



# Zoning Rules!: The Economics of Land Use Regulation

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# **Zoning Rules The Economics Of Land Use Regulation**

**Mary A. Vance**



## Zoning Rules The Economics Of Land Use Regulation

*Zoning Rules!* William A. Fischel, 2015 Zoning has for a century enabled cities to chart their own course It is a useful and popular institution enabling homeowners to protect their main investment and provide safe neighborhoods As home values have soared in recent years however this protection has accelerated to the degree that new housing development has become unreasonably difficult and costly The widespread Not In My Backyard NIMBY syndrome is driven by voters excessive concern about their home values and creates barriers to growth that reach beyond individual communities The barriers contribute to suburban sprawl entrench income and racial segregation retard regional immigration to the most productive cities add to national wealth inequality and slow the growth of the American economy Some state federal and judicial interventions to control local zoning have done more harm than good More effective approaches would moderate voters demand for local land use regulation by for example curtailing federal tax subsidies to owner occupied housing Publisher's description

**The Economics of Zoning Laws** William A. Fischel, 1987-08 Land use controls can affect the quality of the environment the provision of public services the distribution of income and wealth the development of natural resources and the growth of the national economy The Economics of Zoning Laws is the first book to apply the modern economic theory of property rights to all major aspects of zoning Zoning laws are neither irrational constraints on otherwise efficient markets nor disinterested attempts to correct market failure Rather zoning must be viewed as a collective property right vested in local governments and administered by politicians who rationally respond to their constituents and to developers as markets for development rights arise The Economics of Zoning Laws develops the economic theories of property rights and public choice and applies them to three zoning controversies the siting of a large industrial plant the exclusionary zoning of the suburbs and the constitutional protection of property owners from excessive regulation Economic and legal theory William Fischel contends suggest that payment of damages under the taking clause of the Constitution may provide the most effective remedy for excessive zoning regulations

**Zoning and Zoning Law** Mary A. Vance, 1985

**A Better Way to Zone** Donald L. Elliott, 2012-09-26 Nearly all large American cities rely on zoning to regulate land use According to Donald L Elliott however zoning often discourages the very development that bigger cities need and want In fact Elliott thinks that zoning has become so complex that it is often dysfunctional and in desperate need of an overhaul A Better Way to Zone explains precisely what has gone wrong and how it can be fixed A Better Way to Zone explores the constitutional and legal framework of zoning its evolution over the course of the twentieth century the reasons behind major reform efforts of the past and the adverse impacts of most current city zoning systems To unravel what has gone wrong Elliott identifies several assumptions behind early zoning that no longer hold true four new land use drivers that have emerged since zoning began and basic elements of good urban governance that are violated by prevailing forms of zoning With insight and clarity Elliott then identifies ten sound principles for change that would avoid these mistakes produce more livable cities and make zoning simpler to understand and use He also proposes five practical steps to get started on the road to zoning reform While recent discussion of zoning has focused on how cities should look A Better Way to Zone does not follow that trend Although New Urbanist tools form based zoning and the SmartCode are making headlines both within and outside the planning profession Elliott believes that each has limitations as a general approach to big city zoning While all three trends include innovations that the profession badly needs they are sometimes misapplied to situations where they do not work well In contrast A Better Way to Zone provides a vision of the future of zoning that is not tied to a particular picture of how cities should look but is instead based on how cities should operate

**Problems of Zoning and Land-use Regulation** American Society of Planning Officials, 1968 Prepared for the consideration of the National Commission on Urban Problems

The Coase Theorem, Land Use Entitlements, and Rational Government William A. Fischel, 2015 This essay constitutes chapter 6 of my forthcoming book *Zoning Rules: The Economics of Land Use Regulation* which the Lincoln Institute of Land Policy will publish in 2015 This chapter offers a formal structure with which to analyze land use controversies and an evaluation of its relevance The first part introduces the Coase theorem and applies it to a famous dispute between feuding hotel owners in Miami Beach Florida A modification of elementary supply and demand curves the entitlements diagram is developed in this highly localized context and deployed to illustrate the Coasian approach I then expand the analysis to include local public goods in a less famous but more practical example involving a rezoning by a successful developer in Lebanon New Hampshire The expansion of the entitlements analysis to include local government decisions requires a model of governance that relies on someone called the median voter who is usually in the majority of local elections The median voter model is the workhorse of local public economics but it is nonetheless controversial in the legal academy Many believe that the preferences of the majority do not actually prevail and when the majority does rule it is unlikely to respond rationally to economic incentives I review the econometric evidence that confirms that the median voter's preferences determine government policies and that those policies rationally advance the interests of the majority The evidence is more controversial in the case of compensation for regulatory takings It is explored using the experience from a voter initiative in Oregon in 2003 which called for compensation for land use regulation but resulted almost invariably in deregulation Despite this special example I conclude from other examples that local governments and the zoning laws they enact are generally no less economically rational than their purely private cousins modern American business corporations

**Land Use without Zoning** Bernard H. Siegan, 2020-12-08 The conversation about zoning has meandered its way through issues ranging from housing affordability to economic growth to segregation expanding in the process from a public policy backwater to one of the most discussed policy issues of the day In his pioneering 1972 study *Land Use Without Zoning* Bernard Siegan first set out what has today emerged as a common sense perspective Zoning not only fails to achieve its stated ends of ordering urban growth and separating incompatible uses but also drives housing costs up and competition down In no uncertain terms Siegan concludes Zoning has been a failure and should be eliminated Drawing on the unique example of Houston America's fourth largest city and its lone dissenter on zoning Siegan demonstrates how land use will naturally regulate itself in a nonzoned environment For the most part Siegan says markets in Houston manage growth and separate incompatible uses not from the top down like most zoning regimes but from the bottom up This approach yields a result that sets Houston apart from zoned cities its greater availability of multifamily housing Indeed it would seem that the main contribution of zoning is to limit housing production while adding an element of permit chaos to the process *Land Use Without Zoning* reports in detail the effects of current exclusionary zoning practices and outlines the benefits that would accrue to cities that forgo municipally imposed zoning laws Yet the book's program isn't merely destructive beyond a critique of zoning Siegan sets out a bold new vision for how land use regulation might work in the United States Released nearly a half century after the book's initial publication this new edition recontextualizes Siegan's work for our current housing affordability challenges It includes a new preface by law professor David Schleicher which explains the book's role as a foundational text in the law and economics of urban land use and describes how it has informed more recent scholarship Additionally it includes a new afterword by urban planner Nolan Gray which includes new data on Houston's evolution and land use relative to its peer cities

**City Rules** Emily Talen, 2012-06-22 *City Rules* offers a challenge to students and professionals in urban planning design and policy to change the rules of city building using regulations to reinvigorate rather than stifle our communities Emily Talen demonstrates that regulations are a primary detriment to the creation of a desirable urban form While many contemporary codes encourage sprawl and even urban blight that hasn't always been the case and it shouldn't be in the future Talen provides a visually rich history showing how certain eras used rules to produce beautiful walkable and sustainable communities while others created just the opposite She makes complex regulations understandable demystifying city rules like zoning and illustrating how written codes translate into real world consequences Most importantly Talen proposes changes to these rules that will actually enhance communities freedom to develop unique spaces

**Zoned in the USA** Sonia A. Hirt, 2015-02-24 Why are American cities suburbs and towns so distinct Compared to European cities those in the United States are characterized by lower densities and greater distances neat geometric layouts an abundance of green space a greater level of social segregation reflected in space and perhaps most noticeably a greater share of individual single family detached housing In *Zoned in the USA* Sonia A Hirt argues that zoning laws are among the important but understudied reasons for the cross continental differences Hirt shows that rather than being imported from Europe U S municipal zoning law was in fact an institution that quickly developed its own distinctly American profile A distinct spatial culture of individualism founded on an ideal of separate single family residences apart from the dirt and turmoil of industrial and agricultural production has driven much of municipal regulation defined land use and ultimately shaped American life Hirt explores municipal zoning from a comparative and international perspective drawing on archival resources and contemporary land use laws from England Germany France Australia Russia Canada and Japan to challenge assumptions about American cities and the laws that guide them

**The Politics and Economics of Metropolitan Sprawl** William A. Fischel, 2015 This is chapter 8 from my forthcoming book *Zoning Rules: The Economics of Land Use Regulation* which will be published by the Lincoln Institute of Land Policy in 2015 This chapter addresses the metropolitan problems caused by local zoning particularly its contribution to excessive suburbanization and regional housing costs The chapter starts with a stylized political economic characterization of government in metropolitan areas and explains how the local politics of zoning differ among big central cities small suburbs and rural townships and counties This simple model offers a foundation for explaining exclusionary zoning metropolitan sprawl and regional income sorting The chapter next considers some variations on this model which are epitomized by the growth boundaries of Portland Oregon and the rejection of comprehensive zoning by Houston Texas Both have some merit in combatting the problems of local zoning but both have some drawbacks that undermine either as a paradigm Finally the chapter asks why housing costs and the stringency of land use regulations varies so much by region of the United States I argue that restrictiveness is largely the product of the demand for housing itself High productivity regions attract affluent people who want more land use restrictions to protect their home values Local homeowners control the political process in the high demand Northeast by virtue of their control of small local governments where homeowners prevail easily over developers In the high demand West Coast homevoters prevail because of the availability of the voter initiative which trumps the otherwise prodevelopment politics of counties and larger cities Evidence for this was the migration to the sunbelt as a result of the 1970s energy crisis Housing supply remained elastic and home prices stayed low because most states in the South lack both responsive local governments and the voter initiative that would otherwise have facilitated more regulation

**The Homevoter Hypothesis** William A. Fischel, 2009-07-01 Just as investors want the companies they hold equity in to do well homeowners have a financial interest in the success of their communities If neighborhood schools are good if property taxes and crime rates are low then the value of the homeowner's principal asset his home will rise Thus as William Fischel shows homeowners become watchful citizens of local government not merely to improve their quality of life but also to counteract the risk to their largest asset a risk that cannot be diversified Meanwhile their vigilance promotes a municipal governance that provides services more efficiently than do the state or national government Fischel has coined the portmanteau word homevoter to crystallize the connection between homeownership and political involvement The link neatly explains several vexing puzzles such as why displacement of local taxation by state funds reduces school quality and why local governments are more likely to be efficient providers of environmental amenities The Homevoter Hypothesis thereby makes a strong case for decentralization of the fiscal and regulatory functions of government

**Problems of Zoning and Land-use Regulations** American Society of Planning Officials, 1968

**Order without Design** Alain Bertaud, 2018-12-04 An argument that operational urban planning can be improved by the application of the tools of urban economics to the design of regulations and infrastructure Urban planning is a craft learned through practice Planners make rapid decisions that have an immediate impact on the ground the width of streets the minimum size of land parcels the heights of buildings The language they use to describe their objectives is qualitative sustainable livable resilient often with no link to measurable outcomes Urban economics on the other hand is a quantitative science based on theories models and empirical evidence largely developed in academic settings In this book the eminent urban planner Alain Bertaud argues that applying the theories of urban economics to the practice of urban planning would greatly improve both the productivity of cities and the welfare of urban citizens Bertaud explains that markets provide the indispensable mechanism for cities development He cites the experience of cities without markets for land or labor in pre reform China and Russia this urban planners dream created inefficiencies and waste Drawing on five decades of urban planning experience in forty cities around the world Bertaud links cities productivity to the size of their labor markets argues that the design of infrastructure and markets can complement each other examines the spatial distribution of land prices and densities stresses the importance of mobility and affordability and critiques the land use regulations in a number of cities that aim at redesigning existing cities instead of just trying to alleviate clear negative externalities Bertaud concludes by describing the new role that joint teams of urban planners and economists could play to improve the way cities are managed

**The Geography of Transport Systems** Jean-Paul Rodrigue, Claude Comtois, Brian Slack, 2013-07-18 Mobility is fundamental to economic and social activities such as commuting manufacturing or supplying energy Each movement has an origin a potential set of intermediate locations a destination and a nature which is linked with geographical attributes Transport systems composed of infrastructures modes and terminals are so embedded in the socio economic life of individuals institutions and corporations that they are often invisible to the consumer This is paradoxical as the perceived invisibility of transportation is derived from its efficiency Understanding how mobility is linked with geography is main the purpose of this book The third edition of The Geography of Transport Systems has been revised and updated to provide an overview of the spatial aspects of transportation This text provides greater discussion of security energy green logistics as well as new and updated case studies a revised content structure and new figures Each chapter covers a specific conceptual dimension including networks modes terminals freight transportation urban transportation and environmental impacts A final chapter contains core methodologies linked with transport geography such as accessibility spatial interactions graph theory and Geographic Information Systems for transportation GIS T This book provides a comprehensive and accessible introduction to the field with a broad overview of its concepts methods and areas of application The accompanying website for this text contains a useful additional material including digital maps PowerPoint slides databases and links to further reading and websites The website can be accessed at <http://people.hofstra.edu/geotrans> This text is an essential resource for undergraduates studying transport geography as well as those interest in economic and urban geography transport planning and engineering

**Land Use Law in Florida** W. Thomas Hawkins,2021-06-28 Land Use Law in Florida presents an in depth analysis of land use law common to many states across the United States using Florida cases and statutes as examples Florida case law is an important course of study for planners as the state has its own legal framework that governs how people may use land with regulation that has evolved to include state directed urban and regional planning The book addresses issues in a case format including planning land development regulation property rights real estate development and land use transportation and environmental regulation Each chapter summarizes the rules that a reader should draw from the cases making it useful as a reference for practicing professionals and as a teaching tool for planning students who do not have experience in reading law This text is invaluable for attorneys professional planners environmental property rights and neighborhood activists and local government employees who need to understand the rules that govern how property owners may use land in Florida and around the country

**Economics and Land Use Planning** Alan W. Evans,2008-04-15 The book s aim is to draw together the economics literature relating to planning and set it out systematically It analyses the economics of land use planning and the relationship between economics and planning and addresses questions like What are the limits of land use planning and the extent of its objectives Is the aim aesthetic Is it efficiency Is it to ensure equity Or sustainability And if all of these aims how should one be balanced against another

**Land Use Regulation** Martin A. Garrett,1987-12 Land Use Regulation is well worth reading and should be of interest and value to teachers of land use and urban analysis planning practitioners public officials involved in land use planning citizen groups and concerned individuals Shirley F Weiss Professor of City and Regional Planning University of North Carolina Chapel Hill Since the early 1960s land use issues have become increasingly important in American society Suburban communities have found themselves in the path of urban growth or have felt rapid growth pressure from within How policy can be developed to cope with mounting land use problems and the role that regulation has in this policy is the topic of this unique new volume Land Use Regulation offers both students and planners an interdisciplinary analysis of land use involving economics public policy and court rulings It discusses how the implementation of land use policies which are supported by economic theory occurs through the political process which in turn is guided by the judiciary Garrett challenges the widely held view in favor of a free market approach to land use Because of the problems that rapid growth impose on a local governing body and the conflicts that arise between citizens the governing body and landlord developers Garrett asserts that optimal land use can best be achieved through a combination of the free market and careful planning

Problems of Zoning and Land-use Regulation, 1968 United States President of the United States,1968

**Land Use Law and Disability** Robin Paul Malloy,2015 This book argues that communities need better planning to be safely navigated by people with mobility impairment and to facilitate intergenerational aging in place



**Encyclopedia of Energy, Natural Resource, and Environmental Economics** ,2013-03-29 Every decision about energy involves its price and cost The price of gasoline and the cost of buying from foreign producers the price of nuclear and hydroelectricity and the costs to our ecosystems the price of electricity from coal fired plants and the cost to the atmosphere Giving life to inventions lifestyle changes geopolitical shifts and things in between energy economics is of high interest to Academia Corporations and Governments For economists energy economics is one of three subdisciplines which taken together compose an economic approach to the exploitation and preservation of natural resources energy economics which focuses on energy related subjects such as renewable energy hydropower nuclear power and the political economy of energy resource economics which covers subjects in land and water use such as mining fisheries agriculture and forests environmental economics which takes a broader view of natural resources through economic concepts such as risk valuation regulation and distribution Although the three are closely related they are not often presented as an integrated whole This Encyclopedia has done just that by unifying these fields into a high quality and unique overview The only reference work that codifies the relationships among the three subdisciplines energy economics resource economics and environmental economics Understanding these relationships just became simpler Nobel Prize Winning Editor in Chief joint recipient 2007 Peace Prize Jason Shogren has demonstrated excellent team work again by coordinating and steering his Editorial Board to produce a cohesive work that guides the user seamlessly through the diverse topics This work contains in equal parts information from and about business academic and government perspectives and is intended to serve as a tool for unifying and systematizing research and analysis in business universities and government

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