

Overview:**Allow "By Right" vs. Case-by-Case Conditional Approvals**
Change or update zoning to reduce need for individual variances

Zoning codes need to be updated as community development goals, market conditions, neighborhood boundaries, and construction processes and materials change. For example, in 2012, Philadelphia's zoning code was 40 years old. As a result, over 35 percent of issued zoning permits required an individual variance, with a hearing with the city's Zoning Board of Adjustment. The majority of these hearings were for standard homes. The code was so old it didn't allow PVC pipe—the industry standard—to be used for plumbing.

Many towns and cities are recognizing that they are in a similar position and need to update their zoning code and comprehensive plan to reflect the current reality. That said, while zoning reform is a fairly common strategy, it is not always undertaken with the goal of reducing the number of variances needed.

Examples of places using the strategy

- **Cincinnati, Ohio** rewrote its zoning code between 2000 and 2003. The new code used performance zoning and encouraged cluster and mixed use development.
- **Denver, Colo.** overhauled its zoning code in 2010. Goals of the new form-based code include making the development process simpler, less contentious, and less costly for developers.
- **Philadelphia, Pa.**'s new zoning code went into effect on August 22, 2012.
- **Milwaukee, Wisc.** undertook a zoning rewrite from 1997-2002. The 1920 zoning code there was last amended in 1984 and was so complex that current city buildings were not permitted under code. In the revised code signed by the mayor, 80 percent of the text changed, and the code's 26 chapters were reduced to only 10. As a result, zoning appeal time was reduced from twelve to four weeks. Fewer cases were brought to the zoning board of adjustment as well.

Highlight location: Philadelphia, Pa.

Philadelphia’s 2012 zoning code was the first comprehensive zoning code rewrite in nearly 50 years. The process began in 2007 when a voter referendum created a 31-member commission with the task of reforming the city’s zoning code. After four years of work by the commission—in collaboration with the city council, stakeholders, and citizens—the new zoning code was passed in 2011 and became effective in 2012. The new zoning code is part of a larger integrated planning and zoning process that includes zoning reform, the city’s comprehensive plan, and the Citizen’s Planning Institute.

One year after the new code was adopted in Philadelphia, there was an 11 percent increase in zoning permits approved by right, a reduction in the number of variances in some districts, and a general feeling among code users that the new code was easier to understand and navigate.

Sources of information

Cincinnati, Ohio; Denver, Colo.; and Milwaukee, Wisc: “If We Fix It, They Will Come” (pages 42-43)

<http://may8consulting.com/FinalReportFinal-9-241.pdf>

Philadelphia, Pa.: “One Year Zoning Code Review”

<http://www.phila.gov/CityPlanning/projectreviews/Pages/Zoning.aspx>

<http://www.phila.gov/CityPlanning/projectreviews/PDF/OneYearReport.FINAL.pdf>

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Development Process Efficiency: Cutting Through the Red Tape

