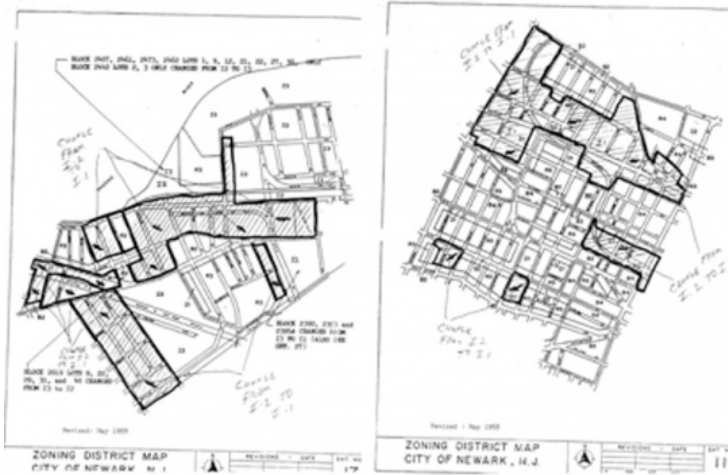


Innovative ideas that are changing the world
from the Loeb Fellowship at the Harvard
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Zoning for Democracy, Part 1

BY DAMON RICH / FEBRUARY 22, 2015 / FEATURES, INSIGHTS, LOEB FELLOWS, PROFILES



As planning director and chief urban designer for Newark, New Jersey, 2007 Loeb Fellow [Damon Rich](#)'s most recent success (after establishing the city's [first urban design regulations](#), launching [its public art program](#), overseeing design and construction of its [first riverfront parks](#), leading a [riverfront rezoning](#), and more) is a complete overhaul of the city's development codes to craft a more livable, equitable and democratic city. This is the first of a 3-part series in which Rich reflects on the why and how of this impressive achievement.

PART 1: AIMS & ENEMIES OF ZONING REFORM

Undergoing rapid urbanization and industrialization, Newark hired Harland Bartholomew as the nation's first full-time municipal planner in 1914. Since then, like many US cities, we have often over-invested a meager planning budget in publishing ambitious documents and under-invested in improving the democratic mechanisms of accountable development.

For example, [master plans](#) (legally defined and required by state law since 1976) were prepared in 1915, 1947, 1964, 1980, 1984, 2004, 2009, and 2012, usually by consulting planners. Their contents reflect changing preoccupations of the planning industry, turning from the physical work of straightening streets and slum clearance in the first half of the century to social programs in 1980 and later. For all their multiple and sometimes conflicting visions, no master plan after 1947 was translated into zoning codes and development regulations to govern how and where buildings are built; their greatest potential power was halted like Moses at the River Jordan.

Strangely, it wasn't for lack of trying. We found files cabinets full of expensive contracts for zoning studies, interim work products and sometimes correspondence about billing disputes or reasons for aborting the project of zoning reform. Community leaders repeatedly told me the story of the showdown beginning in 2002 between the City administration and a coalition of neighborhood-based groups about the number of public meetings the planning office would hold in preparing the "Land Use Element" of its latest master plan, which in turn could become the basis for a new zoning map. In the end, the

activists prevailed and 10 meetings, not two as originally proposed, were held. However, the effort to win additional meetings and lack of widespread understanding of the tenuous relationship between master plans and zoning ordinances led to the popular push fizzling with the completion of the master plan. This left the creation of actual zoning rules for a later date, such as defining what exactly the master plan means by the difference between “heavy” and “medium” industry, and what that means for nearby residents.

Since I became Newark’s first municipal urban designer, and later planning director & chief urban designer, three successive mayors have seen sufficient value in the Newark Planning Office to support our particular brand of hands-on public design and assertive development negotiation. While scarce resources have always gone mainly to development review, troubleshooting and infrequent small area plans, all staff had been clear for years on the shortcomings of the underlying code.

Zoning maps dating from 1933 were covered with beautiful but nearly unreadable hand-written updates and corrections. Loose-fitting zones in some neighborhoods led to undesirable teardowns and exploitative subdivisions. Elsewhere, the code reflected a legacy of so-called cumulative zoning, so that the First Industrial District included not only various industries but also apartment buildings. It promulgated 1950s notions of desirable density and buildings (e.g. not touching other buildings) and voracious hunger for parking space. The basic module of regulation, the Use List, included outdated uses like leather tanneries and pool halls and took no account of community gardens, charter schools, data centers, animal crematoria, solar and wind power installations and desirable types of upcycling industries.

The code offered little guidance about building design besides the required depth of setbacks from property lines, and permitted site plans hostile to streets and public spaces. As many areas of Newark attest, such suburban-type development patterns are dangerous in urban settings, creating pedestrian-unfriendly streets in a place where 40% of residents do not drive. The existing laws set no maximum for impervious surfaces, bringing more storm water into sewers. Its low fees encouraged half-baked applications and fell far short of recovering public expenditures on development review. While the code set the legal standards for minimal public notice about development, the standards were indeed minimal. And by locating development regulations in three separate titles of the overall municipal code, the zoning code dependably confused novices.

The City of Newark is the largest city in New Jersey, home to 278,427 people. Newark is a majority Black and brown city, with 86 percent of residents self-reporting as African-American or Latino in the 2010 Census. Many Newark residents struggle economically, with over one-quarter living below the federal poverty line and a citywide median household income of \$34,387, 62 percent of surrounding Essex County’s median of \$55,027). While 70 percent of Newark residents hold high school diplomas, only 12 percent hold bachelors degrees or higher. The power relations depicted by these demographics have meant that more planning has been done *to* Newark’s residents than *with* them.

Now, after dozens of public meetings and Newark Zoning Workshops in neighborhoods across the city, 24 months of writing, four public drafts, hundreds of public comments, two Planning Board hearings and three Municipal Council votes, the Newark Zoning and Land Use Regulations (affectionately pronounced NUZZ-LER) are law. In the next two installments of this article, I’ll describe some of NZLUR’s contents and how its adoption depended on widespread grassroots support.

[Read Part 2: MAKING THE NZLUR: REGULATORY IMAGINATIONS](#) and [Part 3: ASSEMBLING A COALITION FOR ACCOUNTABLE DEVELOPMENT](#).

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Zoning for Democracy, Part 2

BY DAMON RICH / FEBRUARY 25, 2015 / FEATURES, INSIGHTS, LOEB FELLOWS

Introduction to Zones

On the preceding Newark Zoning Maps, every area of the city appears as a color that corresponds to one of the zones below. This introduction to the zones

provides a general overview of what land uses are permitted and prohibited in each zone, the rules for design, and maps of where within Newark the zone appears.



As Newark's planning director & chief urban designer, 2007 Loeb Fellow [Damon Rich](#)'s most recent success (following establishing the city's first urban design review, launching its first public art program, completing the city's first riverfront parks and riverfront rezoning, and more) is a complete overhaul of the city's zoning codes to craft a more livable, equitable and inclusive city. In [Part 1 of our 3-part series](#), he described the historic background of the project from inside the 101-year-old Newark Planning Office and framed the on-the-ground challenges of writing Newark's first new zoning in 60 years. Here in **Part 2** he details the results of the years of meetings, writing, public comments, drafts, revisions, hearings and votes: NZLUR.

PART 2: MAKING THE NZLUR: REGULATORY IMAGINATIONS

The Newark Zoning and Land Use Regulations (NZLUR, nicknamed NUZZ-LER) contains rules governing the uses and design of buildings as well as many other parts of Newark's built environment, including landscaping, parking lots, fences, signs, and storm water management. The first comprehensive update of Newark's development laws in the 1950s, NZLUR simplifies and modernizes the way Newark's zoning deals with building uses in pursuit of the classic zoning goals of preventing nuisances and improving quality of life. NZLUR eliminates out-of-date uses like leather tanneries and pool halls and consolidates many others, based on what Newark residents and businesspeople have identified as development conflicts. At the urging of Newark's large community of environmental justice advocates, NZLUR clarifies manufacturing and industrial definitions for potentially noxious uses, where possible using definitions tied to state and federal standards.

To leverage Newark's value as a walkable city, NZLUR includes common-sense design standards for buildings. These ideas grow from the successful [2009 implementation of zoning reforms](#) for Newark's most common building types, two- and three-family houses, which focussed on improving the quality and safety of Newark's streets. NZLUR sets standards for window area, front setbacks, and the location of primary entrances to keep eyes on the street. Rather than requiring variances for not meeting the supersized spatial requirements of the old code, NZLUR encourages infill and buildings that contribute to the public realm. To create streets and public spaces that fit our city, NZLUR references the [National Association of City Transportation Officials Urban Street Design Guide](#). While many conversations about zoning proceed as if "form-based" and "Euclidean" approaches are mutually exclusive, we followed the advice of Carlos Rodrigues in his useful report "[Form-Based Codes in New Jersey](#)" and added enhanced form-based provisions based on 15 generalized buildings types.

[NZLUR's design regulations](#) address the aspects of building design for which there is most agreement on the desirability of having rules: height, lot coverage, minimum window area, relationship to the sidewalk and street, maximum impermeable surfaces, maximum fence height, opacity and entrance locations.

NZLUR also includes [dozens of procedural improvements](#) to the operations of the Planning Board, Zoning Board, and Landmarks & Historic Preservation Commission. While these bodies and processes were originally established to create some limited democratic control of development, Newark is far from the only city where these putatively public processes have become inhabited mainly by attorneys and other real state professionals. In response to the feedback of residents and community-based organizations, simple mechanisms have been adopted, such as the requirement to post notice about development applications on the site of the proposed development. Also, while applicants previously were able to request adjournments before a board without mailing new notices, such an option has been eliminated.

At the Municipal Council's final public hearing and vote on February 4, even though the meeting was at icy midday, citizens and representatives from groups across the city came to testify and urge adoption. **Part 3** will dig into how the NZLUR constituency was assembled.

Read [Part 1](#) and [Part 3](#) of this series.

Tagged ECONOMIC REVITALIZATION, LOEB FELLOW, PARTICIPATORY PLANNING, POLICY, WALKABLE CITIES, ZONING |

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Innovative ideas that are changing the world
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Zoning for Democracy, Part 3

BY DAMON RICH / FEBRUARY 27, 2015 / FEATURES, INSIGHTS, LOEB FELLOWS



PART 3: ASSEMBLING A COALITION FOR ACCOUNTABLE DEVELOPMENT

As Newark's Planning Director & Chief Urban Designer, 2007 Loeb Fellow [Damon Rich](#)'s most recent success (following establishing the city's first urban design review, launching its first public art program, completing the city's first riverfront parks and riverfront rezoning and more) is a complete overhaul of the city's zoning codes to craft a more livable, equitable and inclusive city. In [Part 1 of our 3-part series](#), he described the historic background of the project from inside the 101-year-old Newark Planning Office and framed the on-the-ground challenges of writing Newark's first new zoning in 60 years. In [Part 2](#), he detailed the results of the years of meetings, writing, public comments, drafts, revisions, hearings and votes. Here in [Part 3](#), Damon digs into how the NZLUR constituency was assembled.

In the middle of an icy winter day, community members from across Newark converged on the Municipal Council's final public hearing on zoning reform to urge adoption of the new standards, known as Newark Zoning & Land Use Regulations (NZLUR, pronounced NUZZ-LER). This remarkable display of support was the product of 2 years of systematic effort by the Newark Planning Office, under my direction, to democratize development and zoning.

With the strategy of Making Planning Public, the Newark Planning Office worked to demystify planning and engage community-based organizations as stronger constituents for deliberative development. In conjunction with a new attempt to overhaul Newark's zoning regulations after decades of failed attempts (described in [Part 1](#) of this article), NPO staff designed the [Newark Zoning Workshop](#) to network the power and capacity of the city's numerous community-based organizations to overcome previously fatal obstacles.

The Newark Zoning Workshop answers the common question “Who makes decisions about how the city is built?” by blending ideas from planning, popular education, and social impact game design to convey the dynamics of urban development. Designed primarily to serve the city’s numerous modestly-sized but persistent, dedicated, and long-standing tenant and block associations, communities of faith, neighborhood associations, and other groups, the workshop uses techniques of popular education as practiced by Septima Clark and Ella Baker. It builds knowledge of zoning and development to support community-based organizations playing active roles around land use, design and development review.

This teaching method explicitly begins with and builds from existing knowledge and agendas of participants and relies on them to propel the conversation. Rather than engage people only once they are upset enough about something to get involved, the workshop first puts people in the position of deliberately crafting a zoning system to regulate use and design. Rather than an engagement of opposition, this focusses the discussion on tradeoffs, pros and cons, and possibilities of mutual benefit and builds a constituency for accountable planning and development.

In the workshop, participants begin from what they know about how the city is developed and quickly move from basics of land use and zoning into nuanced discussions of how competing interests shape development decision-making and how planning and development can be accountable to the public.

The workshop includes three activities: **Zoning for Use**, where participants lay out a small city and its land uses with a game board and blocks; **Zoning for Design**, where participants create “paper doll” buildings to explore zoning and aesthetics and **The Planning Process**, where participants use a refrigerator-friendly diagram to understand how zoning touches the ground and the ongoing role of the public in keeping the system accountable.

In the **Zoning for Use** activity, participants build an imaginary Newark using a game board; infrastructure tiles including power plants, bus depots, and hospitals and building blocks color-coded for residential, commercial, and industrial uses. Participants first build without zoning, and then discuss what went right and wrong. The group then creates a Use Table to zone the city and wrestles with what should be permitted, prohibited, and conditional. Shelters, liquor stores, and social service providers often spark heated exchanges that highlight real-world trade-offs of zoning decisions.

In the **Zoning for Design** activity, participants build houses and businesses using their selection from tape-on building materials and elements like doors, windows, storefronts, security gates, microwave dishes, parking lots, and more. The group then discusses what if any design features should be regulated by zoning such as setbacks, height, windows, fences, and parking.

Throughout the workshop, conversations move between technical regulations and differing opinions on the proper extent of regulations and the definition of the public good. Discussions frequently break out about the pros and cons of uses like shelters or social services. Stories are often shared about particular land use controversies dating back to Urban Renewal, or a local fight to close a dangerous go-go bar.

To date, community-based organizations in more than half of Newark’s neighborhoods have hosted workshops at their meetings. With the support of this constituency for zoning reform created through the Newark Zoning Workshop, the city’s new Newark Zoning & Land Use Regulations were unanimously adopted by the Municipal Council in February 2015.

“The Zoning Workshop was beyond successful. Each and every person walked away feeling informed,” said Tenagne Girma-Jeffries of the Historic Weequahic Neighborhood Association. “We were really given the tools to understand the process of zoning and how it is affecting our community. It highlights the valuable role we can play in shaping this city, especially when we understand how the stages of development work. Our focus tends to be on crime and education, but a

major part of what will shape our communities rests in the future model for zoning. It is changing the landscape of our city as we know it.”

“The Zoning Workshop uses games that are both educational and fun to illustrate zoning principles and problems,” said Renita Aughburns of Tri-City Peoples Corporation. “The workshop exceeded our expectations through the hands-on engagement, question and answer session and the knowledge of the presenters. Attendees have requested more workshops, feeling that they gained the information that helps them to make informed decisions.”

While land use regulations differ from city to city, the workshop’s emphasis on savoir-faire and the fundamental social dynamics of land-use decision-making, rather than just the facts of zoning, makes it transferable and supports good planning as it engages people where they are and prepares them for more active civic roles. Going forward, we are excited to partner with other planning offices to export it to other cities.

NZLUR goes into effect March 6, 2015. [After an amazing seven years working in Newark City Hall, I will soon **step down from my post**](#) to return to private practice with design and planning firm [Hector Design Service](#) and as an educator and a visual artist. To celebrate the adoption of NZLUR, my bookend achievement, NPO has worked with the NJIT College of Art & Design and over 200 Newarkers to construct the first-ever scale model of the entire city. Constructed by hundreds of hands over three years at after-school sessions, living room brunch workshops and intense studio-bound spring breaks, the model is scheduled for long-term installation at Newark City Hall this summer. I hope it energizes many people to join Newark’s home grown tradition of fierce activism for community control of our living environment.

Newark Zoning Workshop Project Team comprised Damon Rich with Natalia O’Neill Vega, Jae Shin, Perris Straughter, and Michele Alonso.

if you haven't already, read [Part 1](#) and [Part 2](#) of Zoning for Democracy.

Tagged ECONOMIC REVITALIZATION, LOEB FELLOW, PARTICIPATORY PLANNING, POLICY, ZONING I

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One Response to *Zoning for Democracy, Part 3*



Angela Ballard says:

July 14, 2015 at 1:42 am

Some time ago one couldn't access any books by Paulo Freire in Harvard University Libraries. I am guessing this has changed!

great work! thanks for sharing

[Reply](#)