



Ohio
Department of Health



Land Use and Health Implementation Guide

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Key Terms

- **Comprehensive plan** – A long-term plan (20-30 years) that guides all aspects of a community's development. A comprehensive plan serves as the basis for zoning regulations and describes existing conditions and goals for housing, economic development, transportation, land use, public facilities, and the natural environment.
- **Land use** – The practice of how communities manage and modify their physical space, which includes the places that people occupy for living as well as natural habitats, open space, and agricultural land. Its main purpose is to ensure a community's economic, social, and environmental strength.
- **Local governing body** – The legislative body, executive, or other elected representative that has the power to adopt and implement land use and zoning regulations. Village or city councils serve as the local governing body in incorporated communities; boards of township trustees and county commissioners are the local executives in unincorporated areas. See graphics below for governance structures in different types of communities.
- **Locally undesirable land uses** – Also known as noxious land uses, LULUs include environmentally hazardous sites, such as landfills, slaughterhouses, and other heavy industrial sites. Noxious land uses disproportionately impact poorer communities and communities of color. They burden adjacent communities with adverse air quality, noise, traffic safety, congestion, and vibrations from heavy truck traffic; use and storage of hazardous materials; emission of hazardous and toxic substances; illegal dumping of hazardous materials; proliferation of waste handling facilities; and poor enforcement of environmental regulations and inadequate response to environmental complaints.
- **Mixed-use development** - Traditional zoning emphasizes the separation of land uses. Mixed-use development takes a different approach, encouraging a blend of uses in the same district or on the same property. Homes and commercial activities that are within the same site or even the same building are an example of mixed-use development. This type of development usually occurs in high-density, urban areas where space is more valuable. Mixing uses allows more trips to be completed on foot or by bicycle.
- **Permitted use** - A permitted use is a way of using land that is allowable by right in a zoning district; in other words, a property owner does not have to ask permission to have a permitted use, such as a restaurant in a commercial district.
- **Planned Unit Developments (PUD)** – An alternative to strict zoning regulations. They can be used to concentrate high-density development in growth areas, preserving adjacent open space. Density and open space encourage physical activity, which is critical to preventing chronic diseases.
- **Nonconforming use** – A nonconforming use is a property use that existed prior to current zoning regulations and is allowed to continue under a grandfather clause. An example is a restaurant in a single-family residential neighborhood that existed prior to that neighborhood's zoning designation. Nonconforming uses are sometimes allowed indefinitely and sometimes for a set period of time. Subsequent uses on the same lot are

required to conform with zoning codes.

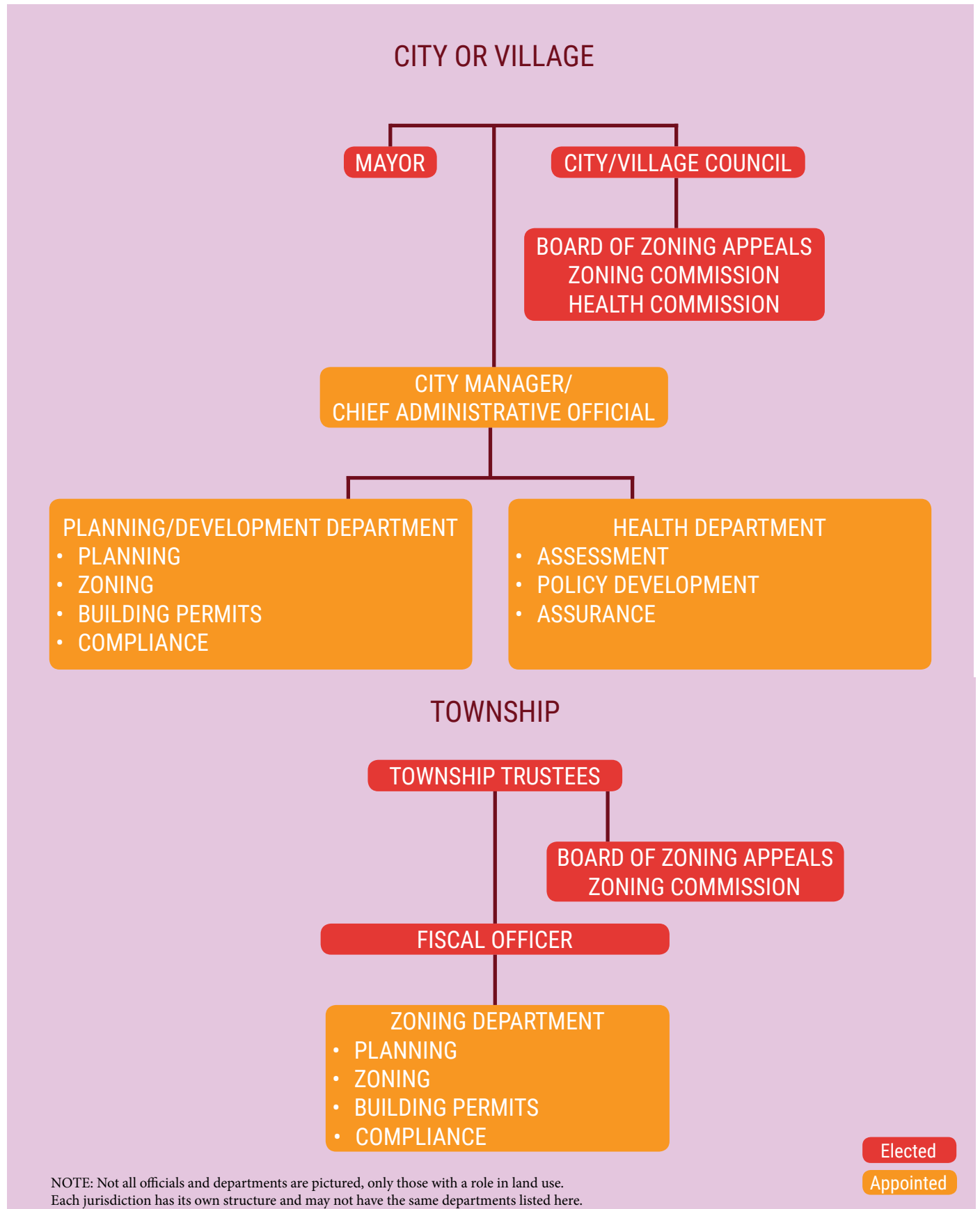
- **Subdivision** – The division of land into two or more parcels, sites, or lots for the purpose of transfer of ownership, development, or other form of valuable interest. Subdivision regulations ensure adequate provision of streets, sewers, and other amenities.
- **Variance** – A change in the terms of a zoning regulation due to economic or physical hardship. A property owner must meet certain requirements to obtain a variance, including proving their physical or economic hardship; that the variance will not result in a reduction in property values; that they did not cause the need for the variance; and that the variance is not contrary to the spirit of the zoning ordinance.
- **Zoning map** – A color-coded map that shows the locations of zone districts throughout a community.
- **Zoning overlay** – A zoning overlay district is applied on top of a pre-existing zoning district. It eliminates the need to obtain a special use permit or undergo a zoning change approval process for certain uses. For example, an affordable housing overlay

can be used to encourage that type of development in specific areas by loosening restrictions. Alternatively, overlays can impose additional restrictions to protect and preserve desired features, such as historic buildings and wetlands.

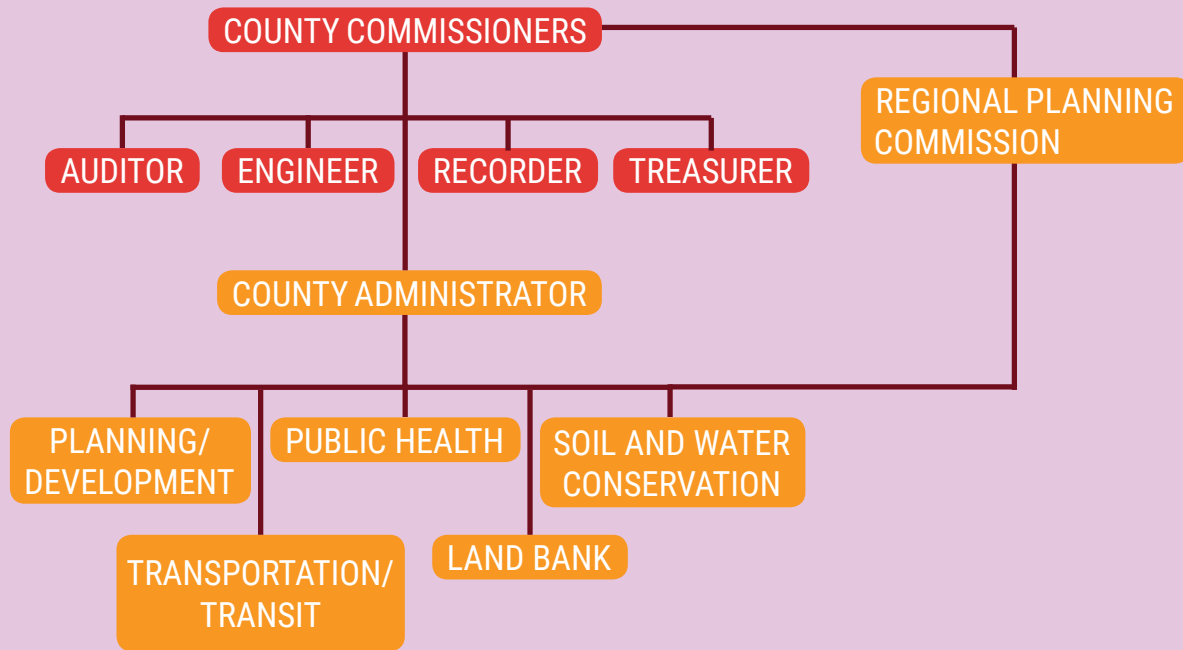
- **Zoning text** – The ordinance or code that lays out the exact regulations that the zoning is created to implement. It is adopted as law by a local governing body, such as a city council or county commissioners. Zoning codes typically establish several applicable zone districts in the community, the uses allowable in each zone (e.g. residential, commercial, industrial), requirements for setbacks, parking, and other site layout elements. Zoning codes also include information on procedures for zoning applications, appeals, and variances.



The following graphics summarize typical governance and administrative structures for different jurisdiction types in Ohio.



COUNTY



NOTE: Not all officials and departments are pictured, only those with a role in land use.
Each jurisdiction has its own structure and may not have the same departments listed here.

Elected

Appointed



Introduction

The Ohio Department of Health (ODH) Creating Healthy Communities' Land Use and Health Implementation Guide is part of a suite of materials designed to support health practitioners who are engaged in land use and zoning conversations. **A Land Use and Health Best Practices Report**¹ and a **Zoning 101 Frequently Asked Questions factsheet**² are complementary resources that introduce common terms in land use planning and zoning, examine health challenges in different types of communities, and explain how the practice of land use planning and zoning can be used to improve public health outcomes. ODH and the Ohio Department of Transportation (ODOT) also hosted a series of land use and health webinars, available for viewing through the ODOT Local Technical Assistance Program.³

This guide is divided into three parts.

- **Part 1. The Intersection of Land Use and Public Health** builds on the foundational concepts discussed in previous materials. It provides a synopsis of the intersection of land use and health and briefly explains the land use planning and zoning strategies that public health practitioners can employ to improve community health.
- **Part 2. Implementation** explains how communities amend, adopt, and write zoning codes, and the role that public health practitioners play in those processes.

- **Part 3. Model Zoning Code Language** provides examples of zoning code language from other communities that public health practitioners may consider relevant for adoption in their communities.

A glossary of **Key Terms** to familiarize the reader with common land use planning and zoning concepts can be found at the beginning of this report.

This guide is part of a suite of land use materials developed for public health professionals. See the References section for more information.



1. The Intersection of Land Use and Public Health

Transportation and land use policies and regulations are the primary influencers of our built and natural environment. Communities across Ohio are realizing the significant impact that these environments have on public health outcomes. Streets and land use work together to dictate the form of communities as well as how people travel, how far they travel, and the quality of a community's environmental health. Communities can control their environment through zoning regulations, maintaining transportation infrastructure, preserving or maintaining open space, or creating financial or policy incentives for certain types of development.





















All of these strategies have implications for public health. For example, requiring compact, mixed-use development in certain areas encourages physical activity through walking and bicycling, which reduces the risk of chronic diseases. Conversely, regulations that permit low-density development encourage travel by car, which increases exposure to pollution, sedentary lifestyles, and chronic stress. In addition, allowing noxious land uses, such as landfills, to locate near residential areas can cause major hazards to community health. For more information on these and other land use-related health challenges and strategies, please refer to the Ohio Department of Health's [Land Use and Health Best Practices Report](#).

Zoning is the tool that many communities use to carry out their land use goals. Zoning can protect public health and welfare and promotes community character by organizing land into clearly defined districts based on the type and intensity of use. While land use planning

uses broad categories, such as residential, commercial, and industrial, to separate different uses within a community, zoning further divides these categories into districts based on intensity. For example, multi-family residential is a higher-intensity use than single-family residential. This separation of uses allows communities and neighborhoods to regulate growth and development and preserve community character. In addition, zoning codes also regulate site layout and design details, including lot size; block size; street character; density; building placement, height, and bulk; setbacks; provision of adequate light and air; parking; landscaping; and signage.

In most communities, zoning is the primary tool used to shape built and natural environments, which, in turn, affect public health outcomes. Part 2 explains how zoning codes are developed, adopted, and amended, and what role they play in different types of communities.

Common Land Use-Related Health Challenges

Common Health Challenges	Community Type		
	Urban	Suburban	Small Town/Rural
			
			
			
			
			
			
			
			
			
			

^a Greenfield development encroaching on farmland reduces the supply of locally available fresh food.

^b Traffic and other noxious land uses cause air pollution, particularly near large highways.

^c Lack of sewer infrastructure can lead to contamination; poorly planned/unregulated development can compromise natural ability of water systems to remove pollutants.

^d Auto-oriented layouts encourage driving, reducing physical activity from walking or biking.

^e Low-density single family housing, auto-dependent lifestyles, and long distances to centers of social activity can lead to isolation and mental health challenges.



2. Implementation

It is important to understand the political and administrative constraints that your planning colleagues face when undertaking a zoning code update or change. This section describes the zoning development process, zoning rewrites, and zoning code amendments. There are many strategies, tools, and resources available to write a new zoning code or improve an existing one. Before learning about these issues, it is important to understand what role you, as a public health practitioner, can play in the zoning process.

Public Health Practitioners' Roles

As a public health practitioner with expertise in strategies to prevent chronic disease, you can act as a valuable resource to local planning and zoning staff by providing data, facilitating dialogue, and influencing decisions to improve public health outcomes. Your role may involve:

- Educating community members and decision-makers on the connections between public health and planning.
- Helping planning staff identify health issues that could be addressed through zoning.
- Collecting, analyzing, and sharing data with decision-makers and community members documenting local health issues.
- Representing public health perspectives on a working group or steering committee involved in zoning code changes.

Health Practitioners' Roles

Specific steps that health practitioners can take to support a health-focused zoning process are highlighted in purple boxes throughout this section.

- Using coalitions and consensus building to move public opinion toward support of zoning code improvements for positive health outcomes.

While a consultant or local planning staff will lead the actual zoning code development or update process, you will play a critical role as a public health champion. There are several strategies health practitioners can use to create a healthier built environment through zoning. Initial steps include:

Benchmark your zoning code against similar neighboring communities.

Chances are that a community near you has also struggled with an outdated zoning code that presents barriers to healthy lifestyles. Find communities that are further along in updating their zoning codes to learn what strategies have and have not worked for them. Communities of similar size and development patterns with the same level of resources available are the most informative.

Look for gaps in the code that deter healthy lifestyles.

Outdated zoning codes typically promote low-density, auto-oriented layouts that discourage physical activity. Requiring separation between where people live and where they work or run errands reduces opportunities for active transportation and the associated health benefits. These codes can be updated to allow mixed-use development via zoning overlay districts, Planned Unit Developments, and other regulatory tools. Mixing residential and commercial activities in the same site allows more trips to be completed on foot or by bicycle.

Research model zoning code language and share with your local planning staff.

Using the resources in [Part 3. Model Zoning Code Language](#) as a starting place, research and identify model ordinances that may apply to your community. Solicit feedback from planning and zoning staff to determine whether those changes are politically feasible. For example, county commissioners would likely support a healthy foods ordinance if ongoing news coverage highlights the food deserts in your community; they may be less willing to support a sidewalk ordinance in a mostly rural area. If there is reluctance to support your effort, consider an education campaign targeted at decision-makers that explains the health impacts of land use and zoning decisions.

Outdated zoning codes typically promote low-density, auto-oriented layouts that discourage physical activity.



Traditional zoning encourages separation of uses, with designated land uses indicated with different colors. (Source: City of Columbus).



A low-density, auto-oriented layout (Source: Copyright Carol Hu 2016)

How to Write a Zoning Code

Creating a zoning code is a technical and time-consuming process. Most communities rely on consultants to manage the process, with guidance from local government staff. While many elements of a zoning code may be identical across communities, a code must be tailored to reflect local priorities and goals, which can differ significantly depending on the type of community. Further, the process of creating a zoning map is always unique to each community. Health practitioners are usually not involved in drafting zoning regulations or mapping out zoning districts, but they may play an advisory role as subject matter experts in land use-related health issues. This section describes the basic steps of developing a zoning code and the role that public health practitioners play throughout the process.

Step 1: Engage the public.

The first step in the zoning code development process, regardless of your community's size or your local government's zoning authority under state law, is to speak with the public. The number one reason that Ohio's townships have adopted zoning is public demand. Conversely, the main reason for not adopting zoning is lack of public support.⁴ If strong public support for zoning exists, you can expect robust participation from your community.

Step 2: Make sure you have a comprehensive plan.

Villages and cities in Ohio are incorporated with home rule power, which means that they have the power of local self-government and do not need to have a comprehensive plan to pass zoning regulations. The Ohio Revised Code requires unincorporated townshipsⁱ and counties to enact zoning in accordance with a comprehensive plan, although the Ohio Supreme Court has held that a comprehensive plan may be included within a township zoning

ⁱ Townships can write their own comprehensive plans or adopt their county's plan.

Health Practitioners' Roles

Follow this track to understand how you as a Public Health Practitioner can play a role in this process.

1

Reach out to your community's planning director or senior leadership to have an active role in the initiative. This could be as a steering committee member, stakeholder, or reviewer.

2

Comprehensive plans include topics that shape public health: transportation, housing, and land use. Health practitioners should educate decisionmakers on the links between planning decisions and health, and help identify health issues that can be addressed through the planning process.

resolution and does not need to be a separate document.⁵ Regardless, all communities should consider writing a comprehensive plan before creating zoning regulations. If a community faces litigation due to its zoning code, the presence of a comprehensive plan can provide strong evidence that a community's zoning regulations protect public health, safety, and welfare.

Step 3: Choose a format.

There are several different types of zoning, from conventional Euclidean zoning, which emphasizes separation of uses, to form-based code, which emphasizes the physical form of buildings and their relationship to the street. Hybrid zoning codes use conventional zoning but incorporate at least one other type of zoning for added flexibility and customization. Many communities have hybrid codes, with conventional uses and standards supplemented by overlay and special districts, architectural and streetscape design standards, and other innovative tools to tailor the codes to their visions and goals. Risk averse communities with low staff capacity may prefer Euclidean zoning; progressive communities with ample resources may opt for an alternative type of zoning, such as form-based code, performance zoning, or a hybrid of several different formats.

3

While public health practitioners are usually not involved in selecting a zoning code format, they may advocate for approaches that encourage healthy built environments (i.e. dense, mixed-use, walkable, communities).

Step 4: Identify issues.

Why is your community interested in adopting a zoning code now? Is your village worried about suburban sprawl and development pressure encroaching on your rural surroundings? Is your township unable to prohibit locally undesirable land uses (LULUs), such as heavy industry, within its boundaries due to lack of regulations? Maybe your community is not facing any immediate threats but wants to proactively manage its growth and development. Whatever the case, clearly identifying your motivation for creating zoning will help frame the conversation around what type of format to use, what regulations are important to include, and what zoning districts should be established.

4

As experts in the causes and solutions of land use-related public health issues, health practitioners should play a central part in identifying problems that the community seeks to address: providing relevant health data, giving data-driven briefings for councils or commissions, and reporting on the community's current health status and relevant policy options.

Step 5: Do your research.

Once you have identified your community's main issues of concern and understand the motivation for pursuing zoning, start doing research on what has worked in other communities. This will help you vet problems and solutions, predict stakeholder reactions, and understand what resources are needed to achieve your ideal zoning code. Focus on communities in your state with a similar legal and statutory framework, topography and natural features, political climate, built environment, and staffing resources.⁶ Most communities have an online, searchable zoning code that allows you to easily find relevant information.

Step 6: Draft your code.

Drafting a zoning code is an iterative and lengthy task. In addition to establishing zoning districts (for conventional codes), the code must also describe administrative and legislative procedures around enacting regulations, granting variances, and amending the code. An administrative section of the code should describe how changes are reviewed, approved, denied, and appealed. It should also identify stakeholders' roles and responsibilities in administering and adhering to the code, including local governing bodies (e.g. village council or township trustees), developers, residents, and government staff. Form-based and other innovative codes rely heavily on graphics to convey desired aesthetics, which must be developed in coordination with designers, architects, and planners. A full discussion on how to draft a zoning code is beyond the purview of this report. Additional resources are listed on page 13.

Step 7: Adopt your code.

Council, Commissioners or Trustees must vote to adopt the code into law. Members of the public have the opportunity to express support or disagreement before the code becomes law.

5

During Step 5, health experts should share model healthy zoning codes from other communities. These examples may address healthy food access, healthcare facility siting, physical activity encouragement, healthy housing, and a number of other issues.

6

During code development, public health practitioners should be involved in the review process. They can identify where community health needs are addressed in the code and where health considerations are lacking.

7

Express support publicly and speak to decision makers about why the code will improve health outcomes in your community.

Step 8: Implement zoning

Elected officials may need to pass legislation creating boards and commissions that enforce the code. The city, village, or township will need to hire staff to implement and enforce the code. Proposed developments undergo review for compliance with the code.

8

Participate in development reviews with the new code, and help keep it updated and relevant.

Zoning Code Development Resources

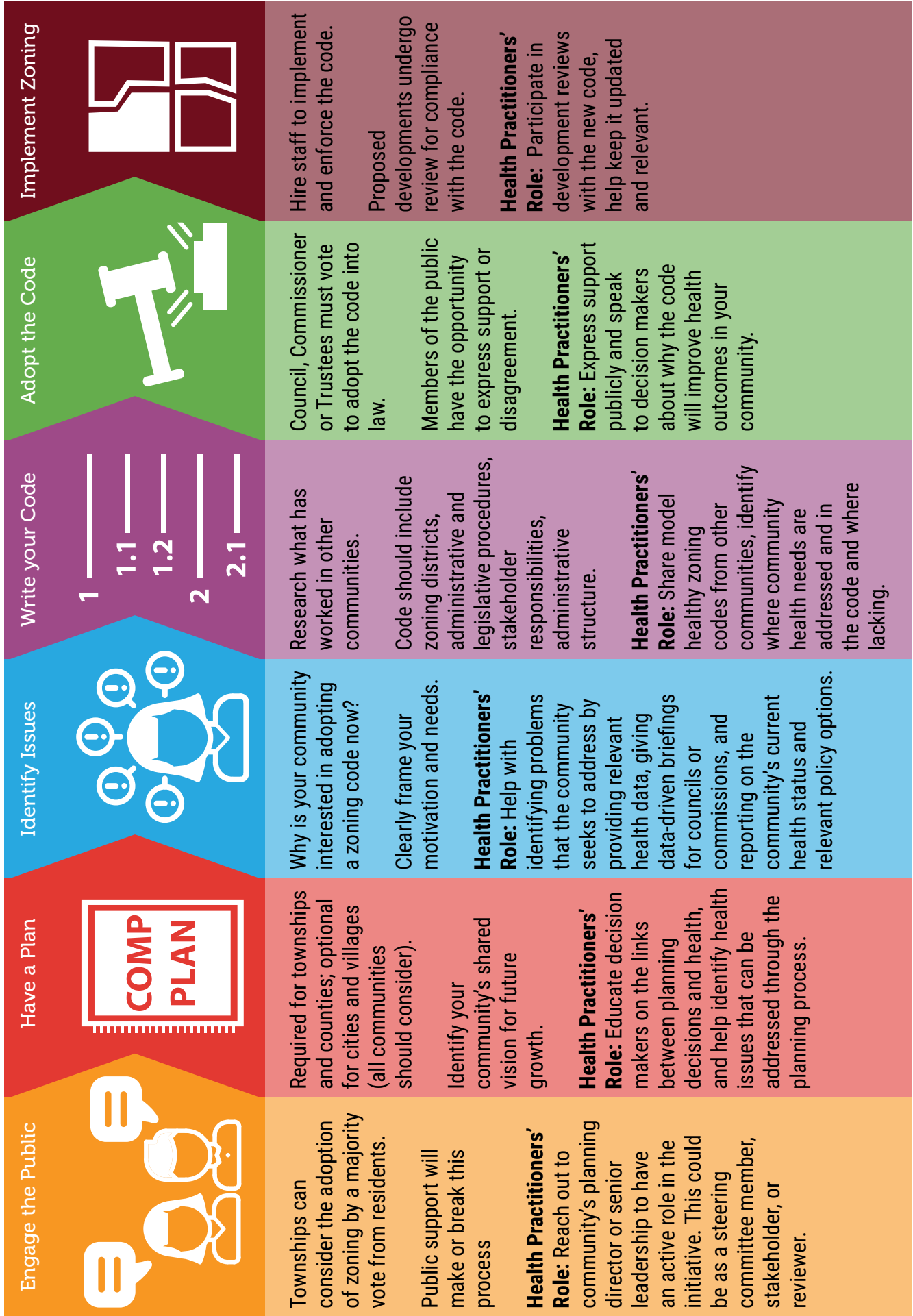
[How to Write a Zoning Ordinance⁷](#)

This presentation from the American Planning Association's 2011 National Conference provides an overview of how to draft zoning regulations, including administrative procedures and public involvement efforts.

[A Practical Guide to Understanding Zoning Laws⁸](#)

This website describes the step-by-step process of developing a zoning code, from creating a comprehensive plan to establishing a planning commission.

How to: Create a Zoning Code



How to Update a Zoning Code

Zoning code changes range from simple amendments of one or two sections to a comprehensive rewrite of an entire code. Full zoning code rewrites are rarer and require significantly more resources than a relatively minor zoning code amendment. The following sections explain the steps involved in both major rewrites and minor changes to the zoning code.

Zoning Code Rewrites

Communities can decide that it is worth their time and resources to rewrite their zoning codes for several reasons:

- The current zoning code does not align with the community's vision for its character and growth. This is often the case in communities that want to become more walkable with a mix of uses, but whose codes date from the 1970s, when separated uses and auto-oriented development were the norm.
- Existing administrative processes are cumbersome and unnecessary. Some communities choose to consolidate their various boards, commissions, and other decision-making entities during a zoning rewrite because doing so can expedite variance requests, development application reviews, and other administrative processes. Updating administrative processes can also revamp the public engagement process to better engage residents and developers.
- The community recently updated its comprehensive plan, and the zoning code needs to be updated to effectively codify and enforce the land use concepts, circulation patterns, and infrastructure goals in the comprehensive plan.
- The zoning code as it is currently written is vulnerable to legal challenges. The administration of the code and procedures used to enforce it could also be susceptible to lawsuits.

Zoning Code Rewrite Tips

- **Don't lose momentum** – A rewrite typically takes 12 to 18 months and can be a labor-intensive and tedious process. Strong leadership and a clear vision are important to maintain momentum.
- **Revisit your vision often** – It is natural for people that are heavily involved in the rewrite to lose sight of the ultimate goal. Remind them of your agreed upon vision and goals to guide discussions and resolve debates.
- **Avoid politics** – While it is impossible to separate zoning from politics entirely, rewrites are easier when they do not occur in politically charged environments. If a hot-button issue involving zoning is unfolding during the rewrite, it is better to put the process on hold and wait for the issue to get resolved, rather than attracting negative attention.
- **Audit previous variance and amendment cases** – Identifying trends and common causes behind variances and amendments to the existing code helps narrow the focus when determining what sections need changes. If a particular type of variance is always approved, such as a small-scale retail business in a residential district, the provision barring that use can be removed to reduce property owner costs and administrative burden.

For most communities, zoning code rewrites typically require hiring a consultant to manage the process, as the resources and expertise needed are not always available within local government.

Step 1: Engage the public.

The rewriting process begins with public engagement to understand existing concerns and challenges in the zoning code. This process could involve forming a steering committee or holding a series of listening sessions with local government staff; board, commission, and/or council members; residents; or developers. Often, these groups may have conflicting agendas. For example, preserving agriculture, open space, and natural features may be a top priority for residents but could be seen as an obstacle by developers. The consultant or government staff managing the rewrite must work to build consensus among the various stakeholder groups.

Step 2: Form working groups.

Once an overall vision and goals have been developed for the updated zoning code, working groups, composed of a cross-section of stakeholders, are formed to focus on different parts of the code. Working groups identify existing problems and needed updates in their section, and recommend whether it should remain the same, be modified, or completely rewritten. This is an iterative process that requires close coordination with city, village, township, or county staff. The consultant or local government staff periodically update the various commissions, boards, and councils in the community on progress and convey feedback to the working groups.

Step 3: Submit recommendations to local governing body.

Working groups submit their recommendations, which may include detailed edits of the zoning code, to the project manager and steering committee for review. The project manager,

Health Practitioners' Roles

The health practitioner's role in updating a zoning code will be similar to their roles in drafting a new code. Reach out to the leaders of the process to gain an active role; educate decisionmakers on the links between planning decisions and health; and help identify where community health needs are addressed in the code and where health considerations are lacking.

with support from staff or consultants, then reviews every change throughout the code and coordinates with the working groups to reconcile conflicts or discrepancies between sections. Once a draft of the updated code is complete, it is shared with the local governing body: city or village council, township trustees, or county commissioners.

Step 4: Revise draft

The local governing body provides comments on the draft and the project manager, steering committee, and working groups revise the draft based on feedback.

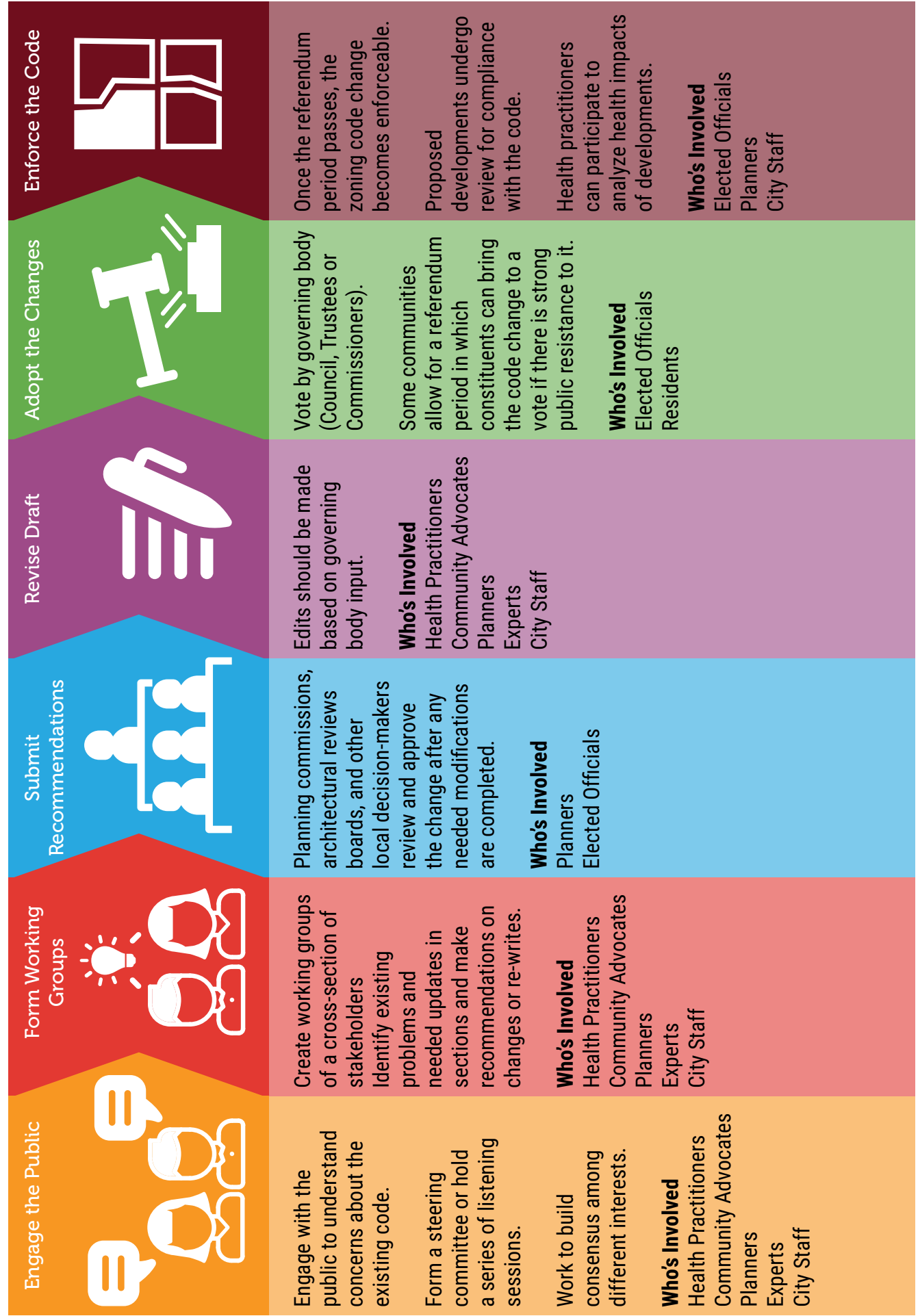
Step 5: Adopt changes

Once the draft is revised, it goes before the local governing body for a vote. Ideally, local decision-makers will have already been involved in the process and will be supportive of the final result, and the code update will be passed into law.

Step 6: Enforce the code.

Once the changes become law, development applications, site designs, building modifications, architectural features, and other elements governed by the zoning code must be in compliance with the new regulations. Local government staff (planning department, code enforcement, building and zoning department, etc.) are responsible for enforcing the code.

How to: Rewrite a Zoning Code



Zoning Code Amendments

Most zoning code changes do not involve a comprehensive rewrite of the entire code. Minor changes to different sections of the code occur as part of a zoning code amendment process.

Step 1: Draft proposed changes.

When a needed change is identified, a working group of local government staff and stakeholders collaborate to find the best solution. This may involve modifying or eliminating outdated existing language, or adding new language to regulate zoning elements that were omitted or not relevant when the original code was adopted.

Step 2: Conduct public readings.

Most cities require zoning code changes to be passed through a series of three public readings. These readings provide an opportunity for public input on the proposed change. They can help identify issues of concern and potential resistance to the change, as well as public support.

Step 3: Submit to commission/board for review.

Once public input is considered, planning commissions, historic district commissions, architectural reviews boards, and other local decision-makers review the changes. If revisions are needed, the draft is sent back to the working group. Otherwise, the draft moves to Step 5.

Step 4: Modify proposed changes.

Edits to the proposed changes should be made based on commission or board input.

Step 5: Adopt the changes.

The local governing body then adopts the amendment into law. Often, communities allow for a referendum period in which constituents can bring the code change to a vote if it has

met strong public resistance. Ideally, however, any public concerns would be addressed early on in the process via public representation in the working group and during Step 2.

Step 6: Enforce the code.

Once the referendum period passes, the zoning code change becomes enforceable. Local government staff (planning department, code enforcement, building and zoning department, etc.) are responsible for enforcing the code.

Zoning Code Change Resources

[Planning and Zoning for Health in the Built Environment](#)⁹

The **American Planning Association** maintains this webpage about planning and health. It includes examples of health-focused comprehensive plans, tips for collaboration between public health agencies and planning departments, and a number of other resources.

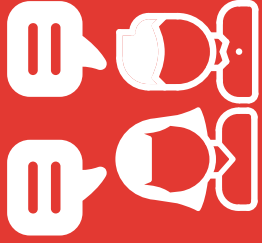
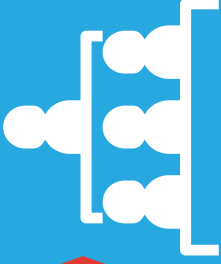


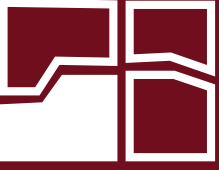
[Health in the Development Review Process](#)¹⁰

The **American Planning Association** created this guide to explain how local development codes can incorporate healthy community considerations into regulatory language. It advocates for incremental changes to incorporate health into zoning regulations. The guide also includes a matrix showing how to operationalize healthy built environment principles in zoning codes.

[A Roadmap for Healthier General Plans](#)¹¹

ChangeLab Solutions developed this succinct guide and infographic showing how public health practitioners can be involved in the comprehensive planning process. It includes strategies on establishing your expertise, cultivating relationships, and crafting health messages.

How to: Amend a Zoning Code

Draft Proposed Changes	Conduct Public Readings	Submit for Review	Modify Proposed Changes	Adopt the Changes	Enforce the Code
<p>1 —</p> <p>1.1 —</p> <p>1.2 —</p> <p>2 —</p> <p>2.1 —</p>					
<p>Create a working group of local government staff and stakeholders.</p> <p>Benchmark your code against neighbors.</p> <p>Look for gaps that deter healthy lifestyles.</p> <p>Research model codes.</p> <p>Who's Involved Health Practitioners Community Advocates Planners Experts City Staff</p>	<p>Most cities require zoning code changes to be passed through a series of three public readings.</p> <p>Incorporate public comments and concerns.</p> <p>Who's Involved Community Advocates Planners Residents Elected Officials</p>	<p>Planning commissions, architectural reviews boards, and other local decision-makers review and approve the change after any needed modifications are completed.</p> <p>Who's Involved Planners Elected Officials</p>	<p>Edits should be made based on commission/board input.</p> <p>Who's Involved Health Practitioners Community Advocates Planners Experts City Staff</p>	<p>Vote by governing body (Council, Trustees or Commissioners).</p> <p>Some communities allow for a referendum period in which constituents can bring the code change to a vote if there is strong public resistance to it.</p> <p>Who's Involved Elected Officials Residents</p>	<p>Once the referendum period passes, the zoning code change becomes enforceable.</p> <p>Proposed developments undergo review for compliance with the code.</p> <p>Health practitioners can participate to analyze health impacts of developments.</p> <p>Who's Involved Elected Officials Planners City Staff</p>

Implementation Tools

Once you have completed the initial strategies outlined at the beginning of Part 2, it is time to make some changes to your zoning code. For communities that want to improve their zoning codes without undertaking an expensive and time-consuming rewrite, there are several regulatory tools for making incremental progress toward health-focused zoning.

Zoning Overlay District

A zoning overlay district can impose additional restrictions or loosen current regulations on top of an existing zoning district to improve public health. For example, an active living overlay could require bike racks, 10-foot sidewalks, benches, and other amenities to encourage physical activity. A healthy foods overlay could limit the number of fast food restaurants and loosen regulations for community gardens. For an example of a healthy foods overlay, see Tulsa, OK in **Part 3, Healthy Foods Ordinances** on page 21.

Incentive Zoning

The goal of health-focused incentive zoning is to create dense, mixed-use neighborhoods where people can be physically active, buy healthy foods, and access healthcare and other essential needs. Incentive zoning gives developers more flexibility in return for offering public amenities that are not required in the code. For example, a developer could provide parks and recreational areas and affordable housing in exchange for reduced parking requirements and flexibility in setbacks and other dimensional standards. Communities could offer incentives to developers who include healthcare facilities, affordable produce markets, parks with outdoor fitness equipment, and other amenities that support healthy living.

Inclusionary Zoning

Adding an inclusionary zoning (IZ) provision to your code can safeguard and improve the health of low-income communities and

communities of color that face systemic barriers in maintaining stable housing. Local governments require redevelopment projects in underserved neighborhoods to include a certain percentage of new housing units for low-income occupants. These units are listed at below market rate prices. Longtime residents who are pushed out of their neighborhoods due to rising prices and increased police presence face unstable housing and mental health challenges, and IZ can offset the potential displacement that redevelopment brings. Being able to remain in place as a neighborhood redevelops preserves social and family ties that are important to mental health and maintains access to convenient healthcare. More details on this tool can be found in Part 3, **Healthy and Affordable Housing** on page 26

Conservation Zoning

Conservation zoning protects open, undeveloped land while allowing for concentrated development in certain areas. A conservation easement is an agreement between a property owner and a land trust or other organization in which the property owner agrees to place restrictions on the use of the property to protect natural resources. These agreements can be used in rural areas to protect against LULUs and other land uses that may pose environmental health hazards.

Cross-Sector Collaboration

When it comes to improving community health outcomes through zoning interventions, building and maintaining relationships with planners and elected officials is one of the most important tools at your disposal. By providing research and sharing the lived experiences of community members facing health challenges, health practitioners can place community health and wellbeing at the center of zoning and land use conversations.



3. Model Zoning Code Language

Once you and your planning colleagues have identified the gaps and barriers to healthy lifestyles in your zoning code, you will have an understanding of what content needs to be added to improve your community's health. Below you will find resources and example regulations for several topic areas that may need to be introduced or improved in your zoning code.

Healthy Foods Ordinances

Healthy Foods ordinances can accomplish a variety of goals, from reducing the number of fast food restaurants to loosening restrictions on community gardening. A cross-sector, coordinated approach to incorporating healthy foods regulations into your zoning code can help reduce the risk of chronic disease and improve your community's long-term health outcomes.

Resources

The **Ohio State University Extension** provides funding and technical assistance to urban agriculture project across the state.

College of Food, Agricultural, and Environmental Sciences Urban Agriculture Program¹²

ChangeLab Solutions' Model Healthy Food Zone Ordinance prohibits fast food restaurants

and mobile vendors from locating near schools.

Model Healthy Food Zone Ordinance¹³

ChangeLab Solutions released a report in 2011 describing land use policies to promote urban agriculture. The report shares model zoning language for urban agriculture, including definitions and types of uses, regulations of uses, incidental and accessory uses, and livestock regulations.

Seeding the City - Land Use Policies to Promote Urban Agriculture¹⁴

The **American Planning Association** released a report on urban agriculture in 2011. The report explains how to accommodate urban agriculture through local regulations and describes its community health and wellness benefits. Appendices include extensive lists of zoning regulations and regional and comprehensive plans that promote urban agriculture.

Urban Agriculture: Growing Healthy, Sustainable Places¹⁵

The **American Planning Association's** zoning practice published a 2013 article on backyard animal husbandry. It explains the concept of micro-livestock and lists benefits, concerns, and regulatory approaches to urban animal keeping.

Urban Micro-Livestock Ordinances: Regulating Backyard Animal Husbandry¹⁶

The **University of Missouri Extension** developed a best practices guide in urban agriculture in 2012. It encourages cities to take a comprehensive approach to amending their zoning regulations to permit urban agriculture rather than a reactive or piecemeal strategy. Researchers surveyed members of the Urban Sustainability Directors Network to establish the state of the practice in regulating urban agriculture and to recommend best practices.

Urban Agriculture: Best Practices & Possibilities¹⁷

Example Regulations

Tulsa, OK's zoning code includes a Healthy Neighborhood Overlay (HNO) district. The goals of the HNO are to encourage an array of retail options with convenient access to fresh meats, fruits, and vegetables; reduce oversupply of corner stores without fresh foods; promote grassroots access to fresh food; and use a community-based approach to purchase and distribute fresh foods in specific neighborhoods. Among other provisions, the HNO district permits on-site sale of community garden products by right, reduces grocery store parking requirements by half, and requires a minimum of one mile between "small box discount stores," which typically do not offer fresh food.¹⁸

Cleveland, OH facilitates urban agriculture through several aspects of its zoning code.^{19,20} It allows a variety of animals for urban agriculture use, including beekeeping on lots greater than 2,400 square feet. Cleveland's urban gardening zoning district allows land to be reserved for garden use through zoning and permits market gardens and urban gardens. The zoning code permits agriculture on vacant residentially zoned lots, and sale of produce from farm stands as a conditional use. Larger scale farming is permitted in the Urban Agriculture overlay district.



An urban farm in Cleveland, OH.

Akron, OH is working with the Summit Food Coalition to develop a comprehensive urban agriculture ordinance for the city.²¹ Its Local Food Policy Inventory report includes a comprehensive review of existing zoning and other regulations and addresses public health and food access.²²

Toledo, OH permits community gardens by right or with a special permit in most zoning districts.²³

Cincinnati, OH permits community gardens by right in most zoning districts.²⁴

In **Detroit, MI** urban agriculture has thrived for many years but was largely unregulated for much of that time. In 2013, the city passed an urban agriculture ordinance, legalizing small-scale farming operations that were already widespread.²⁵ Urban farming is allowed in most of the City's zoning districts and is permitted by right in all residentially zoned districts.²⁶

Pittsburgh, PA²⁷ adopted an ordinance in 2015 that simplifies the permit process for livestock and beekeeping. The law allows residents with a property of at least 2,000 square feet to keep five chickens or ducks or two dehorned miniature goats, as well as two beehives.²⁸ The construction of high tunnels, hoophouses, and greenhouses require occupancy permits.²⁹ The City also allows legal access to publicly owned lands for urban agriculture through its Adopt-A-Lot program.³⁰

Pedestrian Ordinances

Walking is one of the most popular forms of physical activity.³¹ It offers myriad benefits, including weight control, longer life expectancy, and reduced risk of chronic disease. Zoning regulations play a major role in determining whether our built environments are safe, fun, and convenient places to walk. The resources and examples below offer guidance on how to create more walkable communities through zoning.

Resources

This **National Cooperative Highway Research Program** 2012 report documents policy and regulatory tools used by communities to improve pedestrian safety and convenience.

Local Policies and Practices That Support Safe Pedestrian Environments³²

Example Regulations

Cleveland, OH uses an Urban Core (UC) Overlay District to:

foster the development of dense, vibrant, mixed-use neighborhoods that encourage a quality pedestrian experience. The UC achieves this goal for urban cores by setting forth requirements for consistent street walls, pedestrian-oriented building features,



Mid-block crossings increase walkability.

*minimizing conflicts between vehicles and pedestrians, and screening of off-street parking and service areas.*³³

The UC overlay district sets a maximum block length of 500 feet, an ideal distance for pedestrian connectivity. It also establishes a 1,400-foot maximum block perimeter and requires midblock crossings on blocks over 400 feet.

Subdivision Regulations and Street Connectivity

For some, subdivisions may conjure images of endless suburban houses with two-car garages and streets with no sidewalks or interesting destinations. Subdivision regulations offer an important opportunity to improve existing neighborhoods and plan for more walkable developments in the future. Requirements for grid street patterns, short block lengths, connected and continuous active transportation infrastructure, and a mix of destinations can create thriving and active communities.

Resources

University of Illinois' **Institute for Health Research and Policy** developed this primer for public health practitioners interested in engaging with local planning and zoning officials. It emphasizes the importance of cross-sector dialogues in implementing policies that support walkable communities.

Components of Local Land Development and Related Zoning Policies Associated with Increased Walking³⁴

Example Regulations

The **Kentucky Transportation Cabinet** released a subdivision street connectivity model ordinance in 2009 for local governments. The ordinance includes standards for dead-end streets (not permitted unless designed to connect to future roads), block lengths (660 feet maximum), and midblock crossings (required on blocks longer than 400 feet).³⁵

The **Nashville-Davidson County Metropolitan Planning Commission** subdivision regulations establish standards for walkable subdivisions in urban areas. They include block length, sidewalk, and street pattern requirements as well as provisions for pedestrian and bicycle access.³⁶

Most outdated subdivision regulations stipulate that sidewalks should be built along the public street frontage of any lot at the time of building construction, and that they are the responsibility of individual property owners. This can result in sidewalk gaps along undeveloped lots, which reduces a neighborhood's walkability. **Middleton, WI's** subdivision regulations require sidewalks to be built at the same time as streets, rather than a lot-by-lot approach. Early sidewalk installation reduces administrative paperwork for city staff, as they cancel out the need for tracking sidewalk assessment agreements.³⁷

Site Layout

Site layout and design focus on the physical aspects of destinations. They determine whether sites encourage active living or auto-dependency. Examples below show how building placement and other layout elements can be used to promote pedestrian-accessible destinations.

Example Regulations

San Jose, CA established pedestrian oriented zoning districts, which are intended to:

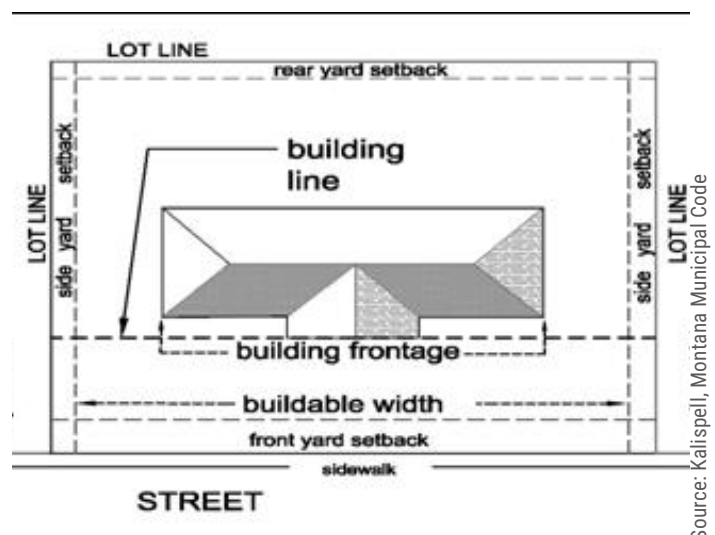
*foster urban development that encourages pedestrian movements and supports transit, cycling and other alternatives to vehicular travel through: 1) design standards that place building mass at the street front and emphasize pedestrian connections while minimizing vehicular/pedestrian conflicts; and 2) land use regulations that provide a critical intensity and mix of uses.*³⁸

The zoning code provides regulations for building and site design to encourage pedestrian activity, including:

- Building placement – The pedestrian oriented zoning districts have 10-foot maximum setbacks on main commercial streets, major cross streets (arterial) and minor cross streets (collectors).
- Building frontage – Based on lot size and type, a certain percentage of commercial building frontage must be active commercial building frontage, which is “designed for retail or other customer-oriented commercial use,” such as window displays or outdoor dining.
- Building entry – Ground-level commercial space must have a primary entrance accessible from the pedestrian zone (setback and adjacent public sidewalk).
- Recreational use – All residential developments along main streets must provide space for recreational use accessible to all residents of the site.

Bicycle Ordinances

While less common than pedestrian-focused regulations, bicycle ordinances do exist, and they can have a major impact on the travel environment as well as end of trip facilities, like parking.



Site design controls building dimensions and placement.

Resources

The **American Planning Association's** zoning practice released an article in 2014 that discusses bicycle parking and bicycle facility design standards.

Shifting the Regulatory Gears to Promote Bicycling³⁹

Example Regulations

Separated Bike Lanes

Cambridge, MA passed an ordinance in 2019 that requires separated bike lanes to be installed on all streets that are slated for reconstruction under existing city plans.⁴⁰ The law empowers the City to implement its bike plan without succumbing to political pressure to water down individual projects. It essentially codifies the safety priorities espoused in the City's Vision Zero and Complete Streets plans for people bicycling.

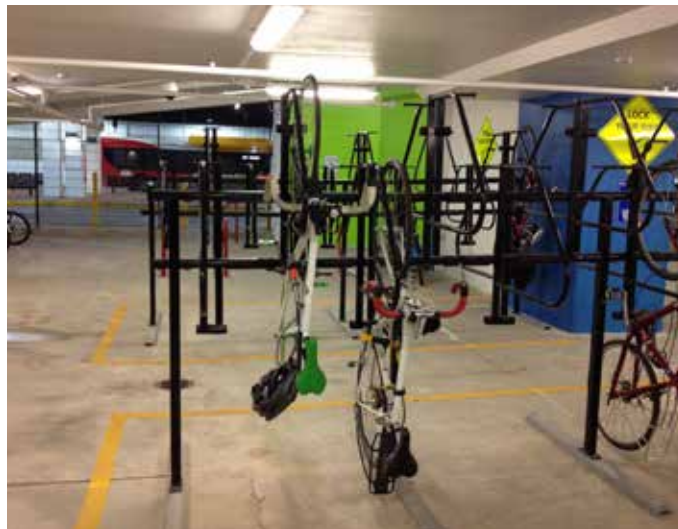
Bicycle Parking

Cedar Rapids, IA requires bicycle parking for most land uses, including residential, office, commercial, and community/civic. There are separate requirements for short-term parking for visitors, customers, etc., and long-term parking for residents, employees, etc. Bicycle parking dimensions are included for ground-mounted, wall-mounted, and locker storage. Bicycle parking spaces must be connected to an ADA-accessible sidewalk or corridor, illuminated if accessible after dark, and located so as not to interfere with pedestrian traffic.⁴¹

Phoenix, AZ offers density bonuses to developers who include optional bicycle amenities, such as secured lockers, showers, and repair stations.⁴²

Design Guidelines and Standards

Design guidelines and standards synthesize site layout and right-of-way improvements into a coordinated approach that addresses both the public and private realms of the built environment.



Bicycle parking requirements encourage bicycling.

Resources

The **Ohio Department of Transportation's** Bicycle and Pedestrian Resources for Engineers provides links to research, resources, and guidance on designing for people walking and bicycling. It includes Ohio-specific and national resources.

Bicycle and Pedestrian Resources for Engineers⁴³

New York City's landmark Active Design Guidelines synthesize research and best practices into a coordinated approach to improving public health through urban design.

Active Design Guidelines⁴⁴

Example Regulations

Amarillo, TX requires walkway improvements in its Downtown Urban Design district for new construction projects, major building modifications, and several other situations. Right-of-way standards include requirements for pedestrian lights, street trees, furnishings, sidewalks, outdoor dining, and landscaping. Building façade standards include requirements for architectural articulation, transparency and glaze, entrance orientation, and setback.⁴⁵



Amarillo, TX's design guidelines require walkway improvements.

Healthy and Affordable Housing

The location, type, and design of housing is a major determinant of health outcomes. When housing is unstable or unaffordable (generally defined as costing more than 30 percent of a household's income), families have less income to spend on food, healthcare costs, and other factors that influence health outcomes. Because zoning dictates the type and location of residential development, it plays an outsized role in creating healthy – or unhealthy – housing.

Housing in low-income communities and communities of color often exposes inhabitants to environmental hazards. Black Americans face a 54 percent higher health burden than the general population in regard to harmful pollutants from locally undesirable land uses (LULUs).⁴⁶ Prolonged exposure can lead to asthma, heart or lung disease, and premature death.⁴⁷ Substandard housing can also expose residents to contaminants such as lead or asbestos, exacerbating health disparities along race and income lines. These neighborhoods often lack access to transit and active transportation networks,⁴⁸ reducing opportunities for physical activity and its associated health benefits.

While many of the tools for creating healthy communities may increase property values

and spur the displacement of low-income communities and communities of color,⁴⁹ these strategies should be balanced with planning and zoning policies that preserve affordable housing and ensure that everyone has equitable access to a healthy environment.

Resources

The **American Planning Association's** zoning practice 2015 series on healthy housing includes examples of universal design, affordable housing, upzoning, aging in place, and inclusionary zoning.

Zoning to Improve Health and Promote Equity⁵⁰

Example Regulations

Upzoning

Euclidian zoning codes often favor low-density and single-family housing, which encourages segregation along race and class lines. Building demographically mixed communities requires a different approach. Upzoning is the practice of making changes to or relaxing zoning standards, such as use limitations, densities, height restrictions, setbacks, landscaping requirements, parking minimums, etc.⁵¹ Communities use upzoning to promote a greater mix of uses and housing options, incentivize housing development near transit (known as transit-oriented development or TOD), and promote a more dense and walkable urban fabric. Upzoning may refer to zoning changes in a small area or to community-wide changes to the zoning code.

Minneapolis, MN's 2040 Comprehensive Plan makes bold steps toward promoting affordable housing by upzoning nearly the whole city. It allows for taller, multifamily units to be built in all areas previously zoned only for single-family or small multifamily housing.⁵² By essentially eliminating single-family zoning, affordable units will no longer be excluded from areas of opportunity and developers will be incentivized to build more units.

Inclusionary Zoning

Another practice for promoting affordable housing is to implement inclusionary zoning codes (IZ). IZ encourages or requires the provision of affordable housing units within new market-rate developments. This tool aims to increase the supply of affordable units in areas of high opportunity and to lessen the impacts of displacement from redevelopment. Under voluntary policies, developers can receive incentives for including affordable units, such as increased density of a development, permission to build on more of the lot, reduced tax liability, or lower impact fees than are normally charged to cover the cost of utilities. Under mandatory policies, cities require that a certain percentage of units or floor area in new developments be dedicated as affordable housing, usually with deed restrictions that will keep them affordable in the future. In some cases, cities may allow for developers to pay a “fee in lieu of,” meaning that they do not include affordable units in the development but instead pay the city an equivalent amount of money for those units to be built elsewhere. This policy may result in affordable housing being pushed out of desirable, redeveloping areas with access to healthcare, transit, and other services, and relegated to low-income neighborhoods that are already flush with public housing projects.

Requirements may vary in different zoning districts, and affordability must be defined (usually set as a percentage of the area’s median household income).

Washington DC’s Inclusionary Zoning

Implementation Amendment Act took effect in 2009 to require the provision of affordable units and promote mixed-income neighborhoods.⁵³ The law mandates that developments of ten or more new units must provide 8 to 10 percent of the gross floor area as affordable. In return, developers receive a 20 percent density bonus and can adjust the building envelope requirements to maximize that bonus. Affordable units must be of good quality and use the same exterior design and materials as market-rate units. Passage of the policy led to the development of 507 affordable units between 2015 and 2017.

New Orleans, LA passed a mandatory IZ law in 2019.⁵⁴ The policy focuses on areas of the city with strong housing markets, recognizing that developments in core neighborhoods are most likely to lead to displacement. The law requires 10 percent of units to be affordable in new developments in “core” neighborhoods, and five percent in “strong” neighborhoods, while affordable units in “transitional” neighborhoods are voluntary. This flexible approach acknowledges that overly stringent requirements outside high-demand markets would deter housing development in those areas. The units must be affordable to families earning up to 60 percent of the area median income (about \$30,000) and affordability must be maintained for 99 years.



Affordable housing units

Columbus, OH passed a law in 2018 requiring developers who receive tax abatements in high-demand neighborhoods to make 10 percent of units in new developments affordable to households making 80 percent of the area median income and 10 percent available to households making 100 percent of the area median income.⁵⁵ While this policy is a step in the right direction, it is not as progressive as a true IZ law. Because area median income includes Columbus' wealthy suburbs, the program does not benefit truly low-income families seeking affordable housing.⁵⁶

Aging in Place

As many communities face the challenge of a rapidly aging population, ensuring that seniors may age in place in their neighborhoods is an important part of ensuring their continued mental and physical health. Typical Euclidian zoning codes separate healthcare facilities and assisted living from residential areas, meaning that older adults with limited mobility may face challenges in accessing services or must move away from their social networks to receive care. Aging in place can be supported through zoning changes. One strategy is to allow nursing homes and Continuing Care Retirement Communities to be located in single-family residential zones. Another is to allow for accessory dwelling units (ADUs), often known as “in-law suites” or “granny flats.” These small attached or detached spaces on single-family home lots allow older adults to live independently while still in close proximity to their families. In addition, the adoption of universal design practices into building codes can require buildings to be accessible to people of all ages and abilities; for example, no-step building entries, wide doorways and hallways, height adjustable work surfaces, and visual and tactile warning surfaces.

Rural Zoning

Many of the example regulations above are from large or midsize cities. While certain model zoning language can be applied to communities of all types and sizes, rural areas



Accessory Dwelling Units support aging in place.

face distinct challenges and opportunities when it comes to improving health outcomes through land use planning and zoning. Because land use controls are less common in rural communities, alternative strategies to zoning may be more appropriate, such as deed restrictions or restrictive covenants. For more information, see the [**Zoning 101 FAQ Factsheet**](#).

Resources

This guide from the **Environmental Protection Agency** provides smart growth strategies to ensure that small towns and rural communities remain fiscally sound, environmentally responsible, and socially equitable. It offers solutions for communities both with and without local zoning and land use controls.

Essential Smart Growth Fixes for Rural Planning, Zoning, and Development Codes⁵⁷

The **American Planning Association's** zoning practice published a 2008 article on using rural zoning to manage growth and protect natural areas.

Rural Zoning: Return to the Village⁵⁸

Example Regulations

Holtville, CA has a Low Density Rural Residential Zone (RR-1) to preserve areas with a rural atmosphere and allow limited farming operations.⁵⁹



Conclusion

Land use and zoning shape the built environment, which in turn heavily influences a community's access to healthy lifestyles. While health practitioners rarely write zoning codes, they can play a major role in shaping them to improve public health outcomes. This can happen in a number of ways, from advising on the details of the relationship between land use and public health to assisting with specific parts of a zoning code update or rewrite.

Examples of proactive ways to integrate best practices in land use/zoning and public health exist in communities across Ohio, the Midwest, and the U.S. There are strong models for ensuring options for healthy eating to pedestrian- and bicyclist-friendly streets and subdivision layouts. Public health practitioners who actively participate in the zoning development process are taking advantage of a tremendous opportunity to help communities make informed decisions that improve community health.

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