



NORTH CAROLINA

ZONING 101



**SOUTHERN
COALITION**
for SOCIAL JUSTICE

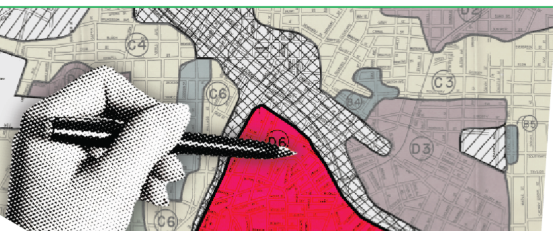




TABLE OF CONTENTS

3 LAND USE LINGO

4 WHAT IS ZONING?

THE PROBLEM

ZONING'S RACIST ROOTS

SEGREGATION STRATEGIES

8 WHAT IS REDLINING?

RIPPLES OF REDLINING

FROM CITY STREETS TO COUNTRY ROADS

AND TO MY HEIRS...

13 THE NEW REDLINING

NOTICE REQUIREMENTS

15 SO, YOU'RE BEING REZONED

GIVING PUBLIC COMMENT

CONNECTING TO OTHER ISSUES

19 NEXT STEPS



LAND USE LINGO

COMPREHENSIVE PLAN

A long-term planning document used by local decision-making bodies to guide the growth of the area for the foreseeable future.

CUMULATIVE IMPACTS

The increased burdens that impacted communities face due to various environmental, governmental, and societal burdens.

EXTRA-TERRITORIAL JURISDICTION (ETJ)

A controversial practice where a city may still exercise zoning and planning control over an area outside of its city limits, but the residents in the ETJ may not have the same voting power as residents of the city.

FORM BASED CODE (FBC)

A shift from traditional zoning, FBCs focus on building design and how neighborhoods feel collectively. FBCs tend to allow multiple different types of uses in one area, whereas traditional zoning allows one type of land use in an area.

LEGISLATIVE PROCEEDING

Decisions local decision-making bodies make to adopt, amend, or repeal an ordinance. This includes rezoning and development agreements.

LOCAL DECISION-MAKING BODY (IES)

A government body or advisory board that makes decisions about land use. This could be a city council, a planning board, an advisory board, or a county commission.

↳ BOARD OF COMMISSIONERS

An elected or appointed body responsible for the management and administration of a county.

↳ CITY COUNCIL

An elected body responsible for the legislative decisions of city government.

↳ ZONING AND PLANNING BOARD

An advisory board that provides input on zoning and planning issues to help the ultimate decision-makers decide how to rule on the issue.

PUBLIC HEARING

A formal process that allows the public to share their thoughts on a proposed government action or issue.

REDLINING

A discriminatory practice in the early 1900s where local government divided cities into distinct zones, based on racist criteria, as a method of denying communities of color access to fair housing loans.

REZONING

A process where local decision-making bodies change the land uses allowed in a particular area. A local government will rezone the area by adopting an ordinance that amends their zoning map in a legislative proceeding.

SPECIAL USE PERMIT

A permit issued by a local decision-making body that allows a property to be used in a way not typically allowed in that zoning district. Also known as a Conditional Use Permit.

UNIFIED DEVELOPMENT ORDINANCE (UDO)

A document that compiles a local decision-making body's land use regulations into a single document.

UNINCORPORATED

A town, community, or region not controlled by a city government and instead governed by the county.

VARIANCE

An allowed exception to a zoning regulation. Local decision-making bodies grant a variance when complying with a zoning regulation would cause unnecessary hardship.

QUASI-JUDICIAL PROCEEDING

The application of ordinances to individual situations rather than the adoption of new policies. This could include granting a Special Use Permit or a Variance.

ZONING

A process where local decision-making bodies divide communities into zones where certain land uses are permitted or prohibited. These ordinances regulate what can be built, how it can be built, and where it can be built.

WHAT IS ZONING?

Here are several different types of zoning that municipalities have.

Every community is made up of several different parts — homes and houses, schools and universities, places of worship, and places of business. **Zoning** is the process of deciding which part of a city, town, or neighborhood can be used for certain purposes. This helps prevent incompatible uses in the same area.

For example, noisy manufacturing plants are typically zoned far away from residential areas.

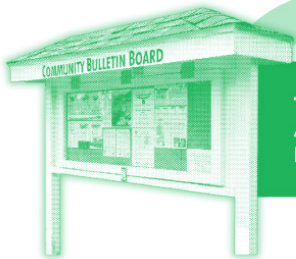
Areas can be **rezoned** to allow for multiple different uses, or properties can receive a **special use permit** or **variance** to avoid needing to comply with these zoning requirements.

REZONING ROADMAP

ENTITY SUBMITS APPLICATION FOR REZONING.



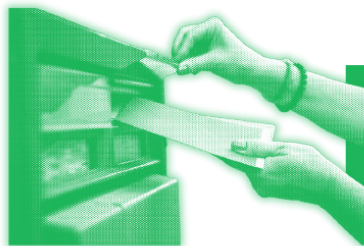
THE LOCAL DECISION-MAKING BODY ADVERTISES A PUBLIC HEARING AND PROVIDES NOTICE TO RESIDENTS NEARBY.



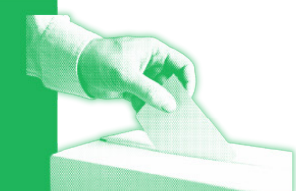
A COMMITTEE OR BOARD HOLDS AN INITIAL HEARING TO LET RESIDENTS SHARE THEIR THOUGHTS AND LET THE APPLYING ENTITY PRESENT ITS PLAN FOR THE PROPERTY.



THE COMMITTEE SENDS ITS RECOMMENDATION TO THE FINAL LOCAL DECISION-MAKING BODY.



THE LOCAL DECISION-MAKING BODY HOLDS A HEARING TO GRANT/DENY THE APPLICATION. THEY WILL HEAR THE DETAILS OF THE APPLICATION, LISTEN TO PUBLIC COMMENT, THEN VOTE.



SINGLE FAMILY HOME

MULTI-FAMILY APARTMENT

COMMERCIAL OFFICE SPACE

MULTI-USE STORE

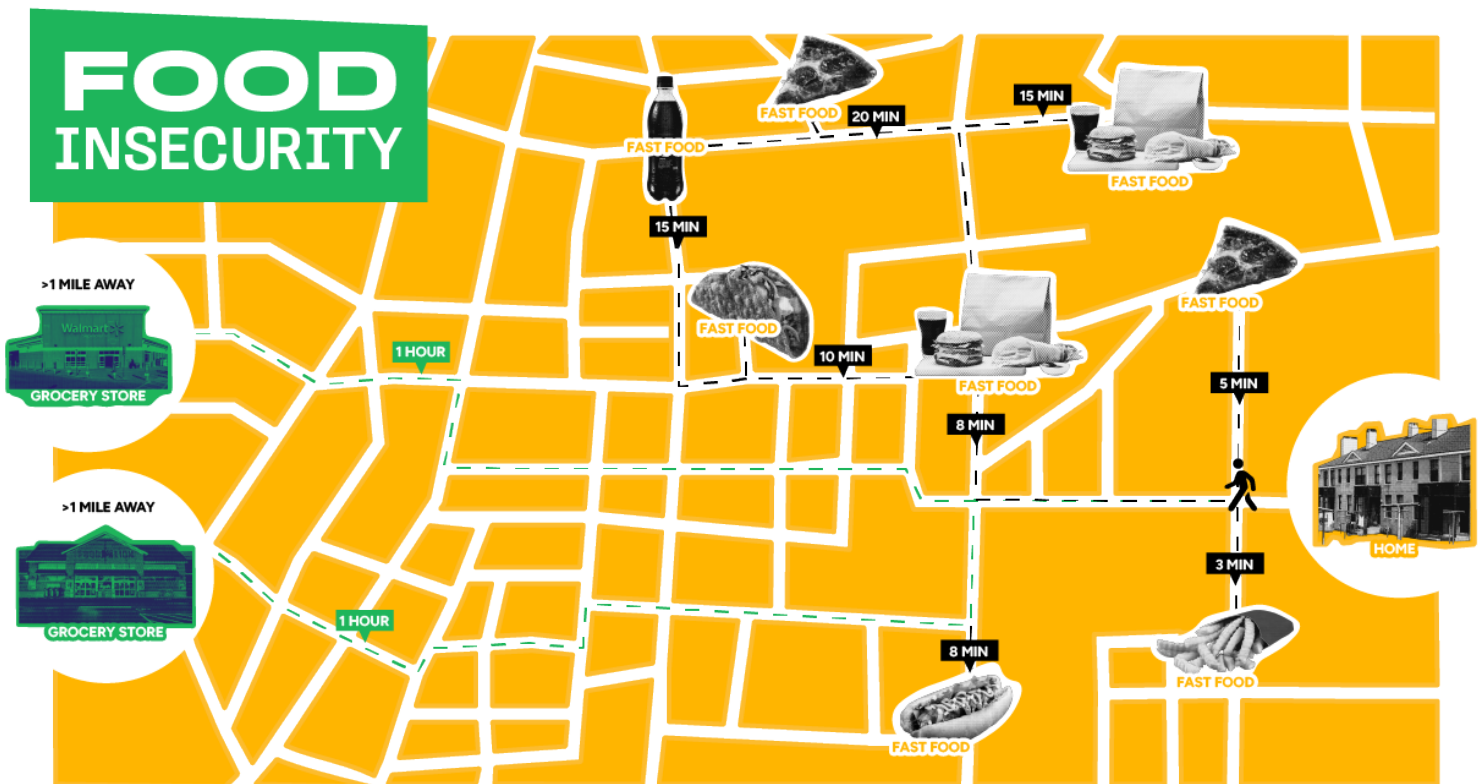
INDUSTRIAL FACTORY



THE PROBLEM

Zoning can create many different harms for a community — community planning has been very focused on cars and zoning practices have often carved out their communities with a **cars-first mentality**, contributing to the climate crisis. Zoning can also lead to **food insecurity** (also known as a food desert),

where rural or impoverished communities lack access to affordable, nutritious food. Many biases, prejudices, and injustices can also be created and reafirmed through **certain zoning practices**.



Also known as a 'food desert,' we opted to use the term 'food insecurity' because 'desert' implies that this issue is natural and not man-made.

ZONING'S RACIST ROOTS

Zoning has often been used to reinforce white supremacy and corporate power. Baltimore was the first U.S. city to officially prohibit Black people from buying homes in predominantly white neighborhoods, and vice versa

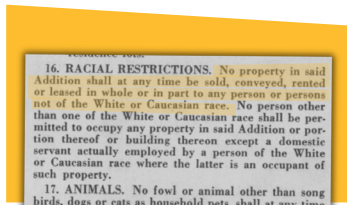
in 1910, but many Southern cities followed suit. Early zoning laws also divided manufacturing districts and residential districts in order to justify disinvestment where factory workers lived and worked.

SEGREGATION STRATEGIES

Local decision-making bodies used several tactics to keep neighborhoods segregated and divided.



Public housing projects used to segregate neighborhoods.



Racial covenants and private agreements.



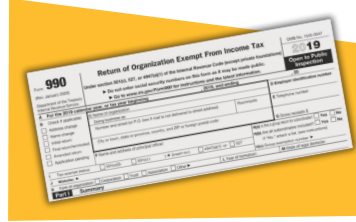
White flight, sponsored by the Federal Housing Administration.



Threats and acts of violence.



Local development projects designed to segregate.



IRS compliance with tax-exempt organization discrimination.

FOR EXAMPLE...

In Raleigh, the school board transferred schools for Black students from the northeastern side of town, near Idlewild and College Park, to the southeastern side of town, where one school was sited next to the city dump and a quarry filled with stagnant water.

This relocation was used as a strategy to isolate Black residents in the southeast and attract white residents to the northwest side, where real estate interests hoped to make profits on new developments.

WHAT IS REDLINING?

From 1935 to 1940, the federal government offered home loans through the Home Owners' Loan Corporation (HOLC). Staff members would create maps of cities, grading neighborhoods for their “residential security”—meaning, the riskiness of those areas for banks, saving and loans, and other lenders who made mortgages. Neighborhoods deemed safe investments were colored green and those deemed “hazardous” were colored red.

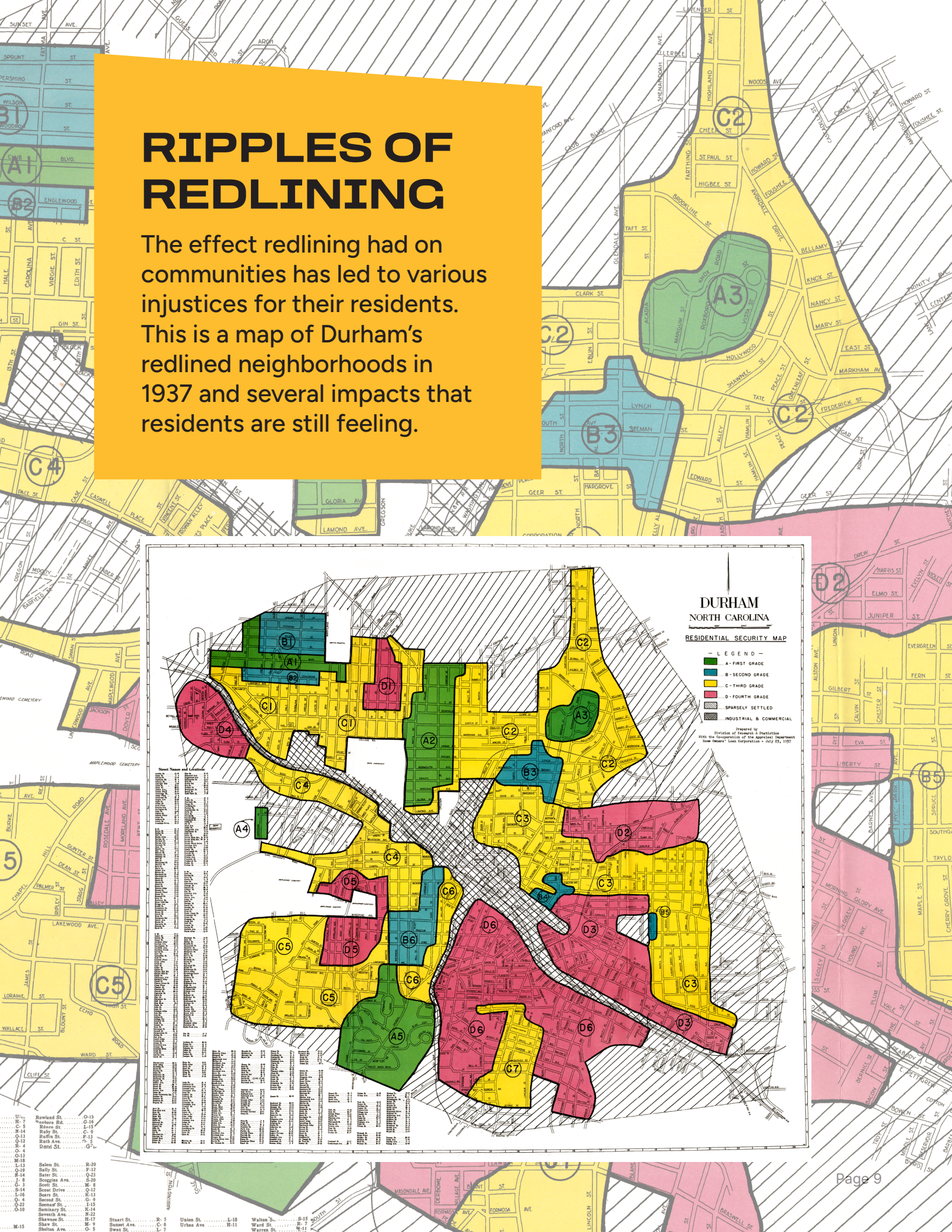
If residents of a neighborhood were African Americans or, to a lesser extent, immigrants or Jewish, HOLC deemed them a threat to the stability of home values and marked their neighborhoods as red. This is **redlining**.

Redlining was legal and practiced for decades. It dramatically affected the lived experiences of different racial groups in these communities and its impact is still with us today.



RIPPLES OF REDLINING

The effect redlining had on communities has led to various injustices for their residents. This is a map of Durham's redlined neighborhoods in 1937 and several impacts that residents are still feeling.



**DURHAM
NORTH CAROLINA**
RESIDENTIAL SECURITY MAP

- LEGEND —
- A - FIRST GRADE
 - B - SECOND GRADE
 - C - THIRD GRADE
 - D - FOURTH GRADE
 - SPARSELY SETTLED
 - INDUSTRIAL & COMMERCIAL

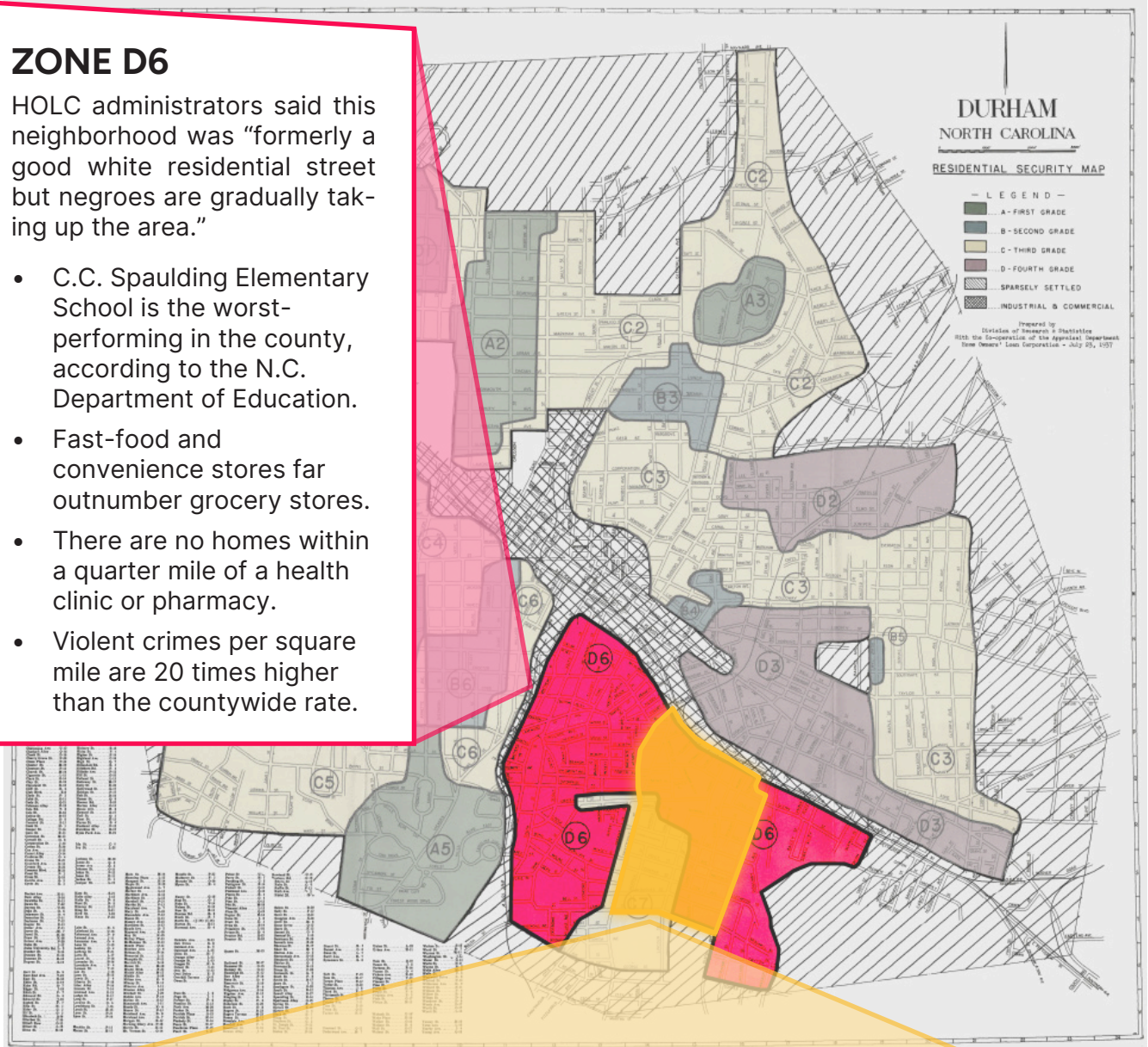
Street Names and Locations

U-1	Rowland St.	O-13
U-2	Rowland St.	O-13
U-3	Rowland St.	O-13
U-4	Rowland St.	O-13
U-5	Rowland St.	O-13
U-6	Rowland St.	O-13
U-7	Rowland St.	O-13
U-8	Rowland St.	O-13
U-9	Rowland St.	O-13
U-10	Rowland St.	O-13
U-11	Rowland St.	O-13
U-12	Rowland St.	O-13
U-13	Rowland St.	O-13
U-14	Rowland St.	O-13
U-15	Rowland St.	O-13
U-16	Rowland St.	O-13
U-17	Rowland St.	O-13
U-18	Rowland St.	O-13
U-19	Rowland St.	O-13
U-20	Rowland St.	O-13
U-21	Rowland St.	O-13
U-22	Rowland St.	O-13
U-23	Rowland St.	O-13
U-24	Rowland St.	O-13
U-25	Rowland St.	O-13
U-26	Rowland St.	O-13
U-27	Rowland St.	O-13
U-28	Rowland St.	O-13
U-29	Rowland St.	O-13
U-30	Rowland St.	O-13
U-31	Rowland St.	O-13
U-32	Rowland St.	O-13
U-33	Rowland St.	O-13
U-34	Rowland St.	O-13
U-35	Rowland St.	O-13
U-36	Rowland St.	O-13
U-37	Rowland St.	O-13
U-38	Rowland St.	O-13
U-39	Rowland St.	O-13
U-40	Rowland St.	O-13
U-41	Rowland St.	O-13
U-42	Rowland St.	O-13
U-43	Rowland St.	O-13
U-44	Rowland St.	O-13
U-45	Rowland St.	O-13
U-46	Rowland St.	O-13
U-47	Rowland St.	O-13
U-48	Rowland St.	O-13
U-49	Rowland St.	O-13
U-50	Rowland St.	O-13
U-51	Rowland St.	O-13
U-52	Rowland St.	O-13
U-53	Rowland St.	O-13
U-54	Rowland St.	O-13
U-55	Rowland St.	O-13
U-56	Rowland St.	O-13
U-57	Rowland St.	O-13
U-58	Rowland St.	O-13
U-59	Rowland St.	O-13
U-60	Rowland St.	O-13
U-61	Rowland St.	O-13
U-62	Rowland St.	O-13
U-63	Rowland St.	O-13
U-64	Rowland St.	O-13
U-65	Rowland St.	O-13
U-66	Rowland St.	O-13
U-67	Rowland St.	O-13
U-68	Rowland St.	O-13
U-69	Rowland St.	O-13
U-70	Rowland St.	O-13
U-71	Rowland St.	O-13
U-72	Rowland St.	O-13
U-73	Rowland St.	O-13
U-74	Rowland St.	O-13
U-75	Rowland St.	O-13
U-76	Rowland St.	O-13
U-77	Rowland St.	O-13
U-78	Rowland St.	O-13
U-79	Rowland St.	O-13
U-80	Rowland St.	O-13
U-81	Rowland St.	O-13
U-82	Rowland St.	O-13
U-83	Rowland St.	O-13
U-84	Rowland St.	O-13
U-85	Rowland St.	O-13
U-86	Rowland St.	O-13
U-87	Rowland St.	O-13
U-88	Rowland St.	O-13
U-89	Rowland St.	O-13
U-90	Rowland St.	O-13
U-91	Rowland St.	O-13
U-92	Rowland St.	O-13
U-93	Rowland St.	O-13
U-94	Rowland St.	O-13
U-95	Rowland St.	O-13
U-96	Rowland St.	O-13
U-97	Rowland St.	O-13
U-98	Rowland St.	O-13
U-99	Rowland St.	O-13
U-100	Rowland St.	O-13

ZONE D6

HOLC administrators said this neighborhood was “formerly a good white residential street but negroes are gradually taking up the area.”

- C.C. Spaulding Elementary School is the worst-performing in the county, according to the N.C. Department of Education.
- Fast-food and convenience stores far outnumber grocery stores.
- There are no homes within a quarter mile of a health clinic or pharmacy.
- Violent crimes per square mile are 20 times higher than the countywide rate.

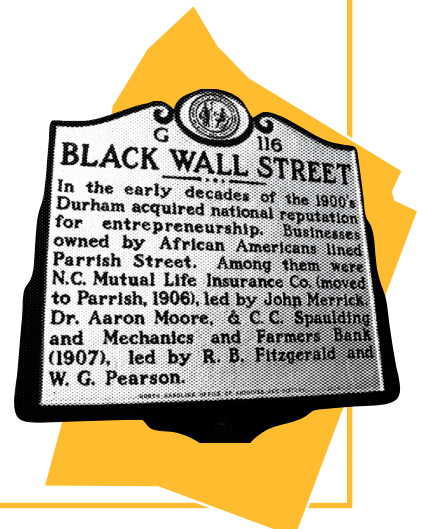


HAYTI

Hayti was Durham's thriving Black business neighborhood. Known locally as Black Wall Street, Black Durhamites developed businesses, as well as cultural, religious and educational institutions around Parrish Street from the 1880s to the 1940s.

White political power and corporate interests targeted the community in the 1950s. The Durham Redevelopment Commission considered the area

“blighted” and removed Black residents and destroyed homes and businesses for a downtown redevelopment which never took place. The Durham Freeway, built in the 1960s, cut through the rest of Hayti and tore down many Black homes and businesses.



FROM CITY STREETS TO COUNTRY ROADS

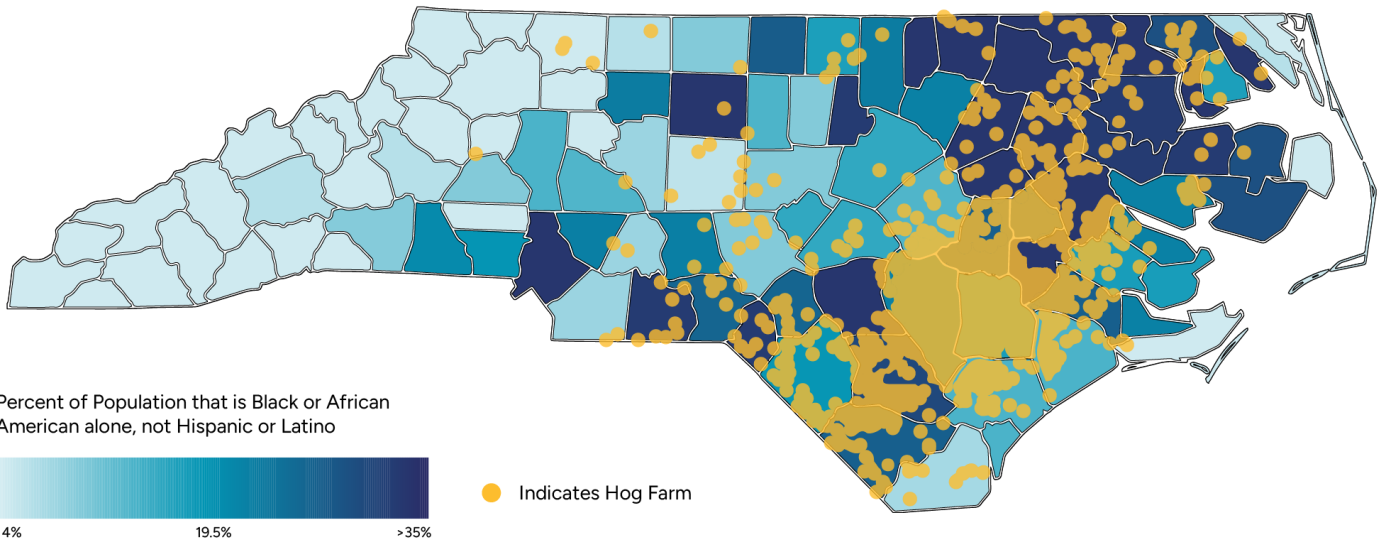
Redlining occurred in urban areas and continues to affect many neighborhoods today. But racism in community planning looked different for rural areas. For many of these communities of

color, large industrial plants, farming operations, and landfills were placed nearby, causing huge impacts on their health and quality of life.

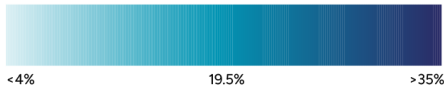
**HOG FARMS
IN NORTH CAROLINA**



**NC COUNTIES
BLACK POPULATION**



Percent of Population that is Black or African American alone, not Hispanic or Latino



● Indicates Hog Farm



CHECK OUT

“The Toxic Tour” of “Southern Gumption” on Spotify and Apple Podcasts to learn more about how environmental racism impacts the community of Sampson County, N.C.

AND TO MY HEIRS...

Rural communities also face a particular problem in heirs property.

When a property owner dies with a will or estate plan, the property is distributed to the named heirs. Over half of white Americans have a will, compared with 24% of African Americans.

Historically, Black households may have generational mistrust of the legal system, may be unable to afford the costs associated with getting a will, or may not believe they have enough assets for one.

Instead, property passes to heirs informally.

Without formal recorded ownership, the owners can't qualify for many kinds of loans or government assistance. And because any heir may have a claim on the property, if any heir cashes out or sells their share of the land, it forces the sale of the entire property — even if the seller has never lived on the land. Many companies take advantage of this, further widening the wealth and land gap for Black Americans.



THE NEW REDLINING

Although redlining is now illegal, many cities' racial and economic makeup still follows redlined neighborhoods—and zoning practices still align with the original maps.

“Single Family Exclusive Use Zoning” is when a neighborhood is zoned for houses used by a single owner or family and helped create the stereotypical image of suburban America. However, this zoning use limits housing supply, artificially raises prices, and blocks families from moving into neighbor-

hoods with better schools and job opportunities. The practice is informally referred to as **“new redlining.”**

Some states and communities are considering banning single-family exclusive use zoning — Oregon banned the practice in 2019. Washington, California, and even Chapel Hill are also discussing banning the zoning use. But multi-family development is still illegal on 75% of residential land in many U.S. cities.



TO LEARN MORE

about the connection between Single Family Exclusive Use Zoning and redlining in Durham, scan the QR code or visit <https://bit.ly/4dFr1Bu>.



NOTICE REQUIREMENTS

BEFORE A LOCAL DECISION-MAKING BODY CAN REZONE AN AREA, IT IS REQUIRED TO GIVE NOTICE TO THE PEOPLE WHO WOULD BE AFFECTED. UNDER NORTH CAROLINA LAW, NOTICE WILL BE:

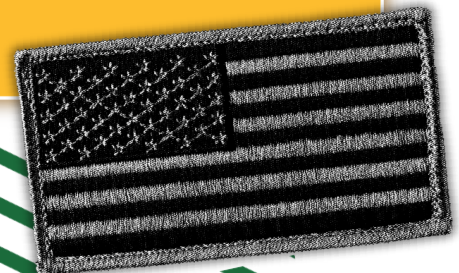
POSTED ON THE SITE IN QUESTION OR ON AN ADJACENT PUBLIC STREET OR HIGHWAY



MAILED TO OWNERS WITHIN AND NEXT TO THE REZONED PROPERTY



SENT TO THE COMMANDER OF ANY MILITARY BASE WITHIN FIVE MILES OF THE REZONED PROPERTY



POSTED IN THE LOCAL NEWSPAPER



SO, YOU'RE BEING REZONED



Now that you understand what zoning is and how it can harm communities, what can you do if your neighborhood is being rezoned?

TIPS!

- Be sure to save any notice you receive, including the envelope showing the date of notice and the date you received the notice.
- Ask neighbors also affected by the rezoning to do the same.
- If you are a renter, ask your landlord for updates about a potential rezoning.
- In North Carolina, notice is required for owners of land—but not renters.
- Get everyone involved! Speak to your neighbors, local media, and relevant nonprofits about the issue.

GIVING PUBLIC COMMENT

If you learn of a land use decision affecting your land or neighborhood, organize your neighbors to attend any relevant hearings and make your voices heard. Local decision-making bodies are required to hold public comment for most rezoning matters. That's your chance to let them know your thoughts.

Every county, city and town have their own rules on time limits and other logistics, but most public comments are

limited to two to three minutes per speaker. Be sure to reach out to your local city manager or county clerk with questions.

Make sure to introduce yourself, your organization or any coalitions you work with. Be clear on your goals, letting the audience know exactly why you're there. And most importantly— tell your story, including how you specifically will be affected by the change.

TESTIMONY TIPS!

Local decision-making bodies must answer very specific questions when considering a rezoning or variance. Use these questions to make your public comment most effective.

- Tell your story! How are you uniquely harmed by this change?
- Do you have a routine that will be disrupted?
- Do you believe this may harm your health?
- Does this plan disrupt your future plans for your property?
- Will this harm the nature, wildlife, or streams near your property?
- Does this change align with the Comprehensive Plan for your area?
- Does this plan fit in with your neighborhood?
- Is this a drastic change from the previous use at the rezoned property?



PRO-TIP

Use your notes, if necessary to capture all of your points. Bring a timer with you, so you can finish your public comment in time, in case they don't provide a timer.

SAMPLE PUBLIC COMMENT

Good evening, my name is **Jane Doe** and I have lived at **123 Smith Street**, just 500 feet from the proposed natural gas facility, for the past 10 years. I've written emails about my concerns to you ahead of time, but I want to speak about my primary concerns in person. I'm a mother to two children in this area, so I'm speaking on behalf of myself and my kids, who I plan to raise in this neighborhood.

Every morning, I take my kids on a walk around the neighborhood where we look at the flowers, listen to the birds, and look at the sunrise. This walk has become part of our routine and helps my children connect with the environment, which is a connection I want them to cherish throughout their lives. During these walks, I've pointed out specific birds to them, and they've come to grow a love for identifying the various species in this area. If this project gets approved, I worry that the facility will disrupt these walks, scare away the birds, and ruin the connection they've created with their surrounding environment and this neighborhood.

This neighborhood is in great need of many things, and a natural gas facility is not one of them. This project will add to the pollution that already burdens this city from the Jackson Landfill, which is two miles from this area and already pollutes the air we breathe. This facility could harm the streams that run near our house and provide water for the deer we see at night. On top of the practical problems this facility will bring, this proposed project is massive, which is entirely inconsistent with the small houses that currently exist in the area proposed to be rezoned. It makes no sense for this project to come to this area, and I greatly worry about what will happen to me and my children if this project is approved.

Thank you.

TO DOWNLOAD

a sample public comment template, scan the QR code or visit <https://bit.ly/4gXAze2>



CONNECTING TO OTHER ISSUES



JUSTICE

Increased arrests in certain city neighborhoods are rooted in historic zoning policies — and modern-day policies that reinforce these discriminatory decisions—to concentrate polluting industries in low-income neighborhoods of color, where community members are targeted by police and suffer from decreased property values and increased health costs from surrounding pollution.

ENVIRONMENT

Restrictive zoning promotes car usage, leading to increased air pollution and adverse health impacts; produces higher greenhouse gas emissions per person; and disproportionately affects lower-income neighborhoods, where the lack of green spaces and abundance of buildings and parking lots result in higher temperatures.

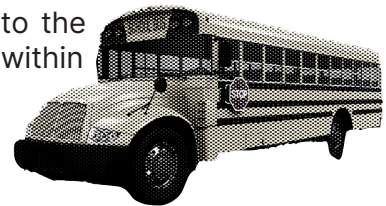


HEALTHCARE

Industrial or commercial zones near residential areas may increase pollution levels, leading to respiratory issues and other health concerns for nearby residents. These zones are often places near historically redlined communities.

EDUCATION

By keeping multi-family housing out of wealthier areas and basing school budgets on property tax revenue, low-income families and families of color are often denied access to the best schools within their area.



HOUSING

Single family zoning contributes to the ongoing housing crisis by prioritizing wealthy, primarily white residents, replicating segregated living patterns across the country.





NEXT STEPS

If the decision is approved, a challenge must be brought quickly—typically within 30 to 60 days. For more information and resources, reach out to these organizations.

SOUTHERN COALITION FOR SOCIAL JUSTICE

southerncoalition.org

LAND LOSS PREVENTION PROJECT

landloss.org

CLEANAIRENC

cleanairenc.org

NORTH CAROLINA CONSERVATION NETWORK

ncconservationnetwork.org

SOUTHERN ENVIRONMENTAL LAW CENTER

southernenvironment.org

SOUTH CAROLINA ENVIRONMENTAL LAW PROJECT

scelp.org



ABOUT SCSJ

Southern Coalition for Social Justice partners with communities of color and economically disadvantaged communities in the South to defend and advance their political, social, and economic rights through the combination of legal advocacy, research, and communications.

If you have rezoning needs reach out to Southern Coalition for Social Justice at EJ@scsj.org.

Design by Liz Chen



**SOUTHERN
COALITION**
for **SOCIAL JUSTICE**