

# Connecticut Association of Zoning Enforcement Officials

## Understanding Neighborhoods and the Role of Zoning and Zoning Enforcement



The Neighborhoods of Hartford, Inc.

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## **Introduction**

The intent of this document is to provide a wider a perspective on how neighborhoods evolve over time, change, and compete for residents, resources and investments. It will also raise questions about and discuss the role of zoning and zoning enforcement as one of many factors that influence neighborhoods and the ability of a neighborhood to compete. This document and presentation is not intended to provide answers or solutions, but to provide an outside perspective, create thought, and to encourage land use officials to widen their view and role as to how to encourage investment in neighborhoods.

## **Understanding Neighborhoods**

Neighborhoods are not static. They are living environment that evolve over time. Older neighborhoods were developed to meet market demands and consumer needs of the time. Market demands and consumer needs change over time and in some cases pass by once vibrant and modern neighborhoods that now struggle to compete in the regional housing market.

These neighborhoods can be urban, suburban, or even rural. These neighborhood tend to be older, with a smaller (sometimes larger) housing stock that do not meet the generals need of today’s homebuyers. These homes have one or more deficiencies (no garage, small one car garage, only two or three bedrooms, one bathroom, and/or a small kitchen).

While the homes in these neighborhoods are well built (designed to last) the market for these homes are often soft and they struggle to compete with newer, more modern, homes and neighborhoods. As a result, the neighborhoods only attract buyers from limited market segments, property values tend to be lower, and property values may not increase as much as other neighborhoods. These market factors can create an environment where social norms change, investment is limited or lacking, and neighborhood conditions stagnate or deteriorate. Longtime homeowners notice the change, feel frustrated by the change, and some may leave. Those who stay may try to prevent change and zoning enforcement complaints and issues may increase.

## **What are Healthy Neighborhoods?**

Neighborhoods are living environments that evolve over time. While some neighborhoods remain vibrant, strong, and healthy places that attract investment, others decline as investment passes them by. A healthy neighborhood is a place where:

- It makes economic sense for people to invest time, energy, and money and,
- Where neighbors have the capacity to successfully manage the day-to-day issues in the neighborhood and,
- Where neighbors feel confident in their investment and the future of neighborhood.

This definition of healthy neighborhoods is at the heart of the neighborhoods of choice approach to neighborhood reinvestment. It suggests that for neighborhoods to succeed they must be the kind of places where people choose to live. They have to be places where people are proud to tell their family and friends they live, where they believe their investment in housing will grow in value, and where they are comfortable enough with their neighbors to participate in community.

## Healthy Neighborhoods – Market/Investment Considerations

David Boehlke, the founder of the “Healthy Neighborhoods” reinvestment approach/strategy discusses four key components of market and individual investment considerations related to managing change in neighborhoods that Boehlke defines as:

**Choice:** Understanding that people make choices as to where to buy, what to buy, when to invest, and how much to invest.

**Competition:** From newer suburbs, apartment, and other neighborhoods. “It is not enough for a neighborhood to be a good place to live; the neighborhood must be able to attract residents even as its competitors change every year.

**Confidence:** “Older neighborhoods are often a confusing mixture of perceptions and behavior.” Residents want confidence affirmed from neighbors investing in their homes or new residents moving in and investing.

**Predictability:** Residents want predictability. New neighbors are considered good when they notice and abide by the prevailing norms.

Boehlke provides an explanation of the consumer needs and market context of a neighborhoods ability to compete for investment. As land use officials, we often see neighborhoods in a narrower context, one of regulations and violations. However, these violations may often be a result of change in the neighborhood market or symptoms of decline. Therefore, we need to consider the role of zoning to better understand a neighborhood.

## Healthy Neighborhoods - Elements of Change

So how does a neighborhood become a Healthy Neighborhood, and how does a community transform a neighborhood into the next “up and coming neighborhood”, a Neighborhood of Choice? Work focuses on outcomes, and strategies on four areas of concerns or four areas of change.

### **Image - Market - Physical Conditions - Neighborhood Management**

The discipline of the approach suggests that you must be working in all four of these areas to make meaningful change in communities that have suffered disinvestment and deteriorated quality of life.

The outcomes for these four levers of change are:

- **Image:** Neighbors have confidence in the future of the neighborhood. What signals are being sent to the surrounding and broader market about conditions in the neighborhood? The neighborhood will have a positive image that attracts investment.
- **Market:** The real estate market will reflect this confidence. The neighborhood will make economic sense for key investors – homebuyers, homeowners, landlords, renters and government – because property values will be steadily increasing. This will enable those investors to invest, make improvements, and build assets. At the same time, the neighborhood will offer housing options for, and be attractive to, a variety of income groups. It will help neighbors who want to stay, invest, and benefit from reinvestment. The neighborhood can compete with other neighborhoods.

- **Physical Conditions:** Physical conditions, whether public or private, will reflect pride of ownership and a high standard of maintenance. Public infrastructure will be maintained and improved to a standard similar to neighborhoods currently viewed as better. Conditions suggest pride sufficient enough to compete.
- **Neighborhood Management:** Neighbors confidently address problems as they arise and achieve success. Residents will have the capacity to manage the day-to-day activities on their blocks. Neighbors will feel comfortable being “neighborly” – looking out for each other, getting together to work on problems, taking action to reinforce positive standards and actions, etc. Neighbors will feel safe in the neighborhood.

The four areas, or levers of change, provide the foundation for healthy neighborhood reinvestment strategy. All of our programs, activities, events, and actions are targeted at one or more of these areas.

## **The Role of Zoning and Zoning Enforcement**

Municipal zoning authority is provided by Section 8-2 of the Connecticut General Statutes. Section 8-2 provides not just the authority for zoning, but also prescribes what regulations shall include and or consider and may include or consider.

Section 8-2 states the following:

“The zoning commission...is authorized to regulate...the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses...and the height, size and location of advertising signs and billboards...such regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district...subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and **property values**...Such regulations shall be designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses **and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.**”

When reading neighborhoods and dealing with change that occur in neighborhoods, we need to consider the authority of Section 8-2 as it relates to value. As land use officials, we often forget that a portion of the aim of zoning is to protect “property value” and that zoning regulations “shall be made...with a view to conserving the value of buildings”.

## **How We Deal With Neighborhood Change**

As land use officials, when a neighborhood experiences change (most often decline) we often turn to our zoning regulations and zone enforcement tools to attempt to stop change or regulate neighborhoods to conform to social or market norms. These changes may be seen as parking a car or cars on the front lawn, repairing cars in the driveway, toys and other items stored in the front yard, or over grown grass, bushes, and a decline in the level of property maintenance. We may enforce existing zoning, housing, and building codes to force conformance. Or we may adopt new stricter zoning regulations to combat these changes.

While these tactics may resolve some issues or specific violations, they may not and often do not, create any significant change the neighborhood. The overall conditions of individual properties and the neighborhoods may continue to decline and violations may increase. So what can we do?

## **Utilizing Zoning as a Lever of Change**

Remember, neighborhoods are not static, they are living environment that evolve over time. In these older neighborhoods market demands and consumer preferences have changed. Newer neighborhoods and homes better provide for today’s consumers needs. These older neighborhoods may have become or are becoming obsolete. The neighborhood is struggling to attract new owners, property values are stagnant or declining, the housing stock is aging, and the neighborhood can no longer retain or attract stable households. The housing values are performing below their market potential.

While new stricter regulations and increased enforcement may resolve some issues or symptoms of this decline, they will not succeed in addressing the causes of this decline. More importantly, the regulations (zoning, housing, and in some cases building codes) may be part of the problem. Outdated regulations that served the neighborhood well 10, 20, 30, or 50 years ago may now restrict the neighborhoods from much needed upgrades and investment.

Parking on the front lawn, in most towns is a violation, and may be viewed as cause of this neighborhood change and treated as a violation. However, it may not be cause, but a symptom of the deficiencies that exist in the neighborhood. Small lots, with small driveways, one or no garage, may no longer be able to accommodate the parking needs of a family of four with four cars.

A two or three-bedroom home with one bathroom may no longer be able to attract young couple with two kids, a working class family with resources to invest in the neighborhood. However, the zoning regulations may be restricting investment in the neighborhood and housing stock, investment that could create a more competitive home and neighborhood.

- The front, side, and/or rear yard setback on this older, smaller lot may be so restrictive that any modest or reasonable addition of bonus room, larger kitchen, or garage is not possible. The housing stock, unable to upgrade to meet today’s consumer needs, can no longer compete for investment and conditions will remain poor and values will continue to stagnate or decline.
- A review of the zoning regulations, housing codes, and even building codes in regards to historic home may reveal regulations or codes that are restrictive and hold the neighborhood back from evolving. (Also consider reviewing variance application, both those approved and denied.) Changes may need to be made. For example, a five or ten foot modification to a

rear yard setback may be just enough to allow for a small and reasonable addition that will accommodate a larger kitchen, a half bath, and/or a first floor laundry room. Or a flexible provision in the side yard setback may be able to accommodate a wider driveway and reduce front yard park.

Let’s not forget that a portion of the aim of zoning is to protect “property value” and that zoning regulations “shall be made...with a view to conserving the value of buildings”. If our regulations are restricting housing from modernizing to meet consumer needs, then it may be one of the factors that are influencing a neighborhoods decline. If that is case then we are not “protecting or conserving property values”.

## **A Few More Thoughts to Consider**

Not all violators are willful. Even some of those violators who fail to comply with an enforcement order may not be intentionally violating the regulations or the enforcement order. In some cases, the owner/violator may not have fiscal or other resources to address the issue and/or correct the violation. An elderly person or couple may be struggling to maintain the property, both physically and/or financially. They may not have the means to remove the two unregistered cars that have been in the back yard for year, but a recent complaint brought them to your attention. Or the young new couple may have the physical means to remove the junk and debris that have accumulated in the rear yard, but can not afford the cost of a dumpster to remove the debris.

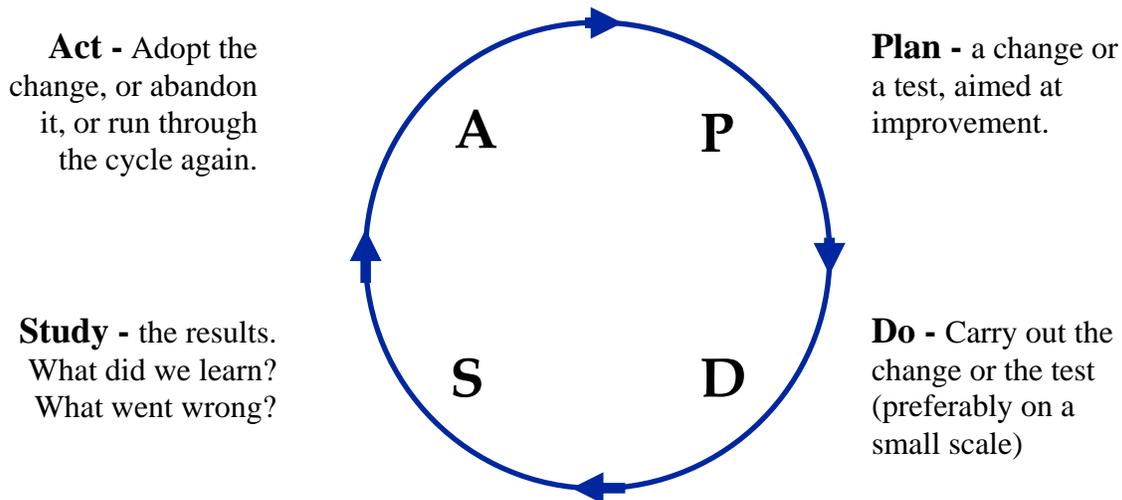
While towns struggle to provide adequate services and staffing in these times of tight budgets, it may be worthwhile to consider some proactive techniques to address violations. Have you ever added up the time and money it costs the town to deal with an enforcement issues? Even a small violation like two unregistered cars in a back yard could cost \$1,000 to \$3,000 in your time alone, not including potential additional costs if the town attorney needs to get involved. In some cases, it may be less expensive and more beneficial to the neighborhood for the town to pay for the removal of cars. Or it may be worthwhile to pay the cost for a dumpster to provide a means of getting the yard cleaned up.

Don’t view this as rewarding bad behavior or a violator or as the town paying the cost of something that an individual may be responsible for. We need to understand that behaviors are contagious and that investment in one property benefits all properties. One or two problem properties on a block could create further decline on the block. Paying the cost of the tow or dumpster may prevent further decline. And last, if property investment and modernization continue and the neighborhood can compete for owners and investment, property values will continue to rise. Rising property values provide greater tax revenues to the town. So investing a few dollars today can return more dollars tomorrow.

## **Last Thought – PDSA Cycle of Learning**

Last, I would like to introduce you the PDSA Cycle of Learning. As land use officials we tend to view regulation changes as final, once adopted. But we should always be open to change, modification, and experimentation to find what works best.

## W. Edwards Deming’s PDSA Cycle of Learning & Improvement



A flow diagram for learning and for improvement of a product or of a process.  
Page 132, *The New Economics*, 2ed.

The PDSA cycle starts in the *Planning* stage with consideration of the question “What are we trying to accomplish?” The Plan consists of four components:

1. Changes which can be made that we predict will bring about the improvement
2. The reasons we believe the changes will bring improvement, any assumptions we are making and the reasoning behind the assumptions - this is our theory, no matter how tentative or improbable
3. Prediction of what results we will get from carrying out the planned changes, based on our theory
4. A method of observation or measurement that can be used to see whether the actual results of carrying out the plan were as predicted

In the *Do* stage, the planned change(s) is carried out and the results are observed or measured

The *Study* stage involves comparison of the results observed in the *Do* stage with the predictions made in the *Planning* stage. There are two possibilities:

1. The observed results and predictions do not correspond. This provides an opportunity to learn since we have cause to revise the theory used as a basis for the plan.
2. The observed results and predictions do correspond. We do not have cause to revise the theory used for the plan, which increases our degree of belief in the theory’s usefulness.

In the *Act* stage the theory is revised (acted upon), if such a need were indicated in the *Study* stage, thereby providing a new foundation for any future cycles. If so, the next PDSA cycle starts with an answer to “What are we trying to accomplish?” that has adapted to past performance.