

# **Reevaluating Nonconformities: Magical Thinking Is Not Good Planning**

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# Speakers

- **Elizabeth Garvin, Esq., AICP**  
Community ReCode
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- **Paul Donegan, AICP**  
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# Presentation Overview

- **Introduction & Legal Framework**  
Elizabeth Garvin, Esq., AICP

- **New and Emerging Trends**  
Paul Donegan, AICP

- **The Denver Experience**  
Kyle Dalton, AICP

# Introduction & Legal Framework

Elizabeth Garvin, Esq., AICP  
Community ReCode

# What Can Be Nonconforming?

- ***Uses***
  - Primary, accessory
- ***Structures***
  - Height, setbacks, materials
- **Lots, parcels**
  - Minimum lot size, access to public right-of-way
- **Parking**
  - Amount, parking design
- **Landscaping**
- **Signs**
- **Permitting**









**Nonconforming...Use**



**Nonconforming...Lot**





**Nonconforming...Structure**



**Nonconforming...Sign**





**Nonconforming...Site Feature**

# How do we deal with nonconformities?

- Get rid of them?
- Leave them alone?
- Somewhere in between?





# Questions to be pondering...

*(We'll come back to these later)*

- How *strictly* does the code in your community deal with nonconformities?
- Has your community considered whether the current approach creates *inequitable* impacts?
- Has your community *changed the approach* to nonconformities to achieve different outcomes?
  - *Good stories to share?!*

# Definitions

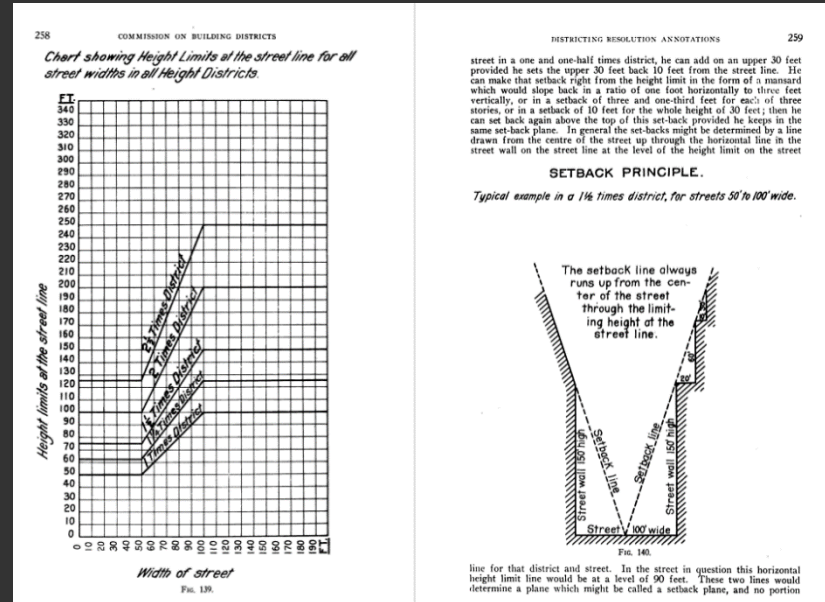
**nonconforming use *zoning*.** Land use that is impermissible under current zoning restrictions but that is allowed because the use existed lawfully before the restrictions took effect.

**-Black's Law Dictionary**

# Protection for Nonconformities

## 1916 New York City Zoning Resolution:

“§6. Existing Buildings and Premises. (a) Any use existing in any building or premises at the time of the passage of this resolution and not conforming to the regulations of the use district in which it is maintained, may be continued therein. No existing building designed, arranged, intended or devoted to a use not permitted by this article in the district in which such use is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which such building is located. [. . .]”



# Protection for Nonconformities

Rationale for protecting nonconformities:

- Due process: deprivation of vested property right without due process
- Takings: uncompensated taking of private property
- State enabling laws
- Politics and community acceptance of zoning
- Financing and property values



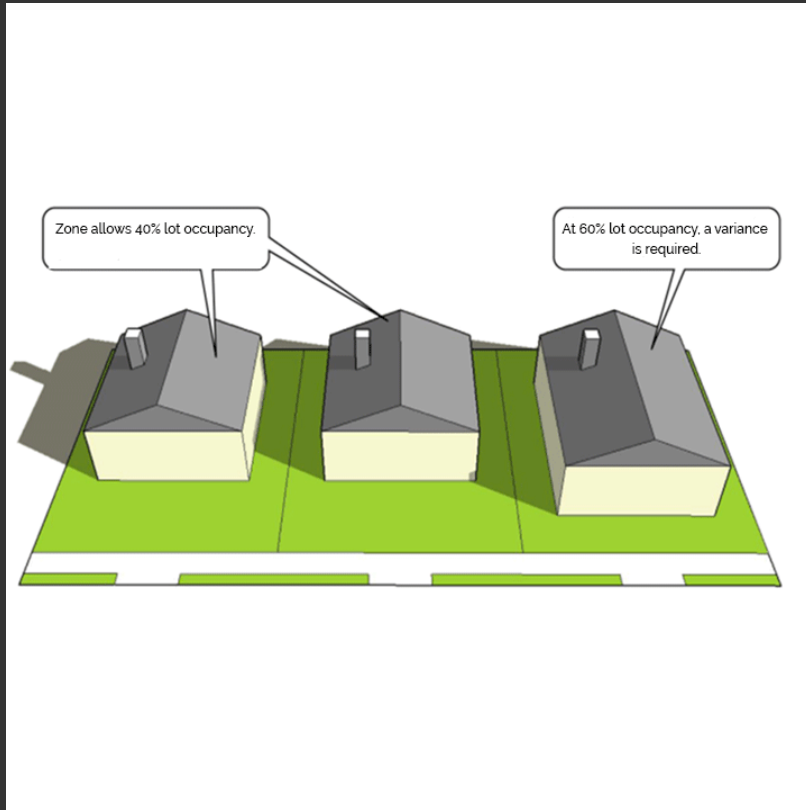
# Nonconformities: Challenges

- **Interference with public policy and planning goals**
  - Aesthetics and character
  - Creation of mixed-use, transit-oriented communities
  - Nuisances and “problem properties”
- **Financing and value challenges**
- **Monopolies for certain businesses/property owners**

# Defining the Problem

- What elements of land use and development can be classified as nonconforming?
- What is the extent of the nonconformity?
- What does it mean to expand or reduce the nonconformity?

# What Is The Extent Of Nonconformity?



Measurement approaches:

- Area (of use, structure, etc.)
- Dimensional measurements (setbacks, height, etc.)
- Materials
- Parking spaces
- Landscaping

Source: DC Zoning Handbook

# Standard Legal Protections

- Continued use or operation after regulatory amendment
- Maintenance of nonconforming uses or structures
  - Repairs, interior work, etc.
- Changes in ownership and tenancy
- Changes to decrease the extent of nonconformity



# Standard Limitations

- **No expansion of nonconformity**
  - Expansions of nonconforming uses are generally measured in floor area
  - Expansions of nonconforming structures or property conditions measured in other ways
    - i.e., Expansion of a parking nonconformity could mean a reduction in parking spaces
- **Limitations on rebuilding after casualty event**



# Common Termination Approaches

- **Abandonment or discontinuance periods**
  - Abandonment generally requires a showing of intent to abandon
  - Discontinuance does not require intent, but needs to be carefully defined
- **Casualty event**
  - Determine a certain percentage of value or replacement cost to establish destruction

# Common Termination Approaches

- **Code violations**
  - Establish violations that will lead to termination of nonconformity
- **Conversion to conforming use or structure**
- **Amortization**

# **So, How's this Working for You?**

- **Do nonconformities go away on their own?**
- **Are property owners stopped from making improvements or redeveloping?**
- **How many nonconformities were created by a late 1900s code change that no longer seems like a good choice?**
- **Are unimportant nonconformities undermining parts of the community?**

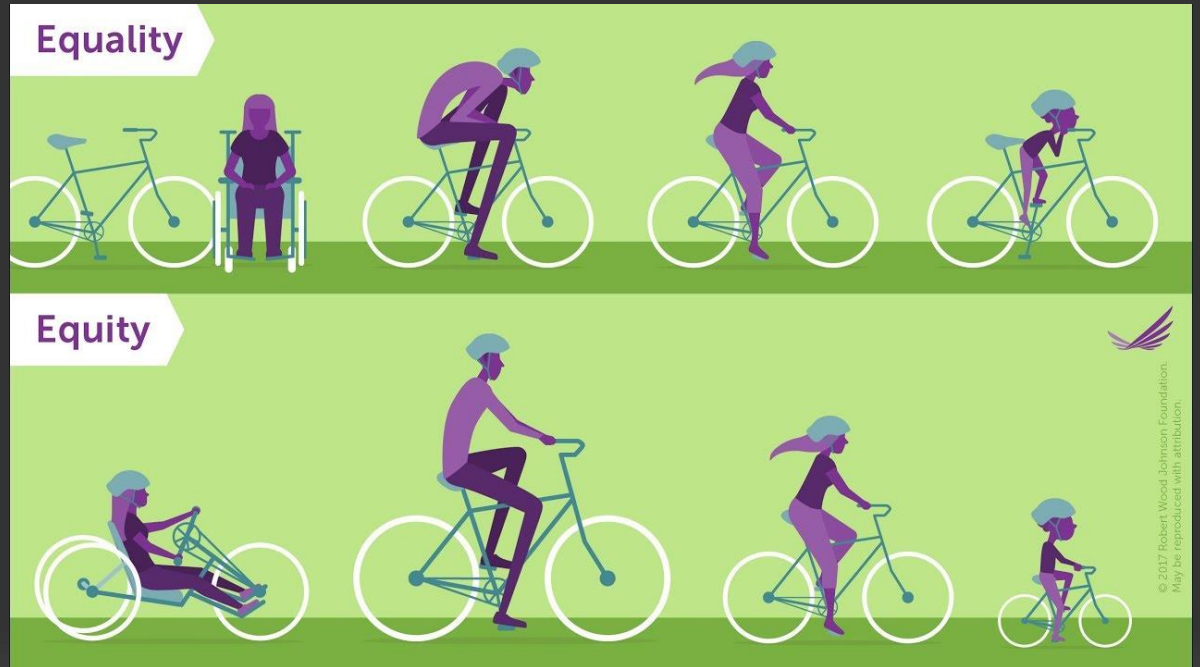
# **New and Emerging Trends**

## **With an Eye on Equity**

**Paul Donegan, AICP**  
Clarion Associates

# What is Equity?

- Justice according to fairness especially as distinguished from mechanical application of rules (Merriam-Webster)
  - Not equality
- 



(Credit: Robert Wood Johnson Foundation)



# What is Equity?

- **Not neutrality**

- Apply the zoning code neutrally and equally, but...
  - What if the zoning code itself is inequitable?
  - What if the zoning code is resulting in inequitable impacts?
- Equality/neutrality in process does not always result in equity in outcomes
- Structural barriers can make “mechanical” application of the code inequitable

# Nonconformities and Equity

- Complex issues (like nonconformities!) merit a nuanced approach



(Credit: 4Culture)

# Traditional Approaches

- **Fix nonconformities within a certain time period**
- **Fix nonconformities with any investment on property**
- **No substantial modifications without full code compliance**
- **Benefits**
  - Faster implementation of new plans/policies
  - Most uniform approach
  - Easier administration

# **Traditional Approaches**

## **With an Eye on Equity**

**1**

- **Financial impact on home/business owners**
- **Discourages investment on property**
- **Prevents expansion of home/businesses**
- **Can impact leasing options and property values**

# Flexible Approaches

- **Consider a wider range of expansions and modifications**
  - Up to a specified maximum percentage? Only in certain areas?
  - Provided proposed modification does not increase the nonconformity
- **Explore discretionary relief**
  - Consider if the unique circumstances of the nonconformity

# **Flexible Approaches**

## **With an Eye on Equity**

**2**

- **Allows infill and redevelopment, especially on challenging sites and investment in the neighborhood**
- **Potentially reduces displacement pressures on residents and businesses**
- **Retains existing character of community**
- **Allows for discussion of the real impacts and potential remedies**

# Flexible Approaches

## Examples

2

### Use- and location-specific flexibility

- **Sedona, AZ**
  - Automatic setback reduction for SF dwellings on narrow lots
- **Arlington, TX**
  - Rebuilding of some auto-oriented uses allowed in GC District



(Credit: Google Maps)



# Flexible Approaches

## Examples

2

### Discretionary relief

- **Cary, NC**
  - Board of Adjustment can approve expansions as a Special Use with findings based on context and potential impacts to neighbors
- **Larimer County, CO**
  - Planning Director can approve expansion or change following neighbor notice and possible negotiation

# More Flexible Approaches

3

- **Allow more investment**
  - Allow a homeowner to build a compliant accessory structure on a nonconforming lot, or where the primary structure is nonconforming
  - Allow a business owner to complete façade renovations
- **Ease limits to expansions**
  - Administrative discretion where the expansion doesn't increase degree of nonconformity, supports plan, etc.
  - Allow expansion after public hearing over thresholds: (conditional use/special use/special exception)

# More Flexible Approaches With an Eye on Equity

3

- Encourages infill and redevelopment, and investment in the neighborhood
- Potentially reduces displacement pressures on residents and businesses
- Retains community character
- Reduces financial impact on low-income residents/businesses



# More Flexible Approaches

## Examples

3

### Nonconforming Site Features

- **Albany, NY**
  - Parking and loading; landscaping, screening, and buffering; outdoor lighting can be nonconforming (all other are conforming)
  - Conforming land uses and structures can still be expanded or changed (with certain conditions)
- **Norfolk, VA**
  - Sliding scale (based on value of improvements)
  - Allows waiver where site constraints prevent upgrades

# More Flexible Approaches

## Examples

3

## Nonconforming Site Features

- Norfolk, VA

TABLE 6.5.4.: STANDARDS FOR NONCONFORMING SITE FEATURES

TYPE OF REMODELING OR EXPANSION	DEFINITION	REQUIRED COMPLIANCE
STRUCTURAL ALTERATIONS		
Less than 50 percent of structure value	Structural alteration of a building or structure during any 12-month period estimated to cost less than 50 percent of the current assessed value of the building or structure	Screening of mechanical equipment and refuse containers shall be brought into complete compliance
50 percent and up to 75 percent of structure value	Structural alteration of a building or structure during any 12-month period estimated to cost 50 percent and up to 75 percent of the current assessed value of the building or structure	A corresponding percentage of the site features shall be brought into compliance, except for screening of mechanical equipment and refuse containers, which shall be brought into complete compliance
75 percent or more of structure value	Structural alteration of a building or structure during any 12-month period estimated to cost 75 percent or more of the current assessed value of the building or structure	100 percent compliance with the site features is required
EXPANSIONS		
Expansions of 15 percent or less	Expansion during any two-year period, which results in an increase in the gross square footage of the existing building, structure, or use area (measured at the beginning of the period) of 15 percent or less	Screening of mechanical equipment and refuse containers shall be brought into complete compliance
Expansions of more than 15 percent but less than 50 percent	Expansion during any two-year period, which results in an increase in the gross square footage of the existing building, structure, or use area greater than 15 percent, but less than 50 percent	A corresponding percentage of the site features shall be brought into compliance, except for screening of mechanical equipment and refuse containers, which shall be brought into complete compliance
Expansions of 50 percent or more	Expansion during any two-year period, which results in an increase in the gross square footage of the existing building, structure, or use area (measured at the beginning of the five-year period) of 50 percent or more	100 percent compliance of the site features is required



# More Flexible Approaches

## Examples

3

### Categorization of Nonconformities

- **Youngstown, OH**
  - Classifies all nonconformities (called: Pre-existing Conditions) into one of two types
    - Benign (does not apply to signs)
    - Significant
  - Director determines based on “whether it creates a material risk to public health or safety” in the area

# More Flexible Approaches

## Examples

3

## Categorization of Nonconformities

- **Youngstown, OH**

- “Benign” and “Significant” generally follow the same rules
- Expanding Pre-Existing (NC) Uses
  - Benign uses may be reestablished following discontinuance of 2 years and may be extended or expanded by addition of contiguous land
- Expanding Pre-Existing (NC) Structures
  - Benign structures must comply with code and not increase degree of inconsistency
  - Significant structures must also reduce risk to public health/safety (e.g., relocating activities away from areas that create risk)

# Most Flexible Approaches

- **Let nonconformities remain, and establish that nonconformities are “conforming”**
  - Most liberal approach
  - Can limit to certain use types (e.g., single-family dwellings) or types of nonconformities (e.g., site features)
  - Allows nonconformities to maintain and allows property owner to invest in existing properties

# Most Flexible Approaches

## Examples

4

### Residential uses and structures

- **Denton, TX**
  - Single-family detached, townhomes, and duplexes that existed prior to adopting the new code (2019) are deemed “conforming”



(Credit: Texas Escapes)

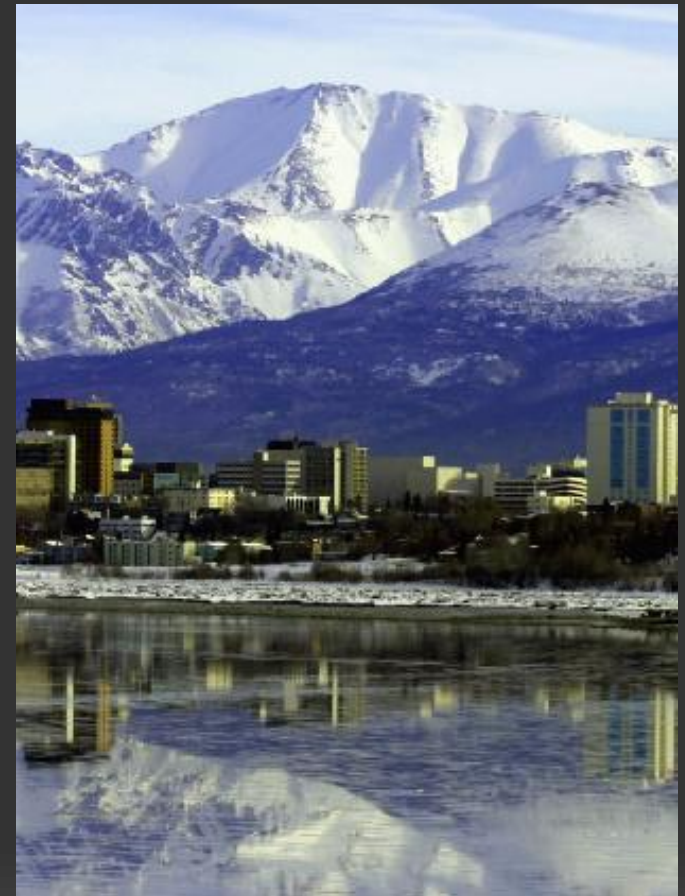
# Most Flexible Approaches

## Examples

4

### Nonconforming site features

- **Anchorage, AK**
  - Developments that do not meet use-specific or design/development standards (except stream/water body protection) are deemed conforming if legally established prior to code adoption (2014)





# Most Flexible Approaches

## Examples

4

### Nonconforming site features

- **Anchorage, AK**
  - New multifamily, commercial, industrial, and community use projects must spend portion of project costs (10% minimum) on achieving compliance
  - Must spend minimum 10% of total project costs on bringing development towards compliance
  - Director determines expenditures with applicant: focus on “how to maximize the public benefit and minimize the economic impact to the property owner”
  - Appealable decision
  - No good options? Applicant places required funds in municipal account dedicated to public improvements

# Equity Considerations

- **What does equity look like?**
  - Approaches depend on definition of equity and end goals
  - Focus on income, race/ethnicity, neighborhood, etc.?
  - Emphasis on residential or commercial uses or areas?

# Other Considerations

- **Balance with other goals**
  - Equity is important, but not the only goal of a plan or zoning code
- **Not all nonconformities are the same**
  - Impact
  - History and character



(Credit: Google Maps)

# Updating Zoning Codes

## With an Eye on Equity

- **Who is involved in updating the code?**
  - Community engagement
- **“Neighborhood character”**
  - Current code may prevent current development (current neighborhood character) from being built
- **“Undesirable”**
  - Tattoo parlors, nail salons, auto shops, etc. are someone’s livelihood
  - Duplexes, fourplexes, and group homes are someone’s shelter

# **Nonconformities in Denver and Equity Considerations – A Case Study**

**Kyle Dalton, AICP**

**City & County of Denver**

# Outline

- **Planning Considerations**
- **Nonconforming Topics**
  - Commercial Development
  - Marijuana Cultivation
  - Group Homes



# Denver Planning Considerations

- Strong vision of improved design quality, yet...
- Maintaining existing structures that don't meet new requirements is generally consistent with community objectives
  - Preservation of 'variety' or unique character
  - Green value of captured carbon in existing buildings
  - Reuse of buildings with historic value
- Need for efficiency and ease of administration

# Denver's 2010 Form-based Approach

- **A nearly-citywide code drafted mostly from scratch**
- **Sensitive to context and sustainability**
- **Vision for 'areas of stability' and 'areas of change'**
- **Zone districts packaged by 'neighborhood context'**
  - Allows calibration to existing context
  - Current districts generally do not match pre-2010 districts
- **Design standards packaged by 'building form'**
  - Allows different design paths
  - Current design tools generally do not match pre-2010 tools (even if entitlement increased, it's still calculated differently...)

# Denver's 2010 Form-based Approach

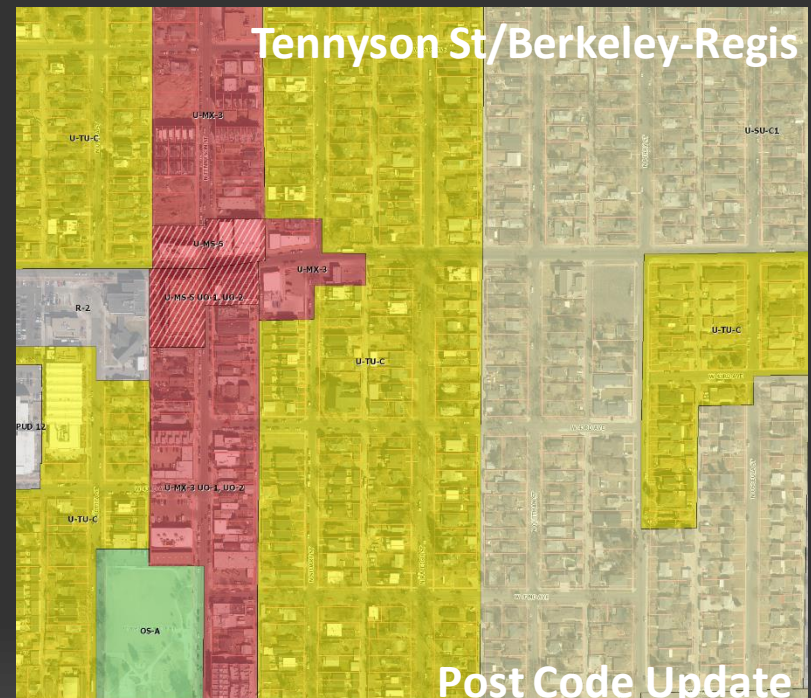
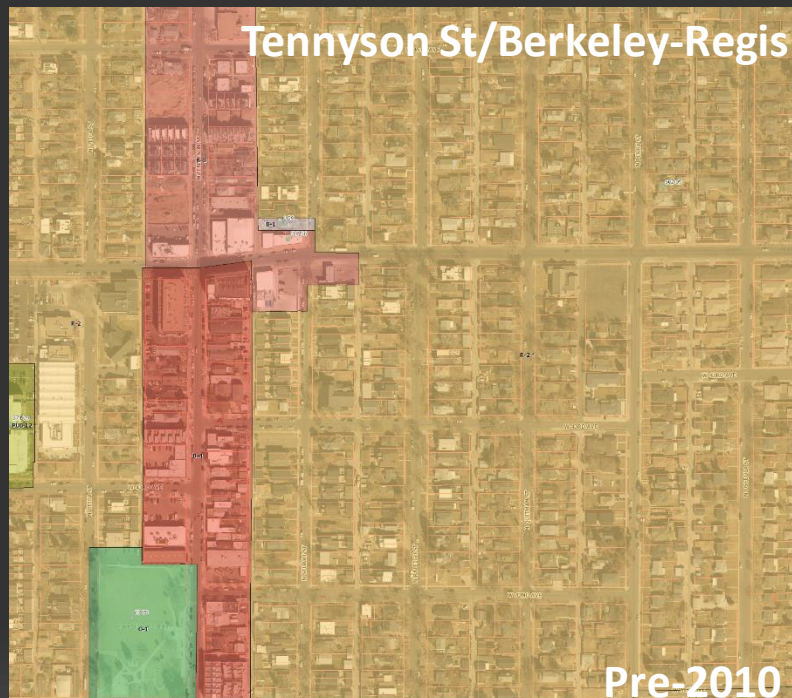
- Contextual considerations reduced many pre-2010 nonconformities
  - Old code was more punitive
  - New code decreased minimum lot sizes and setbacks
- However, specific building form standards created new nonconformities

Curtis Park Neighborhood	Old Code (R-2)	New Code (U-RH-2.5)
Lot Size	6,000	3,000
Lot Width	50'	30'
Side Setback	3'	3'



# Denver's 2010 Form-based Approach

- Adoption and mapping of new code faced significant political hurdles, especially from business and retail stakeholders, in the depths of the Great Recession
- Flexible approach to nonconformities reduced opposition



**COMMERCIAL DEVELOPMENT**



# The 'Compliant' Compromise

## Nonconforming Uses:

- **Intent:** Strictly limited rights to continue, expand, enlarge. Presumed to be incompatible (adverse impacts). Uses encouraged to terminate or relocate.
- Use may continue, but floor area may not be increased.



# The 'Compliant' Compromise

## Compliant Uses:

- Provide flexibility in continuation, expansion or enlargement of existing land use permitted in district
- Includes allowed uses that don't comply with current use limitations
  - Example: Requirement for cut-off lighting fixtures for retail, restaurant
- Use may continue, floor area may even be increased if extent of noncompliance is not increased
  - Example: Store can keep existing lighting that doesn't comply with current requirements for full cut off lighting fixtures, can add floor area (however, new exterior lighting must meet current requirements.)





# The 'Compliant' Compromise

## 'Conforming Structures':

- All structures meeting current code requirements (do not have to meet landscaping and other reqs. not applicable to structures)

## 'Nonconforming Structures':

- **Intent:** Provide strictly limited rights to physically alter, expand, enlarge, or rebuild structures presumed to be incompatible with neighborhood context. Redevelopment or alterations encouraged to achieve full compliance.
- Includes structures not meeting the definition of 'Conforming' or 'Compliant'

## 'Compliant Structures':

- **Intent:** Provide flexibility in continuation, expansion or enlargement of existing structures that no longer comply with the Code's building form standards
- Includes structures that were conforming prior to code adoption but do not meet one or more new code standards: height (but not bulk), siting standards like setbacks (but not building coverage), design elements
- Also includes structures built after the new code that do not meet one or more new/adjusted height and form standards

# The 'Compliant' Compromise

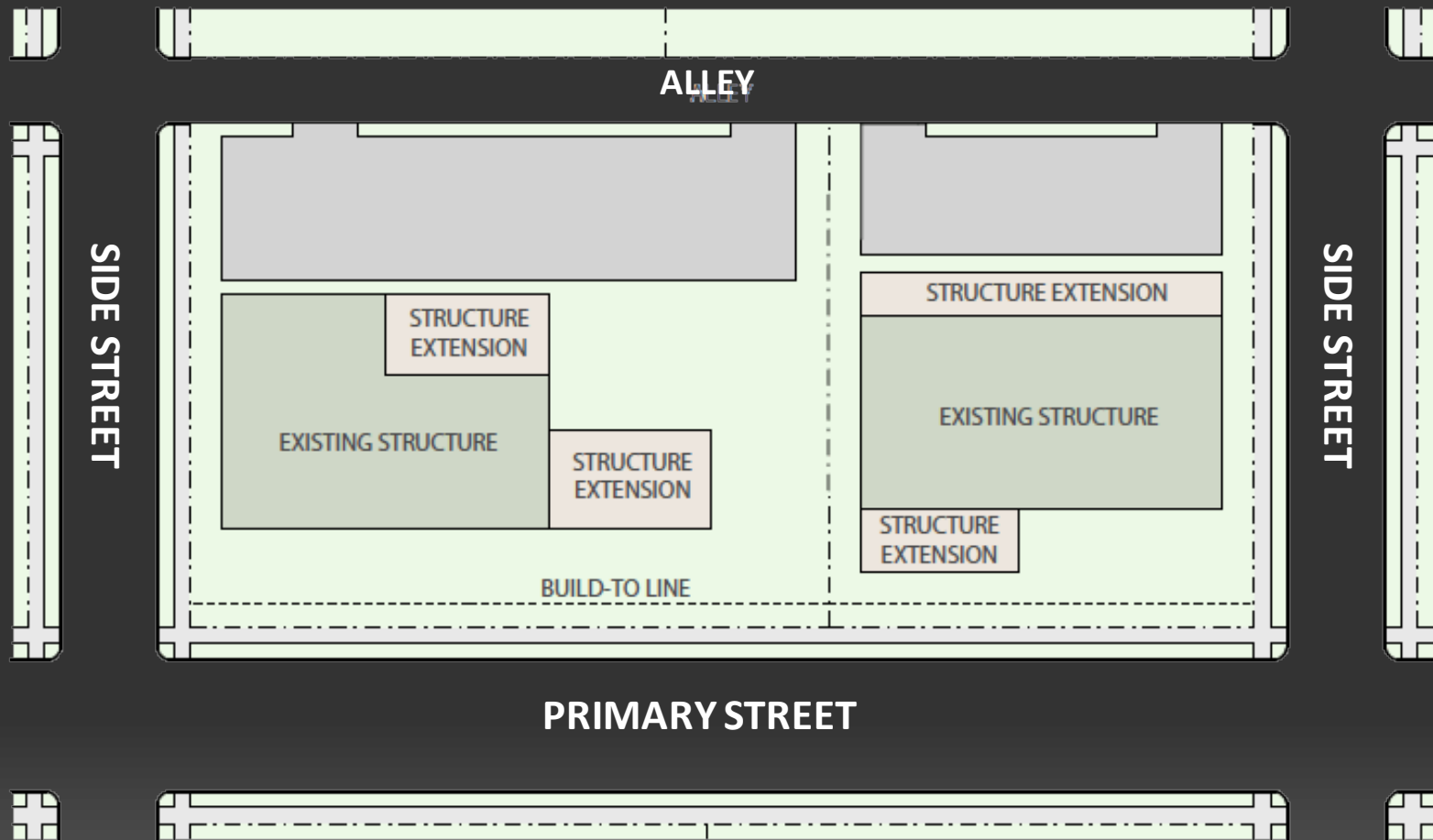
## Compliant Structures may:

- Be Maintained
  - Also allowed for nonconforming structures
- Rebuild “as was” if structure is involuntarily destroyed/damaged
  - Generally not allowed for nonconforming structures (except for homes in residential zones)
  - \*\*Limited allowance for “as was” reconstruction in cases of voluntary demolition in certain mixed-use zones
- Be enlarged, altered
  - Compliant element can't be increased or created — with some exceptions (exceptions not available for nonconforming)

# The 'Compliant' Compromise

## Expand some specific Compliant elements

- **Example:** Expansion allowed of structures not meeting 'build-to' standards



# Not “one strike and you’re out”

- Opportunity to remedy a violation and continue a use
- Applicable to compliant or nonconforming uses
- Owner may remedy the violation in 90 days or submit a mitigation plan to get 180 days to remedy the violation
- Another 180-day extension may be granted for good cause



2. All Automobile Services uses shall be operated in a completely enclosed structure with no outdoor displays, sales, or storage.

# Lesson Learned



- **Amendment: “Two strikes and you’re out”**

This Section 12.7.7.3.B, which allows continuance of a nonconforming use if a violation of a type listed in Section 12.7.7.3.A is remedied, may be invoked and applied only one time to the same nonconforming use. After remedying a violation of the Code according to this Section 12.7.7.3.B, any future Code violation of a type prohibited in Section 12.7.7.3.A shall result in the automatic termination by law of the nonconforming use.

# **Additional Flexibility**

## **Administrative Adjustments for Pre-Existing Situations**

- **Relief from build-to requirement for improvements to pre-existing gas station sites due to impracticality of relocating underground tanks**
- **Relief from minimum parking requirements for existing business structures in residential districts on physically limited lots**



# Additional Flexibility

## Flexibility for use of existing business structures in residential zone districts

- Structures (or portions of) that were designed to be commercial can be converted back from residential following rules for neighborhood mixed use districts
- Promotes preservation of existing structures
- Allows limited introduction of mixed-use into residential neighborhoods



Image Source: Google Street View



# Challenges

Many sites and buildings have never met zoning code standards ...and may never

- Especially true for structures built pre-1956 (original 'old' zoning code)
- This is generally consistent with plan vision for sustainability/variety but inconsistent with some code intent statements
- But ...Can result in inconsistencies with vision for neighborhood transition
  - Example: Auto garage on a Main Street corridor
  - Example: Remaining industrial operations in neighborhood that's transitioned to residential mixed-use



Image Source: Google Street View

# Challenges

## Additional complexity for plan review staff

- **Difficult to determine if a structure is Nonconforming or Compliant**
  - Requires a high level of design scrutiny
  - Example: A structure with both Nonconforming (e.g. building coverage) and Compliant elements (e.g. setback)
- **Zoning Code ≠ Building Code requirements**
  - Example: Zoning Code allows maintenance/expansion of Compliant structure, but Building Code may require challenging life safety upgrades if there is a change of occupancy (fire-rated walls, sprinklers, etc.)

# Moving Forward

## Policy Guidance

- **Neighborhood Planning Initiative**
  - Area plans to cover the entire city in 12 years
  - Many very context-specific objectives
- **Blueprint Denver**
  - Citywide land use and transportation guidance
  - Calls for more diverse land uses
  - Also seeks higher design quality



09

Develop tools to improve environmental health, especially in areas that score low for Access to Opportunity.

Zoning code revisions should be informed by an inclusive community input process and could include:

- Encouraging the reuse, rather than demolition, of existing structures. This could be accomplished by allowing additional unit(s) to be added to an existing structure if the structure is preserved.

# Equity: Blueprint Denver and Comprehensive Plan 2040

- *“Equity means everyone, regardless of who they are or where they are from, has the opportunity to thrive. Where there is equity, a person’s identity does not determine their outcome.”*
- **Improve Access to Opportunity**
- **Reduce Vulnerability to Displacement**
- **Expand Housing and Jobs Diversity**



# MARIJUANA CULTIVATION

# Coincidental History

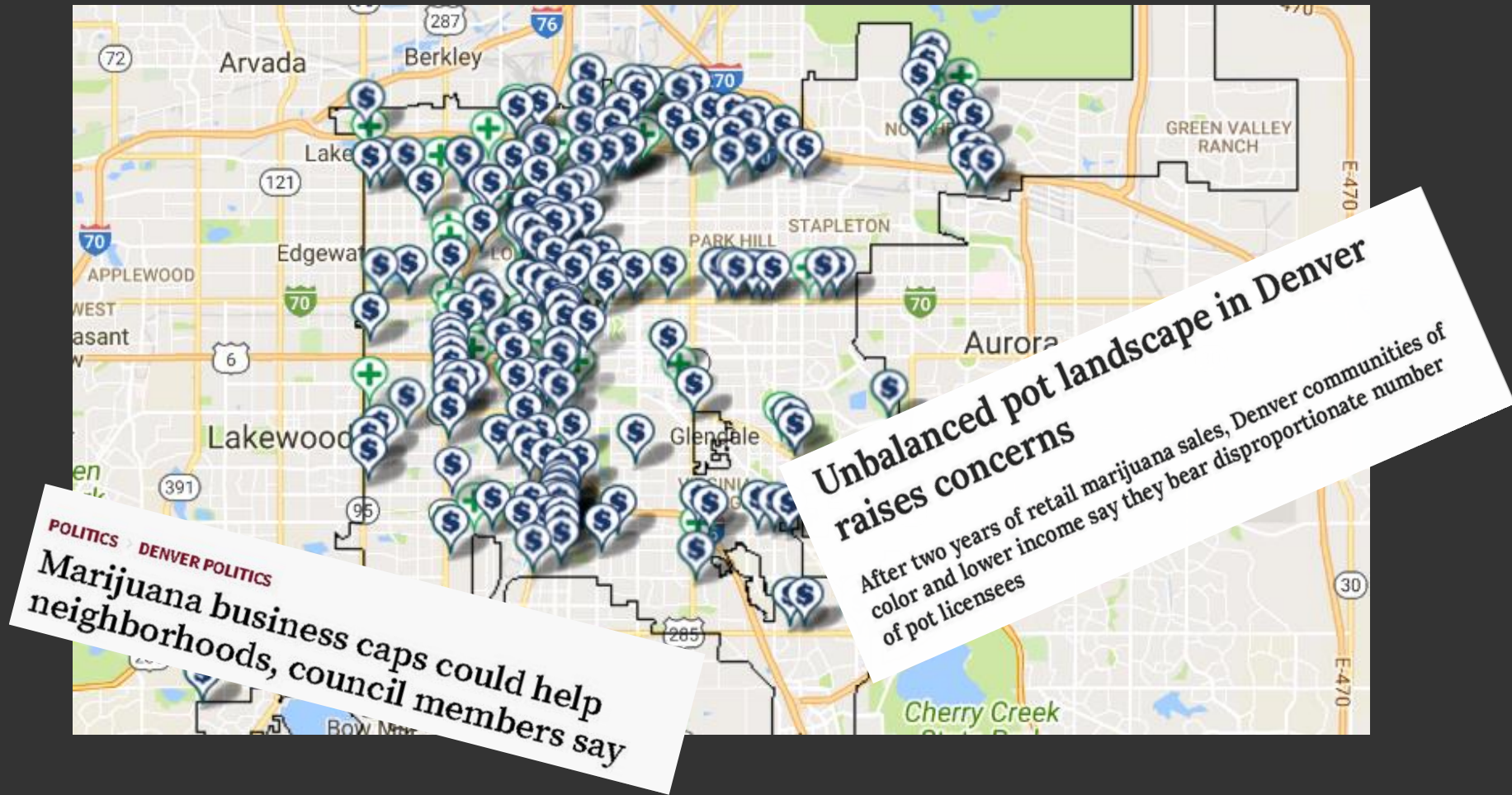
- **2010-11: Denver allowed continuance of business locations that existed before city's permanent marijuana licensing regulations were enacted**
  - 10 year gap before formal regulation by state or city after Amendment 20's passage legalizing medical marijuana
- **Coincidentally nearly 80% of the city was rezoned in 2010, creating zoning “nonconformities” too**

# Double Nonconformity Complications

- **2010:** While Denver was enacting new MMJ licensing laws, Denver adopted its new Zoning Code
  - Some previously mapped industrial areas were rezoned to less intensive mixed use zone districts
  - Some previously mapped general business areas were remapped to more limited neighborhood commercial zones
- **Result:** Creation of “nonconforming” MJ businesses permitted by zoning before 2010 (growing, manufacturing, and selling)
- **Now:** Both “continuing” businesses under licensing laws and “nonconforming” businesses under zoning laws



# Proliferation: Consequences



- **Later:** Permit caps instituted with annual lottery, further privileging early entrants

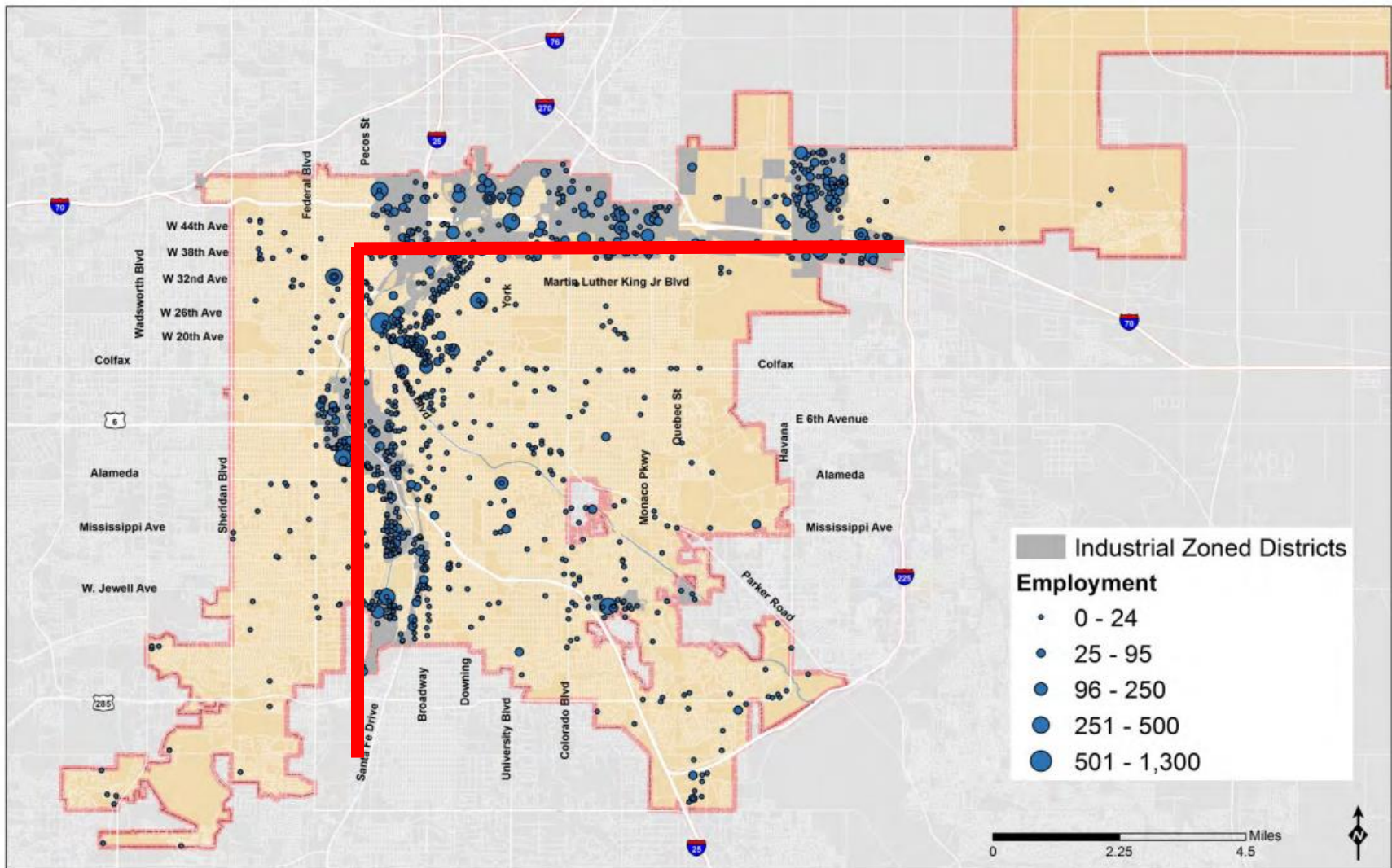
# Updated focus: Equity – Why?

- **Effects of Federal Policy:**
  - The “War on Drugs”
- **Effects of Early State Policy:**
  - Federal/State Conflict = need for experts, consultants, technical expertise
  - Individuals with certain convictions faced barriers

# Updated focus: Equity – Why?

- **Effects of Early Local Policy:**
  - Vertical integration = High Costs
  - Saturation in certain neighborhoods
- **Goals for Equitable New Policies:**
  - Provide opportunities to individuals who have been harmed by marijuana prohibition or historic inequities
  - Lay the foundation for equitable wealth creation

# Marijuana Cultivation: Allowed in Industrial Districts

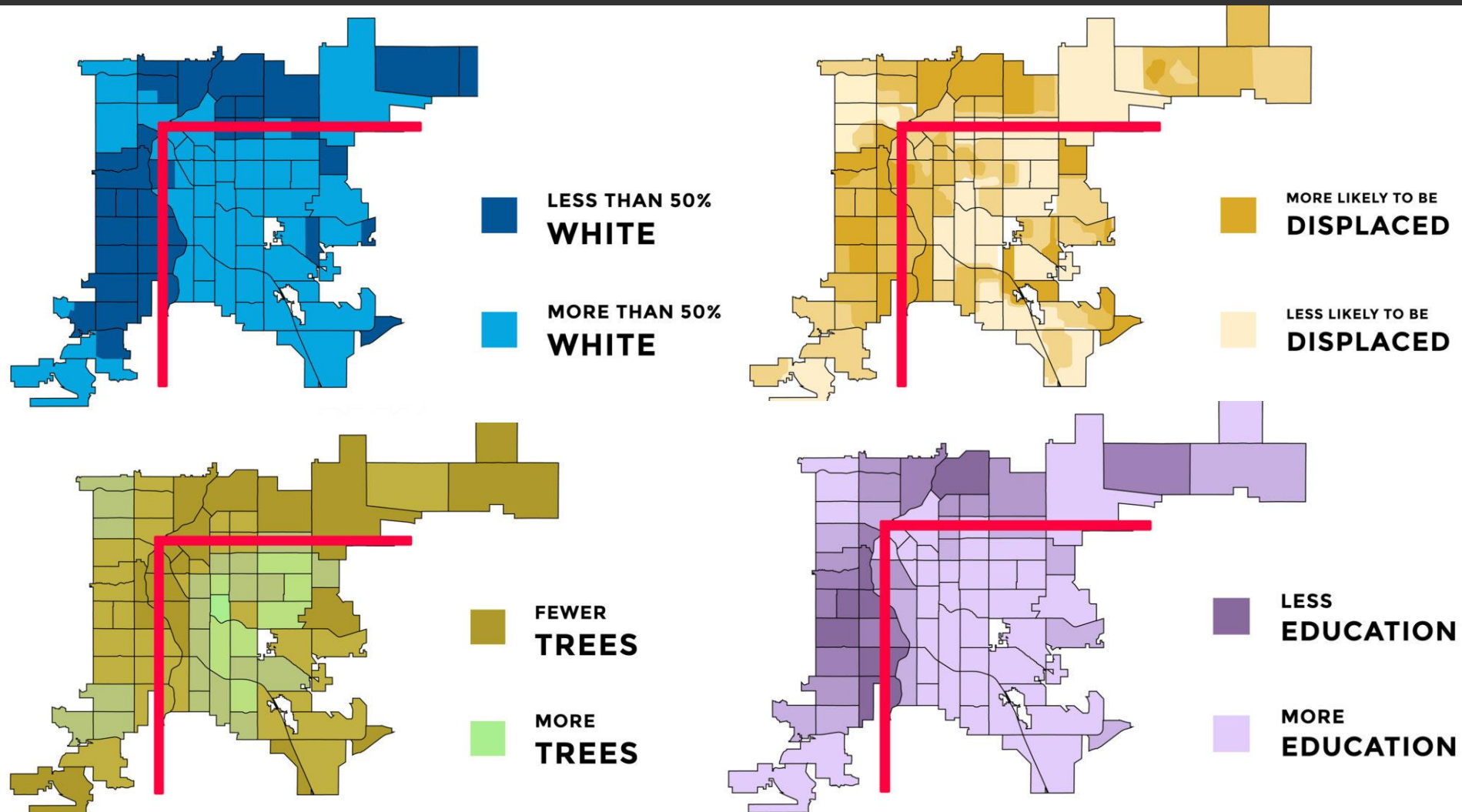


Source: InfoGroup, Economic & Planning Systems

Manufacturing jobs concentrated on the I-70 and I-25 corridors in or near industrial zoned areas. Industrial Zoned Districts on the map are defined as I-A, I-B and I-MX zones and anything that still has the old code zoning.



# Denver's Inverted L



# What's Next?

- **Blueprint Denver Recommendation:**
  - Evaluate potential impacts of industrial uses on vulnerable populations. This could include studying the treatment of “nonconforming” industrial uses that may have continuing environmental impacts on surrounding neighborhoods
- **Reconsider industrial land use allowances and mapping?**

**GROUP LIVING**



# Blueprint Denver: Group Living

POLICY

01

.....  
Revise city regulations to respond to the demands of Denver's unique and modern housing needs.

**GOALS: 1, 10**

*As housing needs throughout Denver have changed, city regulations have not kept pace with innovations including tiny home villages, intergenerational living, flexible living arrangements, and the changing needs and composition of households.*

BACKGROUND

# Blueprint Denver: Group Living

Update the zoning code to:

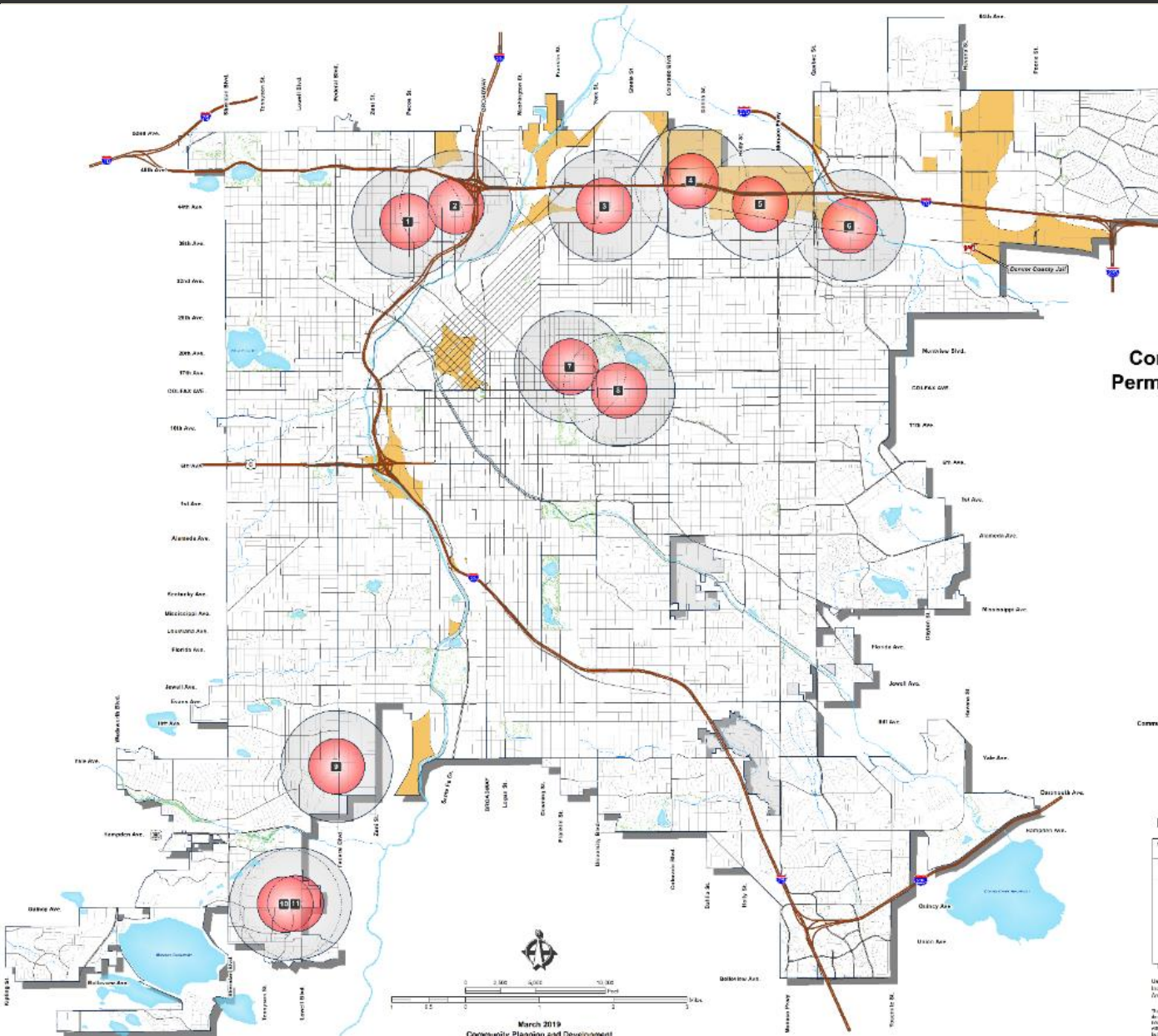
- Modernize group living use categories and expand flexible and affordable housing types.
- Provide a more inclusive definition of households that reflects the diverse needs of different household living arrangements.
- Support modern and equitable approaches to housing options for people experiencing homelessness and people in need of supportive housing.



# Denver: Group Living Problems

- Difficult to establish some needed uses, especially for certain populations, including:
  - People reintegrating into the community after incarceration
  - People experiencing homelessness
- Some existing facilities could not grow to meet demand due to nonconforming status.

# Example: Community Corrections



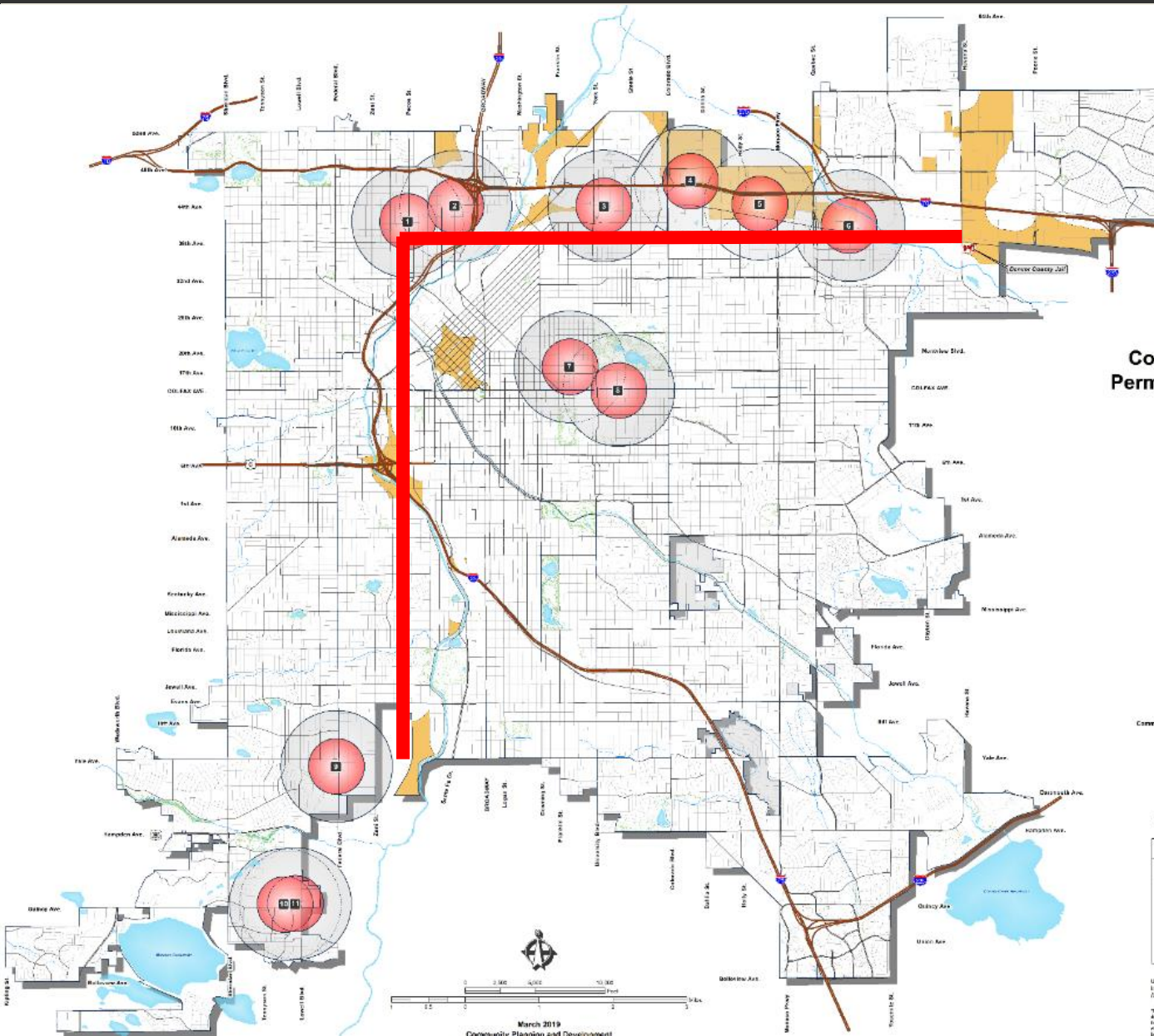
Areas where Community Corrections facilities could be established



Existing Community Corrections facilities



# Community Corrections: Inverted L



Areas where Community Corrections facilities could be established



Existing Community Corrections facilities

# Equity Problems: Residential Care and exclusion of populations

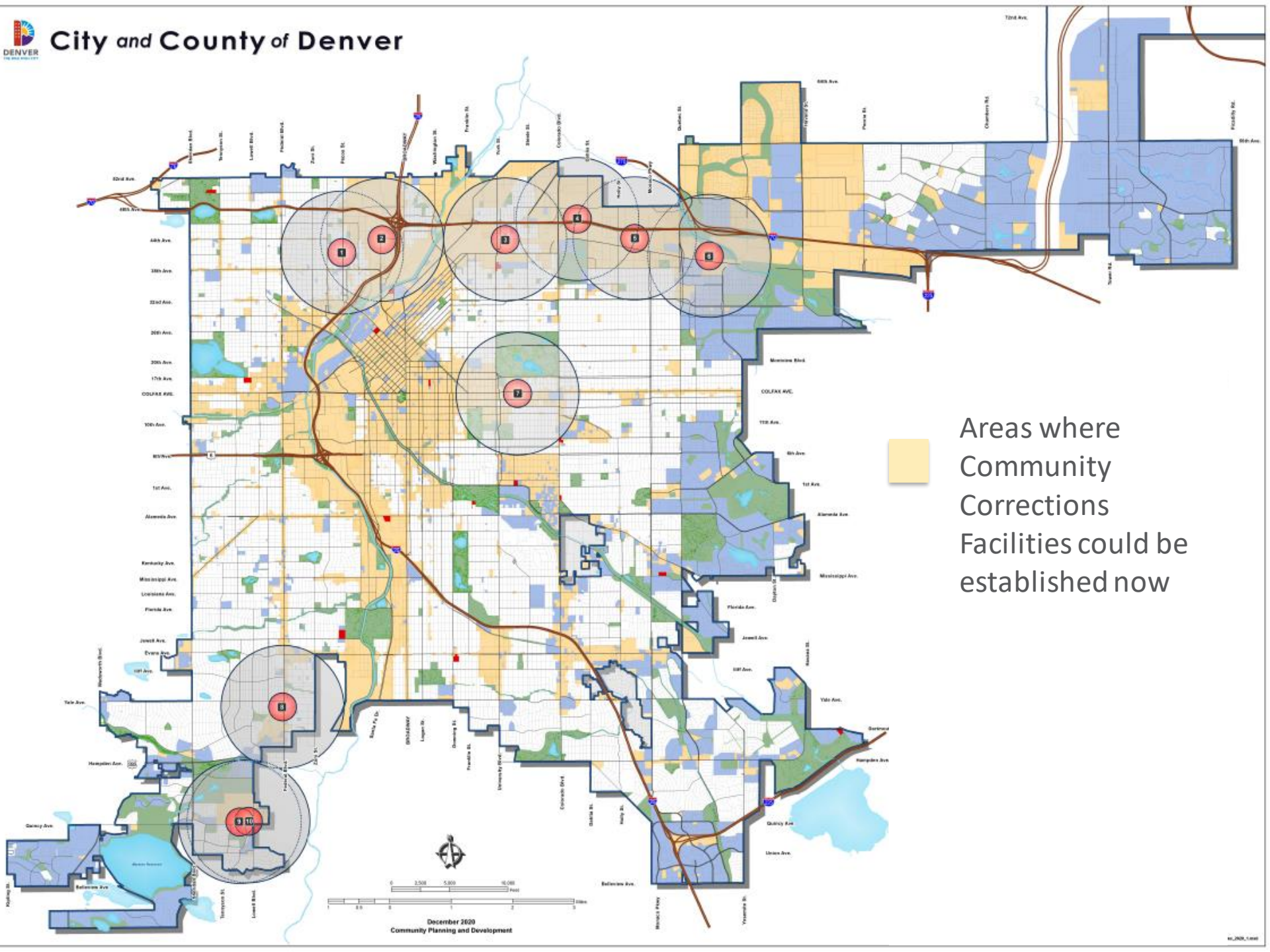
- “Undesirable” uses restricted to locations adjacent to and within neighborhoods that were predominately non-white when these codes were initially written.
- Distant from transit, jobs, parks, groceries and services
- Arbitrary spacing and buffering requirements
- Permitting requirements that don’t work in practice, like oversight committees
- Notification and permit process procedures like Zoning Permit with Informational Notice (ZPIN) that favor neighborhoods with most resources to advocate

# Adopted Solutions

## Relieve the Pressure

- Allow most residential care in more districts and reduce or remove spacing requirements to allow new facilities where residents can live near transportation, jobs, and amenities.
- Allow a spectrum of housing options to be provided on the same zone lot to support people moving from emergency shelter to transitional, supportive, and independent housing.
- Remove zoning code caps on size of larger facilities to allow providers to determine the scale of facilities based on best practices and resources.
- Eliminate prohibition on new buildings.





Areas where  
Community  
Corrections  
Facilities could be  
established now

# Nonconforming Residential Care



- Any Residential Care use that was legally established and continuously maintained is now considered Conforming
  - Zone Lot may be enlarged or reduced
  - Structure may be expanded, modified, or demolished and rebuilt
  - The number of permitted guests shall not be increased
  - But new primary uses can be established on the same zone lot (if allowed by the zone district)
  - Number of guests can be increased for up to 10 consecutive nights in emergencies

# But just how many people is a group, anyway?

Previous definition of household:

In one, detached home

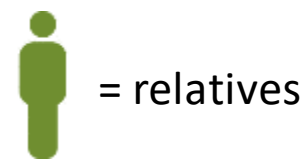


Two unrelated adults  
Unlimited relatives

In duplexes, apartments, condos  
(anything with 2 or more  
attached homes)



Four unrelated adults  
Unlimited relatives



# But just how many people is a group, anyway?

New definition of household:



- ✓ Any number of people as long as all residents are related

*OR*



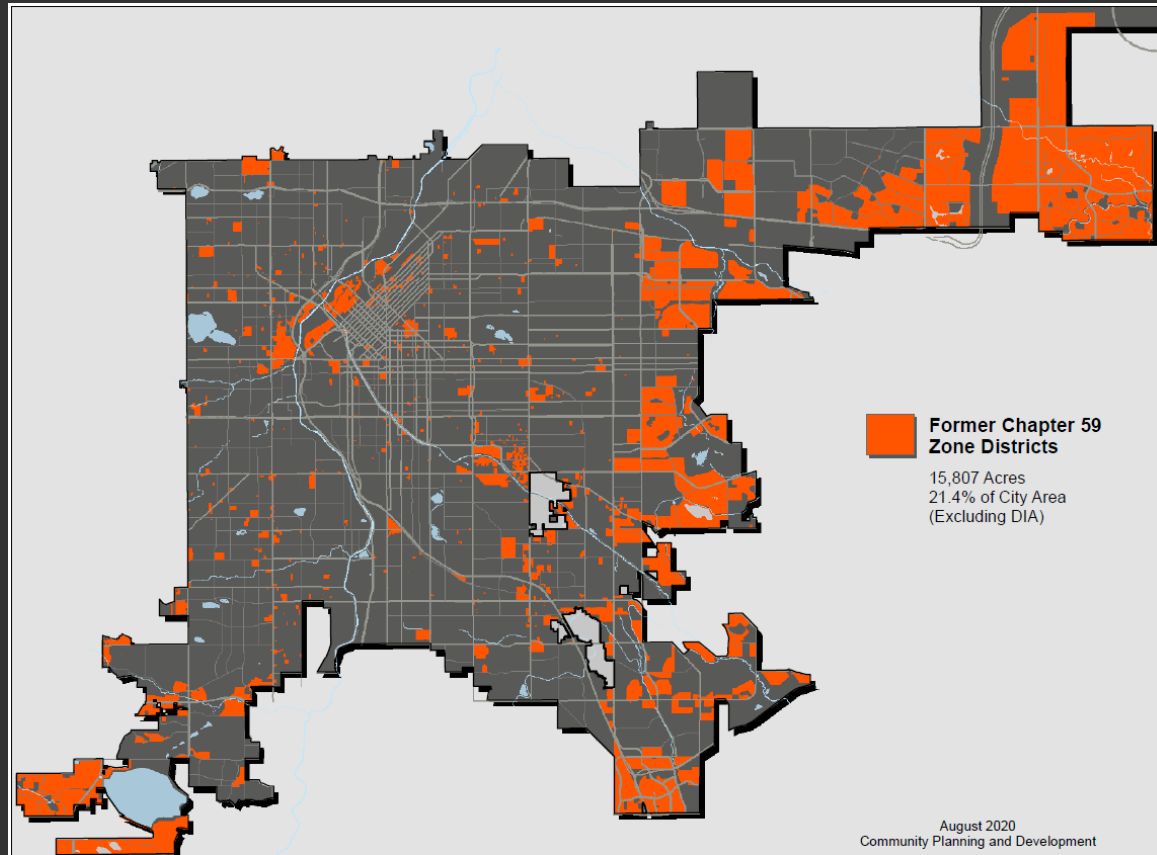
- ✓ Up to 5 adults where all adults are not related  
(unlimited children always allowed)

# What's Next: Performance Metrics

- **Goals**
  - Remain open and transparent about impacts, positive and negative, of these amendments
  - Maintain thorough tracking so we can adjust if unintended outcomes emerge
  - Determine whether vulnerable neighborhoods are disproportionately impacted
- **Annual reporting for Planning Board and City Council**
- **Establish a baseline of existing data related to households, congregate living uses, and residential care uses for comparison with future data**

# What's Next

- Step 1: Make updated Household regulations effective in areas with FC59 zoning
- Step 2: One City One Code





# Questions and Discussion





# **Reevaluating Nonconformities: Magical Thinking Is Not Good Planning**

**RMLUI Western Places | Western Spaces  
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