

WNY APA EDITORIAL BOARD

End of The Year Thoughts

Written By: Rocky Navarro

2020 has been quite the year for all and while we continue to face hardships and challenges, we have reason to be thankful and hopeful for the new year. We have adapted to an unknown world and have sought common ground in a society rife with splitting differences. As we continue to find ways to improve our lives and for those around us, I am optimistic for our future. This optimism is because we, at our core, are good and decent people who care deeply about our community and the people who bring it to life.

The WNY APA appreciates your contributions to our community, to our profession, and to this organization. Without your enthusiasm and dedication, none of the successes we celebrate could have been possible. I encourage you to continue striving for what you believe in and know that this organization stands ready to help.

I'd also like to thank our members and friends for their support of the Michael J. Krasner Memorial Scholarship. This is the 17th year of the scholarship which seeks to remember and honor Mike's legacy. Thanks to all of you who made this scholarship possible. 2020 challenged the scholarship funds so if you can, please consider a donation through the Chapter website (<https://www.nyupstateplanning.org/krasner>).

On behalf of the Section leadership, we wish you Happy Holidays and a Safe and Healthy New Year!

Cheers,



Rocky Navarro
Director, Western New York Section of the American Planning Association

Review of Zoning Practice Issue #10: Post-COVID-19 Zoning

Written By: George McKibbin

Following the Spanish flu of 1919/20, the roaring twenties unfolded. Today, no-one is predicting this sequel following COVID-19! The October 2020 Issue of Zoning Practice is a helpful guide to planners coping with Covid-19 changes that may become permanent. Donald Elliott, FAICP., authored this wise and thoughtful issue. Planners are well advised to pay heed. Here are his highlights.

Where zoning is concerned, he makes two helpful distinctions. The first is between short and long term decisions. In the short term, land owners and municipalities need flexibility, now. This flexibility can take two forms: less compliance enforcement and more zoning flexibility where working in place and housing options are concerned.

Elliott argues *“think twice about zoning to exclude building unpopular forms and uses unless those exclusions are clearly necessary to protect public health and safety, because unnecessary rigid zoning often complicates American’s ability to house their families and earn a living.”*ⁱ

Here are areas where flexibility is needed:

- Using parking lots and spaces and traffic lanes for commercial use
- Increasing allowable residential space for home business/occupations
- Enabling accessory structures to be used for home business/occupations
- Enabling larger numbers of unrelated persons to occupy a dwelling
- Enabling changes to commercial and industrial properties to other permitted uses without permitting or parking analysis
- Allowing temporary signage
- Allowing commercial vehicles to park in residential zones

Longer term thinking will need to be informed by data. That data on housing and employment practices isn’t available yet. One thing is certain, the longer it takes to develop a vaccine and vaccinate our populations, the more immediate changes we make to cope will become accepted norms in the future.

His second distinction is between transportation and land use. Elliott is clear, this article is about zoning, not transportation. But transportation innovations, such as reduced parking requirements or the use of street lanes and parking spaces for outdoor patios/pick up, need to be integrated with more flexible zoning changes.

Here are three key points to consider:

1. *“Those cities and counties that have broader and more flexible land use and home based business regulations already have a substantial advantage.”*
2. *“Short term adjustments to social and economic shocks provide good opportunities to experiment and try new things.”*

3. “Sometimes what is needed to adjust quickly is not a change in the zoning law itself but a change in the enforcement of the zoning law.”ⁱⁱ

Where long term change is concerned, here are the trends that predate COVID-19 and for which either further data and analysis are required and/or we can be certain these trends have been accelerated by COVID-19:

- “Increasing housing diversity
- Increasing flexibility in the use of housing
- Increasing flexibility in the use of commercial space
- Increased focus on compact, mixed use and transit supported development
- Increased flexibility on walkability, open space and the public realm.”ⁱⁱⁱ

Where *housing diversity* and form are concerned, Elliott observes we are moving in the direction of more diversity because work force entrants increasingly cannot afford what is available on the standard menu of detached homes on large lots. COVID-19 is expediting that trend. He observes that even if we reach the employment levels achieved before the pandemic, the work force won’t be any better able to afford available residential accommodation. Rather we have to provide for a host of housing alternatives using good design to create more interesting communities.

Where *increased flexibility* is concerned, Elliott observes we should embrace the idea that people will increasingly be working from home. Instead of trying to second guess what home based businesses to approve, be more focussed on what one shouldn’t be able to do based on public health and other impacts. Likewise treat accessory buildings more flexibly.

Where family lineage is concerned, Elliott observes the numbers of unrelated persons living together is increasing. COVID-19 will accelerate this trend. The challenge we face is how to address COVID-19 transmission. One way of addressing this is the use of the International Residential Code which provides health based occupancy limits. Hopefully, this will also be the subject of local health based studies driven by the pandemic experience.

Housing character based limits on residential occupancy may be a thing of the past.

Where *flexibility in commercial space* is concerned, we are overbuilt. The longer we work at home and/or order merchandise online, we will need more flexible commercial policies to enable commercial space reuse for other purposes. This proviso also includes commercial uses catering to the travelling public. It will take time and imagination to reuse our substantial commercial land use stock.

Where *transit oriented design* is concerned, Elliott observes the trends toward these forms of development will remain and stabilize with time after vaccines become available. But time will be required and in the interim, public transportation is losing ridership and revenues. He offers two reasons to be optimistic about reversing these trends: climate warming and the need to reduce emissions and damages from a more variable climate; and the high costs associated with providing services for low density residential spread. Meanwhile, in the short term transit is in a precarious position.

Where *walkability, open space and the public realm* area concerned, the public has resorted to open space and walkability as a means to address separation distances and physical activity. We spend more active time outside. The demand for passive public open space has sky rocketed. One source of public open space is our streets. Public streets occupy between 20 and 35% of our communities. We need to rethink how complete streets and the need for active transportation will refashion open space policy throughout our communities.

Last, equity and race need to be our centremost response. COVID-19 hits communities of colour and poverty hardest. Economic recovery may be uneven, creating greater economic disparity. Elliott observes zoning has been used in the past to segregate. *“So as cities and counties move toward the more flexible zoning required in the post COVID world, they should be particularly aware of the different types of flexibility needed to allow citizens of all races, ethnicities, sexual orientations, and income strata to use their homes and properties to house their families, earn a living and recreate safety.”*^{iv}

ⁱ Zoning Practice 10.20 Zoning for a Post-COVID World, Elliott, Donald L., FAICP, page 1.

ⁱⁱ Ibid, Elliott, page 2

ⁱⁱⁱ Ibid, Elliott, page 2

^{iv} Ibid, Elliott, page 7