating single-family-only zoning (Table 1). Many other communities, like Seattle, have considered eliminating single-family-only zoning but have not been successful due to backlash from residents. Commonly cited concerns related to eliminating single-family-only zoning include a desire to preserve existing community character in order to protect property values, combat crime, maintain traffic conditions, not overburden schools, conserve open space, and more.

Although these concerns are understandable at an emotional level, they often do not hold water in practice. For example, according to a study by Daniel Kuhlmann published in the *Journal of the American Planning Association* in 2021, home values in Minneapolis increased three to five percent in comparison to similar homes outside of the city after local officials adopted a new comprehensive plan proposing the elimination of single-family-only zoning. The study further suggests that the increase in property value is seen most significantly in relatively inexpensive neighborhoods of Minneapolis, helping to lessen the gap between property values and to build equity for lower income homeowners.

Other Efforts to Zone for Housing Affordability

In addition to largely eliminating single-family-only zoning, California,

considered by many as a leader in housing reform, has recently passed a slew of other laws to mitigate the state's housing shortage. For example, [Senate Bill 6](#) (2019) allows for by-right multifamily housing development in all commercial and office districts; [Assembly Bill 2097](#) (2022) eliminates all parking requirements for housing within a half-mile of public transit; and [Senate Bill 478](#) (2021) requires that floor-area-ratio restrictions on multifamily housing be a minimum of 1.0 for developments with three to seven units and 1.25 for developments with eight to 10 units. This last bill also prohibits a local jurisdiction from denying a housing development proposal on the basis that the lot does not meet minimum size requirements.

Some states, such as North Carolina ([§160D-702\(b\)](#)) and Oklahoma ([SB 1713](#), 2020) have passed legislation that prohibits local governments from enacting design standards for one- and two-family housing (as defined by the building code), which includes single-family detached, duplex, and townhome development. The goal of the legislation is to reduce the costs associated with design standards, such as required building materials, roof form, façade articulation or type, glazing, and more.

A larger number of municipalities and counties are adopting incremental zoning reforms, such as allowing accessory dwelling units (ADUs) in single-family zoning districts (Table 2). Known by many names, including granny flats, in-law units, backyard cottages, secondary units, carriage houses, and more, an accessory dwelling unit is a smaller, independent dwelling unit that may be detached,

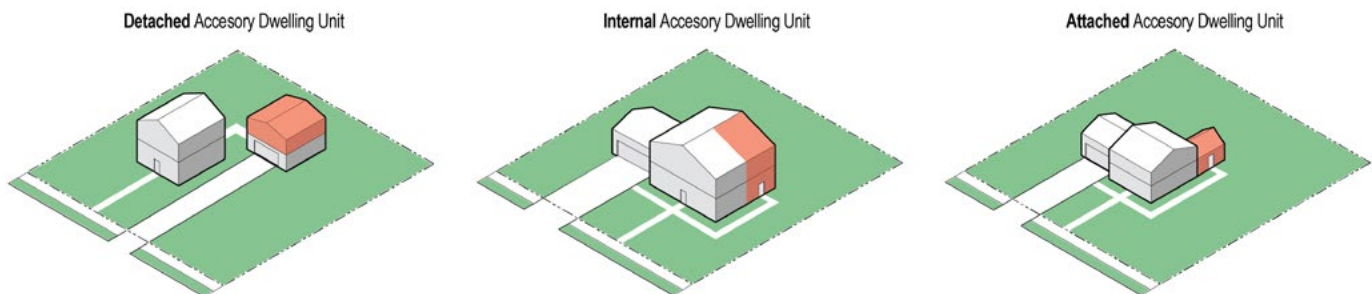


Figure 2. Examples of accessory dwelling unit types (Prepared by Houseal Lavigne)

Jurisdiction	Use Pearmissions
Amherst, MA	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in most residential districts (§5.011)
Apple Valley, MN	Permits one internal or attached ADU per single-family detached dwelling with a discretionary use permit, subject to use-specific standards, in its lowest-intensity residential district (§155.382)
Bloomington, IN	Permits one internal, attached, or detached ADU per single-family or duplex dwelling by right, subject to use-specific standards, in all residential districts (§20.03.030(g)(5))
Boise, ID	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in most residential districts (§11-06-03.1.A)
Chatham County, NC	Permits one internal, attached, or detached ADU per single-family detached dwelling by right in all residential districts (§10.13)
Columbia, MO	Permits up to two internal, attached, or detached ADUs per lot with a discretionary use permit, subject to use-specific standards, in its lowest-intensity residential district (§29-3.3(gg))
Decatur, GA	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in all residential districts (§6.8.3.A)
Fayetteville, AR	Permits one internal or attached and one detached ADU per single-family detached dwelling by right, subject to use-specific standards, in most residential districts (§164.19)
Hudson, OH	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards (§1206.03(a))
Jenks, OK	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in multiple residential districts (§16-5-12(B))
Madison, WI	Permits one internal, attached, or detached ADU per lot, subject to use-specific standards, in all districts (§28.151)
Murray, UT	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in all residential districts (§17.78)
Nashville, TN	Permits one internal or attached ADU per single-family detached dwelling by right and one detached ADU per single-family dwelling by right, subject to use-specific standards, in multiple residential districts (§17.16.030.G)
Olympia, WA	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in all residential districts (§18.04.060.A)
Oxford, MS	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in all residential districts (§3.5.6)

Table 2. Select Jurisdictions That Permit ADUs

attached, or internal to the primary dwelling on a parcel (Figure 2). Accessory dwelling units have several benefits, including affordability; providing a source of additional income for homeowners, making homeownership more realistic for moderate income households; and accommodating multigenerational living and supportive housing.

Other states and local governments are reversing bans or limitations on manufactured housing, an affordable alternative to traditional single-family detached homes. For example, California (Government Code §65852.3), Idaho (§67-6509A), Kansas (§12-763), Nevada (§278.02095), Ohio (§519.212), and Washington (§35.21.684) require local jurisdictions to allow manufactured homes in areas zoned for single-family residences; Huntsville, Texas, overturned a ban on the placement of manufactured housing throughout the community; and London, Kentucky, reversed a regulation that required manufactured housing to be located in manufactured home communities (parks) only.

Design standards that control the appearance of infill missing-middle housing are often an important tool to provide fair certainty to residents.

Shortcomings of These Efforts

Like all legislation and regulatory reforms, the approaches discussed in the previous sections have their shortcomings. For example, much of the legislation recently passed in California introduces blanket requirements across all communities, regardless of their characteristics. However, in a state as large as California, characteristics such as slope, wildfire hazard, and flood risk can significantly impact how new housing formats and additional housing units overall are best regulated in a community.

The North Carolina and Oklahoma prohibitions on design standards for one- and two-family housing have made it

difficult for some communities to introduce missing-middle housing as an allowed infill housing type in established neighborhoods. Infill missing-middle housing in existing single-family only neighborhoods is an effective approach to accommodating affordable housing throughout a community and leveraging existing infrastructure to serve a greater number of people. Design standards that control the appearance of infill missing-middle housing are often an important tool to provide fair certainty to residents. Knowing that the character of their neighborhoods will not be fundamentally altered, residents tend to not protest the allowance of diversified housing, streamlining initial regulation adoption and later development approval.

Just as design standards can make infill missing-middle housing more palatable for residents, design and use standards can make ADUs more acceptable as well. The vast majority of the communities that allow ADUs today have some design and use standards. The primary topics regulated are unit type (i.e., detached, attached, or internal); bulk and mass; location on a lot; location of unit entry; parking and access; design in relation to primary and adjacent dwellings; and requirements for the owner of the property to use either the principal or accessory dwelling as their primary residence. Although these standards can be helpful in ensuring that ADUs blend into the character of neighborhoods, maintaining the appearance of a single-family detached neighborhood at the right-of-way, they can also severely limit the number of ADUs that can be built. The most limiting regulations are often lot coverage restrictions and parking requirements.

Another significant barrier to the development of missing-middle housing in both infill and new development scenarios is the discretionary review process. Requiring special or conditional use approval, conditional district rezoning, architectural review commission approval, or the wide variety of other discretionary review procedures employed by municipalities and counties can add to the time and, therefore, the cost of development. Discretionary review requirements also run the risk of denying approval to development proposals that

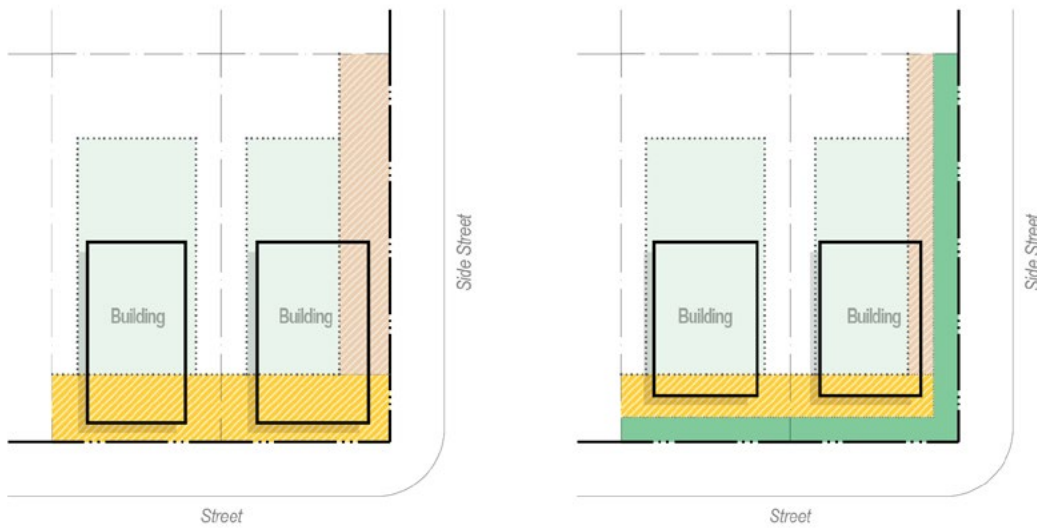


Figure 3. Build-to zone (Prepared by Houseal Lavigne)

- Front Yard Build-to-Zone
- Exterior Side Build-To-Zone
- Front/Exterior Yard Setback
- Buildable Area

otherwise meet the requirements of regulations, including design standards and other measures put in place to provide fair certainty to neighbors and applicants.

Gentle Density Zoning Standards

Learning from and building off of the successes and setbacks highlighted previously, the following section focuses on how local jurisdictions can accommodate and encourage the development of missing-middle housing in new development and infill development scenarios.

Bulk and Dimensional Standards

Bulk and dimensional standards, including lot area and width standards, setback requirements, and height and coverage restrictions, can play a significant role in blending missing-middle housing types into new and existing neighborhoods.

For new neighborhoods, municipalities and counties should consider controlling density through minimum lot area and minimum lot area per dwelling unit standards. As always, the minimum lot area requirement will establish the base lot size for the district. The minimum lot area per dwelling unit standard, however, will ensure that missing-middle housing types like triplexes and quadplexes have a proportional amount of open space to their

single-family detached and duplex neighbors. The minimum lot area per dwelling unit could be set at half of the minimum lot area requirement to accommodate duplexes in the same manner as single-family detached dwellings.

Additionally, municipalities and counties should consider establishing a “build-to zone” that applies to all housing types in the same manner (Figure 3). This will ensure that the rhythm of development from the right-of-way is consistent, making the blend of housing types look more seamless.

If eliminating lot area and width requirements is not realistic, municipalities can work to promote reinvestment in existing housing, especially naturally occurring affordable housing, by minimizing nonconformities. To accomplish this, communities can conduct a nonconformities analysis that compares the existing minimum lot area and width requirements established for a zoning district with existing development within that district. Using tools such as ArcGIS, the analysis should first determine the number of parcels in each district that do not conform with the existing lot area and width requirements (Figure 4). Then the analysis should determine the number of parcels in each district that would remain nonconforming if the lot area and width requirements were reduced (Figure 5).

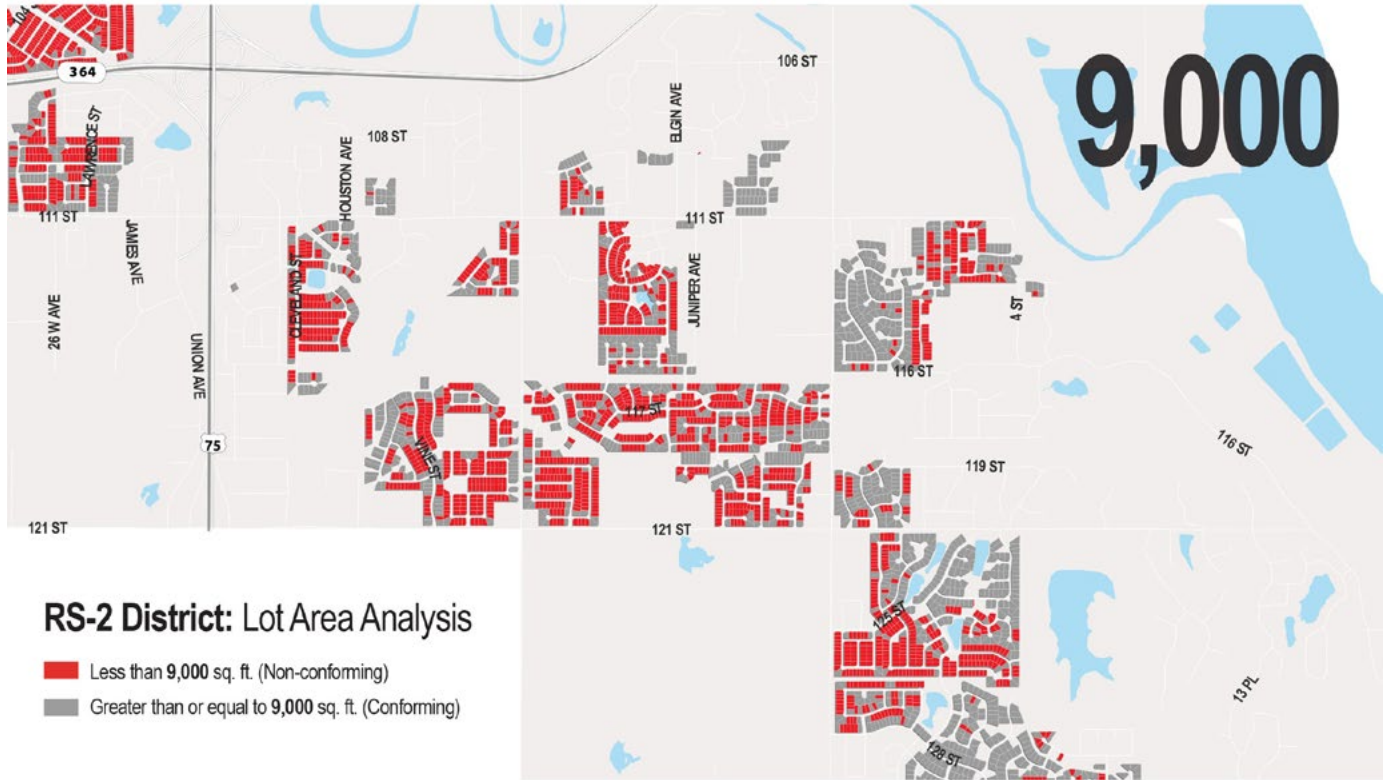


Figure 4. Nonconformities under existing lot area requirements (Prepared by Houseal Lavigne using ArcGIS Software)

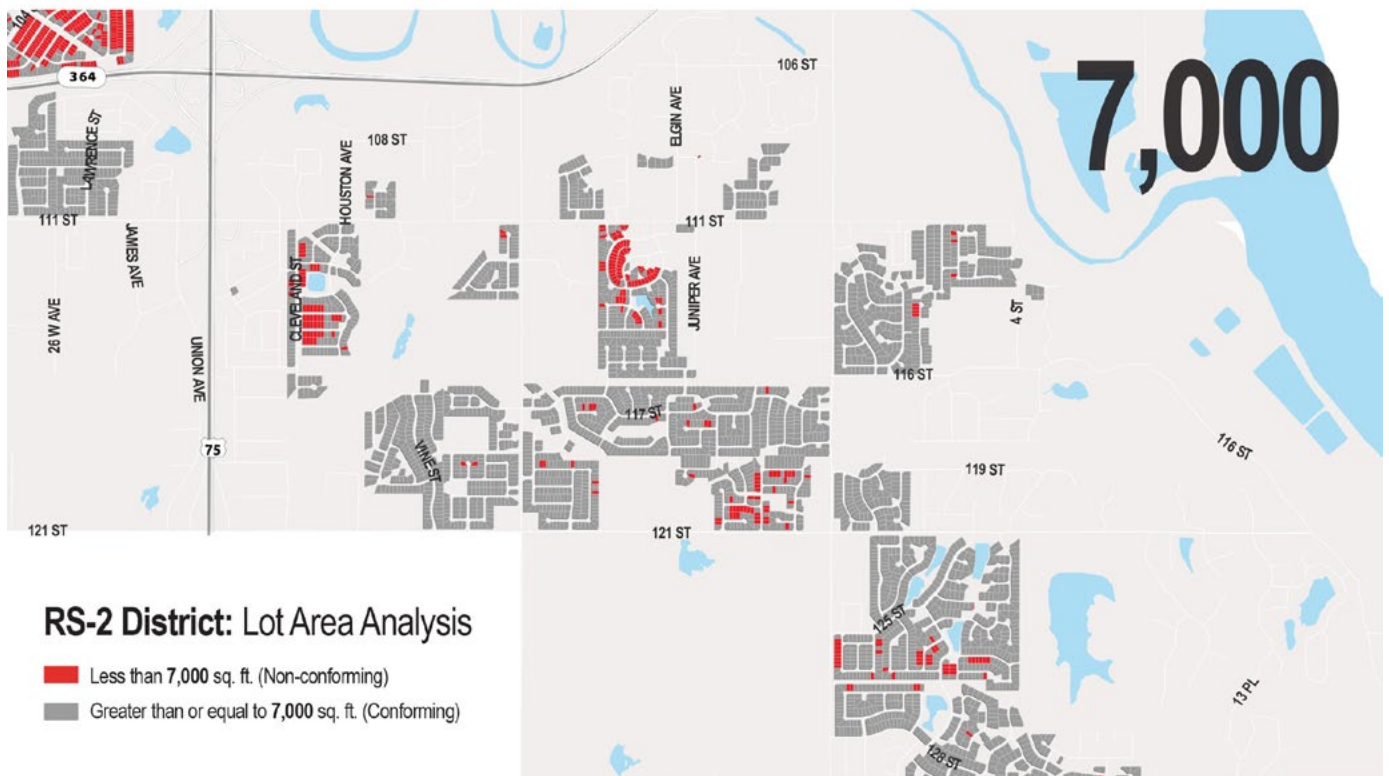


Figure 5. Nonconformities with reduced lot area requirements (Prepared by Houseal Lavigne using ArcGIS Software)

If eliminating lot area and width requirements is not realistic, municipalities can work to promote reinvestment in existing housing, especially naturally occurring affordable housing, by minimizing nonconformities.

To ensure that reducing the lot area and width minimums would not alter the character of established neighborhoods (a common argument against this type of zoning reform), alternative minimums can be tested to see if they would create new opportunities for existing lots to be subdivided. New opportunities for subdivision include lots that are at least two times greater in area and twice the width of the alternative lot area and width minimums being considered. Again, using a tool such as ArcGIS, new opportunities for subdivision can be examined to determine whether they could lead to a change in neighborhood character. For example, if there is a concentration of parcels in a neighborhood that could be subdivided due to the proposed standards changing, would such an amendment result in a shift in neighborhood character. In some instances, it may be most appropriate for these parcels to be rezoned to another zoning classification that requires larger lots, thus preventing the creation of several new lots in an established area. In other circumstances, the alternative minimums should be increased district wide to prevent opportunities for subdivision. However, if the parcels that represent new subdivision opportunities are scattered throughout neighborhoods, rather than clustered together, and surrounded by parcels that are more consistent with the alternative minimums, the new subdivision opportunities would not result in a shift in neighborhood character.

Infill development is most common in older neighborhoods where it is economically viable to tear down aging structures and build new ones. These

types of neighborhoods were often developed organically over time, in some cases before zoning regulations were put in place, and do not have consistent bulk and dimensional standards from one property to another. In these circumstances, municipalities should consider eliminating or amending minimum lot area and width requirements to encourage and accommodate reinvestment. Additionally, municipalities should consider adopting an averaging or variable approach to yard setbacks. For example, in Bloomington, Illinois' Downtown Residence District, the required front yard setback is the average of the front yard setbacks along the same side of the street and on the same block ([§44-403.B\(2\)](#)).

Use Standards

Use standards are supplementary requirements for uses regardless of whether they are allowed by-right or by discretionary approval. The use standards highlighted below are equally appropriate in both new and infill development.

Both new and existing neighborhoods can benefit from standards for higher-density missing-middle housing types that regulate the allowed location of the housing type on a block and its related siting. For example, Bentonville, Arkansas' Downtown Neighborhood (DN) districts distinguish between block-end and mid-block locations and allows higher densities at the former more liberally than the latter ([§401.07-B](#)). The DN districts also require that all residential buildings be oriented toward a public street and that all parking garages, lots, or spaces be located in the rear or interior side yard, rather than in the front yard ([Figure 6](#)).

Municipalities and counties should also consider allowing single-family homes to be converted to multifamily buildings. Converting homes, especially historic properties, can help to extend the economic life of existing structures, beneficial in both maintaining neighborhood character and minimizing environmental impacts related to development. Use standards for single-family to multifamily conversions should require that the outward appearance of the structure be maintained in substantially the same manner and that parking be accommodated on-site.

For Townhouse Cluster - End of Block

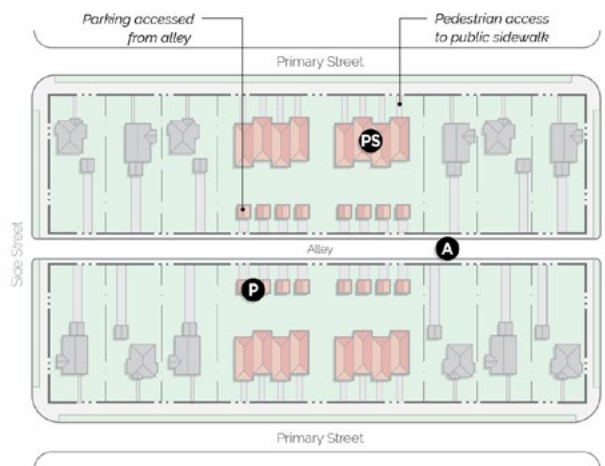


Figure 6. End of block versus mid-block townhouse parking standards (Prepared by Houseal Lavigne)

For Townhouse Cluster - Mid-Block

Key

- PS** Primary Structure
- P** Parking Garage
- A** Maintained or Reconfigured Alley



Design Standards

Objective design standards can help to provide fair certainty as to the appearance and function of new and infill development for both current residents and developers. Objective design standards can also streamline development approval since they can be reviewed for compliance by municipal staff rather than subjectively debated at discretionary review hearings.

For new neighborhoods, design standards do not need to reflect and be complementary with existing development. Therefore, a municipality should consider facilitating robust community outreach before standards are drafted to ensure they meet the preferences and expectations of the community. Communities

should consider focusing on three to five key design features that can provide streamlined, but not cookie-cutter development. Key design features could include roof type, building material mix, and porches and other entry features.

Design standards for infill development should reflect and be complementary with existing neighborhood development. However, in many infill development scenarios, there is not a consistent architectural style utilized throughout a neighborhood or even on the same block. In these circumstances a combination of objective and subjective design standards may be needed. Objective design standards, like those discussed for new development above, should regulate key design features

that are consistently seen throughout a neighborhood, such as dormers, wood siding, and front porches. Subjective design standards, such as requiring architectural features in keeping with existing neighborhood character, should allow for flexibility if the design of adjacent properties warrants such and should be an administrative approval.

Transition Standards

Ensuring an adequate transition between lower-density and higher-density housing is often the most important planning consideration when contemplating how to accommodate diverse housing within communities and neighborhoods.

When starting with a clean slate, mixed-density residential neighborhoods should integrate natural buffers, such as large stands of mature trees, creeks, and wetlands, into the site design to provide a visual and physical transition between higher- and lower-density uses as well as preserve valuable environmental features. To accomplish this, communities should consider adopting conservation design

standards that allow flexibility in bulk and dimensional standards in exchange for environmental feature preservation.

Transition standards for infill development should consider the relationship of new residences to surrounding development. For example, Morrisville, North Carolina, has transition standards that apply to buildings with a height that exceeds that of neighboring existing homes by one story or more (§5.9.6.C.3). Four transition techniques are established, and three are required to be met (Figure 7). The techniques include stepping down the structure height and mass along the shared property line; increasing the side yard setback a minimum of 10 feet beyond what is required; providing variations in side-building-wall and roof form; and utilizing dormers and sloping roofs to accommodate upper stories.

Public Involvement

Zoning ordinance reform to accommodate and encourage the development of missing-middle housing should include



Figure 7. An example of infill transition standards (Credit: Town of Morrisville, North Carolina)

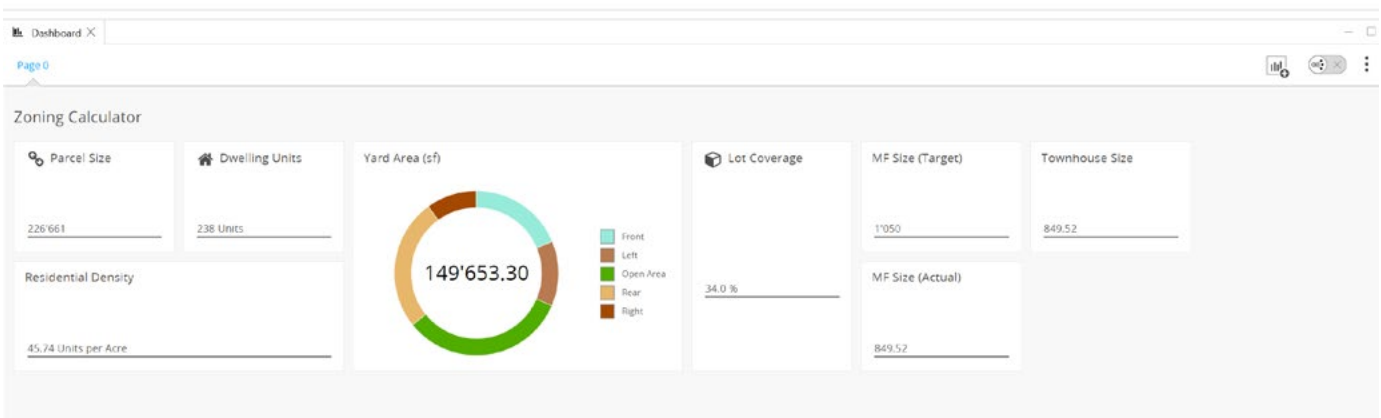
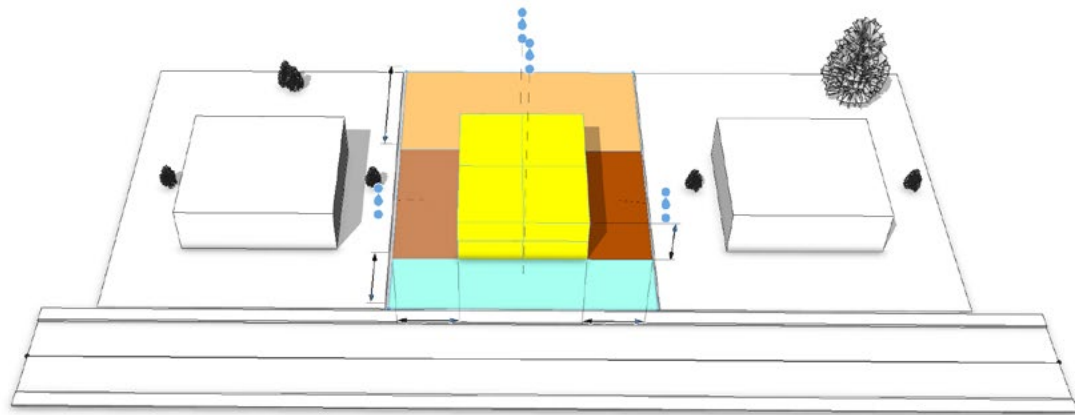


Figure 8. Procedurally modeled density calculator and dashboard (Prepared by Houseal Lavigne using ArcGIS Software)

robust public involvement. Time spent at the beginning of the reform process to build community consensus often pays dividends in project adoption and implementation. Changes in zoning that could impact the character of people's neighborhoods can be scary, and without adequate understanding as to the reasoning behind the changes and their potential impacts, residents push back, and reform fails.

Public involvement for zoning reform initiatives should focus on visualizing the potential impacts of proposed changes. Procedural modeling tools, such as ArcGIS CityEngine, can be used to test and compare building envelopes and built form for higher density infill housing in the context of existing single-family houses (Figure 8). This type of visualization can help residents understand that density can be on the inside of a building without showing evidence of such on the outside.

By utilizing procedural modeling, live testing at community meetings can allow consensus to be reached more easily.

Conclusion

To combat the housing availability and affordability crisis facing the nation, zoning reform will need to be considered by states, counties, and municipalities. Not all of the strategies presented in this article will be applicable in every community, as housing and development, resident sentiment, established neighborhood character, and so much more differ city to city. However, if the approach to zoning does not change, housing issues will likely not be addressed in a meaningful and impactful way. As a first step, jurisdictions should consider doing a chapter-by-chapter assessment of their zoning and subdivision ordinances to identify barriers

to housing development. Utilizing the results of the assessment, community conversations should then be conducted to gather feedback on the best ways to eliminate identified barriers and create new housing opportunities. Then, based on the feedback received, recommendations for ordinance amendments should be developed and presented to elected and appointed officials for consideration. Refined with elected and appointed official feedback, recommendations should be converted to text amendments, supported with graphics and illustrations, and brought through the adoption process. This process will help to ensure that amendments address the barriers to housing the community is facing and are vetted by residents and community leadership – ideally making the adoption process go more smoothly and the resulting ordinances more responsive to local needs.

About the Authors



Jackie Berg, AICP, is a Practice Lead with Houseal Lavigne. She is focused on working with municipalities to develop actionable plans and useful implementation tools that reflect the vision and goals of the community. Her experience with both planning and zoning grounds all her work in the realities of the market and effectively balances community aspirations with what it takes to get good development done.



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