
AN AMERICAN MODEL OF LAND-USE CONTROL

Nobody loves zoning but the people.

—Richard Babcock¹

Ernst Freund was only technically a New Yorker. Born in the great city while his German parents were on a brief American tour, he spent his childhood in Dresden and Frankfurt and, in 1884, immigrated to the country of his birth as a young man. Freund eventually became a distinguished professor and one of the founders of the University of Chicago Law School. He also became one of the first and most prominent scholars of U.S. and European administrative law. Among many other subjects, his scholarship covered a novel legal practice of his time—municipal zoning. The practice was ostensibly invented by the Germans in the 1870s and had been spreading with great vigor throughout the United States in the early 1900s, when Freund did much of his writing. Like Alexis de Tocqueville nearly a century earlier, Freund was able to offer unique insights on U.S. society because he retained the capacity to scrutinize it with a fresh, outsider's eye. In 1926, Freund made the following observation on the contrasts between American and European cities and their land-use laws:

The whole zoning problem in this country is affected by two factors which I should like myself to learn more about than I know. They are in a sense peculiarly American. [There is an] . . . extraordinary sensitiveness of property to its surroundings. I know something about foreign cities. As a boy, I lived in two German cities, and I have travelled somewhat in Europe. Conditions there are very different. People do not mind a little store around the corner a bit. When you go to Vienna, you find that the

palace of one of the great aristocratic families has a big glass works display room on the lower floor. The family has a glass business in its Bohemian estates, and thinks nothing of advertising the fact in its residence. We wouldn't have that in this country because it is not comfortable to our ideas. One of the millionaires in Frankfurt built his house right across the way from an amusement establishment where there were concerts given twice a day. We [Americans] wouldn't do that. (Freund 1926, 78–79)

For all his accomplishments, Freund was no Tocqueville. He proposed no broad theory on why the differences exist. But he alluded, if vaguely, to some deeply rooted features of the American “national temperament” and its impact on America's laws and America's cities.

In this book I explore some ways in which America's cities² and landscapes are, as Freund suspected, shaped by land-use laws and policies grounded in America's “national temperament,” whatever this elusive term may mean. Are these laws and policies indeed peculiarly American? Are American cities and city environs exceptional, partially because of these laws and policies? Is there a “distinctive geographical character” to American urbanism (Conzen 1996)? If so, does the peculiarity, the “American-ness” of U.S. built forms and the laws that guide them persist nearly a century after Freund wrote? There can hardly be clear answers to these complex questions. Still, travelers and scholars seem to agree that compared to cities in most other parts of the industrialized world, such as those in Europe, U.S. urban and suburban landscapes tend to have some specific geographic features (see Coppa 1976). These features include lower densities and greater distances; neat, geometric layouts; an abundance of green space, especially green space organized in private yards; a clearer separation between living and working spaces; a greater overall uniformity and orderliness; a greater level of social segregation reflected in space; a greater share of individual, single-family detached housing, and so forth (Conzen 1996). In contrast, cities and regions in other parts of today's industrialized world are messier, denser, and more mixed in terms of people meeting each other and activities occurring simultaneously in smaller spaces (Beatley 2000; Musterd 2005; Pichler-Milanovic 2007). Assuming there is empirical evidence to prove that these differences exist, what explains them? What laws and policies affect them? Like Freund, with whom I share the immigrant, European-turned-American life story, “I should like myself to learn more about [this] than I know” (1926: 79).

One important mechanism through which human environments are shaped is the public control of private activities, including building and land use. In the United States, the most common means and the best-known form of land-use control is municipal zoning—the subject of Freund's interest—although a number of other tools (e.g., design review, development agreements, subdivision controls, parking

requirements) are also in play (Levy 2011; Cullingworth 1993; Kayden 2004; Lewyn 2005). Here is a typical definition: “Zoning entails separating the land in a particular [municipal] area into sections, or zones, with different rules governing activities on that land” (Pendall, Puentes, and Martin 2006, 2–3). Some 95 percent of American locales, including almost all cities,³ use zoning, ostensibly to serve the public interest.

Land-use control and zoning in particular are crucially important to our everyday lives (Platt 2004). Zoning defines the rules governing what and where people and institutions can and cannot build and operate in our cities, suburbs, and towns. By regulating what gets built and where, it sets the basic spatial parameters of where and thus *how* we live, work, play, socialize, and exercise our rights to citizenship. By imposing spatial constraints on social behavior, zoning “affects the basic organization of our human environment” (Haar and Kayden 1989, xi). Furthermore, like other sometimes invisible but influential human institutions, zoning serves as “a shorthand of the unstated rules governing what are widely regarded as correct social categories and relationships” (Perrin 1977, 3). In fact, zoning not only expresses our societal consensus on the “correct” relationships and categories, it also shapes it. Not only does it tell us what we can and cannot do in certain places, it also cements, both metaphorically and literally, our ideas of the *proper* categories and relationships that occur in space. It conveys to us messages of the places in the city where we can and should meet each other, the streets we can and should travel on, how many cars we can and should have, and the kinds of homes we can and should live in. It tells us about the activities we can and should perform at home and the kinds of people we can and should live near. Even where the Occupy Wall Street protesters could and could not go had a lot to do with zoning (Kayden 2011). In governing our building practices, zoning solidifies in our minds what is normal and expected, decent, and desirable. It thus imposes a moral geography on our cities. The ubiquity of zoning makes it so commonplace as to be invisible, but in this invisibility lies power—the power to shape daily practices and the power to shape ideas and ideals.

It is no wonder that public meetings about zoning changes often spark fiery emotions, controversy, and outright anger and that in many U.S. locales such changes can be enacted only after referenda. Clashes over building rules, especially around the American home, touch upon issues that are at the heart of Americans’ perceptions of democracy: citizens’ freedom, choice, and control over their own lives. The blog exchange from the Wellington neighborhood of Woodinville, Washington, is one among thousands of examples of the high-pitched passions that rezoning proposals arouse across the country in public meetings and in the blogosphere (especially when they pertain to a neighborhood’s status quo, its residential character, and the perceived threat of intrusion from other, unwelcome uses; see the textbox). Note how the debate goes straight to the core of what people think American democracy is all about and includes references to the Constitution and several presidents.

TEXTBOX 0.1 Excerpts and Blog Exchanges from the Website of Concerned Neighbors of Wellington (CNW), Dedicated to Preserving the Rural Character of the Wellington Neighborhood

The exchange followed a proposal to permit uses such as daycare centers, home occupations, higher-density housing, schools, and emergency shelters in the Wellington neighborhood of Woodinville, Washington, which is occupied primarily by single-family homes.

Excerpts from the Website's Front Page

One morning you awaken to the sound of bulldozers as a neighbor's lot is subdivided and your view changes from woods to the back of four to eight houses!

CNW wants to insure the City of Woodinville's promise of "preserving our Northwest woodland character, our open space, and our clean environment." We believe high-density housing, and the resulting increased traffic through our neighborhoods, are in direct conflict with the City's vision. The R-1 [single-family residential] district lies inside a Washington State Urban Growth Area which mandates a minimum of R-4, or four homes per acre, in total density. Numerous projects have been proposed which have an irreversible impact on our quiet rural neighborhood and our property values.

Blog Exchanges

If I wanted to live in a crowded neighborhood in Lynnwood I would have moved there!

I was informed today that the roaming homeless encampment of Tent City has applied for a permit at North Shore United Church adjacent to Leota Junior High and Wellington Elementary Schools. I'm unsure whether this should be posted here or in the Crime Reports section! The City has a moratorium preventing the creation of high impact, non-R1 [single-family residential] uses in the Wellington . . . [but] watch our council roll-over with this travesty of zoning.

Citizens lining up to address their elected officials—what the First Amendment calls "to petition the government for redress of grievances"—is as American as apple pie. Democracy in action and at its best! But it seems that some on the Woodinville City Council don't share this sentiment. . . . Just so you'll know, democracy isn't served when you snap back at or chide a

citizen for exercising the absolute Constitutional right to hold you accountable for the performance of your public duties or criticize you in a public setting. . . . President Harry Truman . . . had a few choice words to say about holding office that you should consider. He said, “If you can’t stand the heat, get out of the kitchen.” No one held a gun to your head and forced you to run for the Council. . . . He also said, “The buck stops here!” . . . Politics isn’t a municipal group hug even in a city of 10,000 and especially when you’re faced with tough issues like Brightwater and Tent City 4. . . . The next election may be a long way away, but it will come eventually. As Lincoln said, “You can’t fool all of the people all of the time.”

Source: Concerned Neighbors of Wellington n.d.

For most American citizens and city-building professionals, the American land-use planning and regulation system, especially zoning, has long held an aura of normalcy, inevitability, and even universality (Light 1999; Wickersham 2001). Most Americans have at some point of their lives dealt (often passionately, as in the Wellington example) with their local building or zoning authorities. I would be surprised if any American is unfamiliar with the basic zoning categories: residential, commercial, industrial, and so forth. As Levine (2006) points out, the model seems virtually self-evident to the point that justification is rarely demanded. But common perceptions that the U.S. land-use control system is normal and inevitable are wrong, as I argue throughout the book.

So here is my first main point: the zoning system that we have in the United States, as “normal” as it may seem to those who grew up with it, may be *particularly* American.⁴ The ways that Americans or, more accurately, U.S. municipal governments plan and regulate the form of cities, towns, and suburbs is fairly unique in the world.⁵ It is different from the models used by other countries that are commonly compared to the United States—the countries of the so-called industrialized or western world. These countries regulate the structure of their settlements with strictness and sophistication that is by no means less than what we find in the United States. But they do it differently.⁶ In fact the contrasts are so fundamental that “comparisons between the planning model in the US and other countries often provoke bewilderment because the planning system in the US seems unique, if not incomprehensible to planners from other countries. Likewise, US planners often react with incredulity to the planning system of other countries, citing the vast structural and cultural differences that exist” (Schmidt and Buehler 2007, 55).

To begin with, the differences are *procedural*. The U.S. model relies to a degree larger than elsewhere on the public regulation of the activities of the private sector through zoning and other rules. This tends to shock Europeans. In one of my favorite books, *The Political Culture of Planning: American Land Use Planning in Comparative Perspective*, the esteemed English scholar Barry Cullingworth described the American model as “resistant to description, let alone explanation” (1993, 1). One can perhaps infer from the fact that the first part of Cullingworth’s tome is titled “Zoning” that he not only fully grasped the importance of zoning as an American institution but also saw it as a key to understanding the planning contrasts between the United States and his native England. In *Town and Regional Planning*, Peter Hall, another Englishman, similarly commented on both the strangeness (as he saw it) of U.S. planning and the key role of U.S. zoning: “To many Europeans, even well-informed ones, planning in the United States is a contradiction in terms” (2002, 189). He also noted that “the real core of the American system of land-use control is not planning, but zoning” (205). The reason both Cullingworth and Hall were surprised is that while public regulation of private building activities is the core of the U.S. system, in West European countries, England included, governments often regulate less rigidly but their level of public intervention in urban development is higher because they plan and construct more (e.g., they own higher shares of city land and thus can mold it as they wish,⁷ they build and distribute housing directly,⁸ and they are less constrained by national laws in telling the private sector what and what not to do⁹). There are other, equally fundamental procedural contrasts. Most land-use planning and regulation in the United States occurs at the level of the municipality, whereas elsewhere in the western world we find stronger interventions coming from higher-tier governments (regional and national). The U.S. model relies on explicit, relatively strict and uniform rules to issue or deny planning permissions. This does not mean that U.S. governments are deprived of discretion; on the contrary, their discretionary powers have only grown over time (Kayden 2004). But they do have less discretion as compared to the governments of European countries. In England, especially, zoning—a tool that virtually guarantees the rights of private actors to build on their land as long as they follow the rules—does not even exist and the entire planning system is often referred to as “discretionary” (Booth 2003).

In addition to the procedural differences, the U.S. model is distinct *substantively* in the sense that it aims to produce a distinct type of built forms. Partially as a result of the peculiarity of the U.S. land-use planning and regulation model, U.S. built environments are unusual in the western world. The U.S. model works to create urbanized environments that are strikingly low in population density, from an international point of view. Further, it focuses on strictly separating the basic

land-use classes (residential, commercial, industrial, etc.) in ways we don't commonly find in other countries. It also gives a highly preferential treatment to a particular spatial form—the single-family home with the private yard—in ways we don't easily find elsewhere. The last point deserves further reflection. In U.S. zoning, the single-family residential district is omnipresent. I have yet to find a single U.S. zoning ordinance that does *not* include a single-family category. But here is the peculiar thing. The idea of legally designating areas exclusively for residential structures, areas where home is separated from all that is not home, appears to be an aberration in the history of the world's building regulations, even though the regulations date back thousands of years. The single-family category is not too common in the countries I surveyed even today, except in Canada. Of course, this is not to say that there are no single-family homes in other countries—there are plenty of them and in many locations, urban and suburban. But I could find no evidence in other countries that this particular form—the detached single-family home—is *routinely*, as in the United States, considered to be so incompatible with all other types of urbanization as to warrant a legally defined district all its own, a district where all other major land uses and building types are outlawed.

Thus, what is ubiquitous (and therefore assumed normal) in the United States—an omnipresent district dedicated exclusively to single-family housing—is an international rarity, historically and today. Why? Scholars have for a long time argued—sometimes with appreciation and sometimes as a critique—that isolating the single-family home from all else was the primary reason for the popularity of zoning in early twentieth-century America (Pollard 1931; Babcock 1966; Logan 1976) in ways we do not seem to find in other nations (including where zoning was first used, in Germany and England). This appears to be the case to this day, as I try to show in this book.

Perhaps the strangest thing about the U.S. land-use regulation model is that it exists. At first glance, the model contradicts what may be the most fundamental feature of the American “national temperament,” to use Freund's words one more time. We are talking about the United States here, the country where freedom from government action has always been a virtue. This is the country whose cultural and political trajectory has been shaped by the intellectual insights of the likes of Ralph Waldo Emerson in *Self-Reliance* ([1841] 2010) and Herbert Hoover in *American Individualism* (1922). This is the country where “that government is best which governs least,” as Henry Thoreau put it ([1849] 2000), and where “the chief business” of the people is business, as Calvin Coolidge put it (1925). This is the country where political individualism—the idea that success comes from the actions of autonomous individuals free from government intrusion—has perpetually been a mainstream conviction (Zelinsky 1973; Elazar 1988), an

integral part of what we often call the American Dream (Truslow [1931] 1941; Cullen 2003; Jillson 2004).¹⁰ One needs only to listen to contemporary political debates on the role of the public versus the private sector in such activities as generating wealth and providing education, health care, and services for seniors to get this impression.¹¹ International surveys further prove that when it comes to attitudes toward public and private, individual and community, people and government, Americans espouse views that differ from those of the citizens of most other western countries. Americans are generally more appreciative of individual autonomy, initiative, and competition and less supportive of collectivist, government-led solutions.¹²

Here is a paradox. In seeming contradiction to these core values, American zoning not only exists but thrives. Yet it is a case of restrictive government intrusion into the activities of individuals, of the private sector. For anyone who doubts this, please read any zoning code. How could such heavy government regulations be acceptable in the land of political individualism? One way of thinking about this is as follows. There are many sides to American individualism. In addition to political individualism (the autonomy of individuals from political authority), there is also economic individualism. I refer here to the idea that each individual should be free to pursue advancement through the accumulation of private property and material wealth.¹³ This has been another cornerstone of American culture and politics, of the American idea of democracy, of the American Dream, if you will (see Cullen 2003; Jillson 2004). As Tocqueville put it, “I know of no other country where the love of money has such a grip on men’s hearts” ([1838] 1966, 47).¹⁴ And then there is spatial individualism. By this I mean Americans’ fascination with generous spaces to be conquered and subjugated to human will (Zelinsky 1973; Conzen 1996), whether on the homestead of the yeoman farmer or in the suburban family compound. This fascination with space can be traced to the writings of many of America’s founding fathers (e.g., Benjamin Franklin and Thomas Jefferson) and many of America’s most iconic intellectuals (e.g., Henry Thoreau and Frank Lloyd Wright). The twentieth-century version of this ideal—the middle-class suburban home with the lush green yard—may well be the most commonly held image, the perceived lynchpin and crown jewel of the American Dream (Dolce 1976; Shlay 1986; Kostof 1987; Kelly 1993; Archer 2005; Beauregard 2006; Samuelson 2010; Forman 2011; Lowenthal and Curzan 2011).¹⁵

The different sides of individualism are related. In all cases, we are talking about carving out and preserving autonomous, individual spaces, whether political, economic, or material. But they sometimes conflict. During the late nineteenth and early twentieth centuries—times of phenomenal urban growth and limited government regulation in the United States—this conflict was, in some sense, exactly what was going on. The tradition of political individualism was

undermining the traditions of economic and spatial individualism. The value of many people's major assets—their land and buildings—was being severely depreciated as the surroundings of properties were perpetually “invaded” by uses and structures perceived as less desirable. (Of course, there was a strong class- and race-based element in this story: some people held far more assets than others and the “undesirables” who were threatening them were, generally, the poor and minorities.) Comfortable living in cities was becoming increasingly harder for the well-to-do, whose mansions were under constant siege by the booming industries and the “undesirables” these industries brought in (the class- and race-based element in this story is again obvious). Without limits on political individualism (e.g., without increased government regulation), economic and spatial individualisms were in danger. But how did increased government regulation of private land and property ever become acceptable to a nation that ostensibly cherished the opposite?

One answer is suggested by economists.¹⁶ The argument goes as follows: real-estate markets in late nineteenth- and early twentieth-century America were experiencing a range of failures due to negative externalities (see Wheaton 1989). Public regulations such as zoning emerged to control these externalities and improve the operation of the markets. Since individuals could not effectively ensure the stability of their property values, they turned to a certain legal instrument—municipal zoning—that performs a function similar to that of personal property rights but at the collective level (Nelson 1977).¹⁷ A noteworthy contemporary addition to this line of thinking is provided by William Fischel (2001b). Like Freund, who wished to make sense of the “extraordinary sensitiveness of [U.S.] property to its surroundings,” Fischel seeks to explain the proclivity of U.S. zoning to mandate strictly controlled residential-only environments. His well-known and superbly articulated “homevoter hypothesis” points to homeownership as a key variable that accounts for the popularity of U.S. zoning.¹⁸ The argument is that since homes are the greatest financial asset of the American middle class, their owners—the largest voting bloc in the United States—exercise rational choice by supporting local policies such as zoning that protect their homes' financial values. These financial values are threatened by decline following changes in the homes' environs.¹⁹ (Such changes may include the entry of denser housing, retail establishments, offices, and industries, which may lead to noise, traffic, pollution, and other negative consequences.) In the absence of homeowners' insurance against neighborhood change, homeowners embrace the next best thing: zoning, which freezes the environs of the homes, excluding everything except other homes of a similar type. Fischel's conclusion is that: “Local politics [including mass political support for zoning] is thus driven by real-estate economics” (2001b, 19).

To give the homevoter hypothesis its due, we should clarify that in addition to homeownership, it takes into account the importance of local government structure. It is well known that U.S. metropolises are highly fragmented: most are comprised by hundreds of independent suburban locales surrounding a central city.²⁰ Metropolitan Pittsburgh, for example, consists of some 400 locales. U.S. local governments rely heavily on local property taxes. It could be inferred that American homeowners wield significant political power in their small communities because hundreds of locales are competing to attract the “good” tax-paying homeowners.²¹ If local governments do not serve their residents well by providing the desired policies, the residents “shop” among competing locales.²² Protecting property values through restrictive zoning may be regarded as one of these desirable policies. If we are to ground our explanation of the differences between American and European urban land-use laws in government structure alone, we would need to prove that U.S. governments are more politically and fiscally decentralized than their European counterparts.²³ The latter statement appears to be a point of consensus among scholars if we compare the United States to countries such as England and Germany (Cullingworth 1993; Newman and Thornley 1996). But by some measures today’s French government system, for example, is also quite fragmented,²⁴ as are the systems of East European countries such as the Czech Republic (United Cities and Local Governments 2008). Yet despite evidence of some urban sprawl and exclusionary practices in these countries (see Le Goix and Callen 2010; Stanilov and Sykora 2012), we do not find in their metropolises densities as low as those in the United States, a comparable dominance of detached homes, or zoning laws that so decisively favor monofunctional patterns and single-family housing. If government structure is not the answer, could the U.S.-European contrast be attributable only to real-estate economics and property values?

Certainly there is plenty of historic and contemporary evidence that protecting private property values was an important factor in making zoning acceptable to the American public. In fact, I will provide much historic evidence of the key role of property in early zoning debates in chapter 6. (My argument in this chapter is that constraining political individualism through zoning became acceptable in the early 1900s partially because the new legal tool was justified as a means of achieving greater economic individualism: i.e., as means of increasing private property values.) But the economic explanation is not enough. If real-estate economics was and continues to be the key factor, if residential property values inevitably decline in surroundings where multiple land uses and housing types are allowed,²⁵ shouldn’t people in the other capitalist democracies be equally fearful about their home’s environs and their home’s values? In principle, it should not make much difference whether a privately owned dwelling is located in a single-family

structure (as is more common in the United States) or in a multifamily structure (as is more common in Europe). As long as the dwelling constitutes a person's major financial asset, it could be assumed that he or she would strive to protect it. Thus, the question remains: Shouldn't other countries with high homeownership rates (and there are many, as chapter 2 shows) embrace similarly restrictive laws guarding the environs of their residential properties—properties that also must comprise major financial assets of their respective national middle classes? Yet they don't—and apparently they didn't in the past, either. Freund's Frankfort millionaire must have felt confident that his mansion's worth would not decrease if it were next to an amusement park. His Viennese aristocratic family must not have feared imminent financial ruin from the combination of its place of dwelling with its place of business. Why? Freund's answer was simple: the Europeans had different spatial preferences; they were more accustomed to urban density and mixture. Yet density and mixture were “not comfortable with our [American] ideas” at the time when zoning was spreading across in the United States.

If you live in a big apartment [as in European cities] . . . you don't care who your neighbors are. The sensitiveness is only restricted to the private house [assuming] your neighbors are close by. If you go into bigger buildings, just as in Europe, that disappears. . . .

In Frankfurt, property was very much mixed, but it didn't interfere with the building of very handsome houses next to apartment houses. People simply didn't think about it; it didn't make much difference. People were not sensitive. (Freund 1926, 79–80)

My simple proposal is that, much as Freund suspected, certain ideals (or “sensitivities” in his terms) that were widely shared among the founders of U.S. zoning—ideals as to what constitutes proper, desirable living space²⁶—bolstered and, as a matter of fact, continue to bolster the popularity of the traditional U.S. zoning system, which so strictly guards the privacy of single-family homes from all else. These were (and are) essentially pastoral ideals that value generous private family domains immune from the chaos and intensity of dense collective living (Lees 1994). Of course, not everyone in the United States wishes (or can afford) to live in a low-density environment of spacious detached homes. Yet many do, as surveys of housing preferences continue to show. And this is, I think, partially why U.S. real-estate markets operate the way they do. Yes, the values of residential properties may often decline when their environs are less controlled, but they decline to a large extent because people do not like living in mixed, uncontrolled environs. The property markets do not work under some universal real-estate laws (an implicit assumption of many economists); they are deeply embedded in culture (see also Light 1999).²⁷

My second main point, then, is that U.S. zoning is at its base a cultural institution: it was built to reflect the values of its founders, values that have been and, arguably, continue to be in alliance with popular American ideals of good government and good urbanism. This cultural claim may seem self-evident. Of course zoning is a cultural institution; aren't they all? The idea that institutions have cultural underpinnings goes back at least to Plato, who noted in *The Republic* (360 BCE) that "governments vary as the dispositions of men vary," and it has been brilliantly defended by a long line of scholars from Max Weber (1930) to Robert Putnam (1993). But there is also a long line of scholars throughout modern history, both Marxist and not, who have sought to minimize cultural values as an explanatory variable; in our case, by singling out the role of either real-estate economics or government structure. Surely both economics and institutions play a major part, but both are framed by the set of historically conditioned decisions on how to make zoning—initially, a European tool—fit American social and cultural realities of the 1900s. The question is whether these early decisions are nearly as socially or culturally appropriate today as they were decades ago. Or is an early-twentieth-century invention trapping us, by the force of habit, into practices whose questionable impacts we understand today much better than we did in the past?

A similar culture-based argument can also be advanced about the underpinnings of many—possibly all—U.S. policies that have a spatial effect. And many of them (not just zoning) work toward creating low-density built forms dominated by private spaces. These include policies in the realms of transportation, housing, and taxation, which are carried out at state and federal levels. As I discuss in chapter 1, such policies favor certain housing types and tenure (e.g., the ownership of single-family homes rather than the renting of apartments), certain transport modes (cars rather than mass transit), certain consumer behaviors (e.g., the purchase of bulky and energy-consuming items such as large houses and large cars over smaller, more ecologically friendly ones), and so forth (Nivola 1999). These policies can all be interpreted through economic or institutional lenses. But if we miss the cultural part of the story, we would be missing a lot.

Throughout this book, my main method is the comparison. I highlight the contrasts that exist between the U.S. land-use control model and those of select other countries. I also show that certain elements of U.S. land-use control may well be unprecedented; they constitute a break with land-use practices globally and in history. My goal is not to prove that "others do it better" (certain policies may work better in other nations only because they are a better cultural or institutional fit) or to "learn" from other nations directly. As Charles Haar (1984: 204) put it, the main value of foreign explorations lies not so much in the discovery of directly transferable tools (that rarely happens) but in "the stimulus of insightful reflection of culture and experiences."

A few words on what the book is not. This is not a comprehensive textbook on U.S. land-use planning of the type provided by Godschalk et al. (2006). I focus only on a few key points that distinguish the U.S. land-use regulation model from others and try to show how and why the contrasts emerged. I use historical evidence, but this is not a classic history book. If I were to write a comprehensive history of zoning that explains how it became culturally acceptable in the early twentieth century, I would have to pay much closer attention to various legitimate motivations behind it: for example, concerns about public health and safety. (For an excellent and much more comprehensive account of the emergence of zoning, the reader should review Toll's [1969] classic, *Zoned American*.) Further, I would also have to pay greater attention to the most sinister intent behind zoning: sheer racism (Silver 1997 and Fischler 1998a, b have done brilliant work in this area). While I integrate these factors into the narrative (it would be impossible to do otherwise), I focus on how and why American land-use control is exceptional in guarding residential exclusivity, and I do not think that any single factor—health, safety, racism, or economics—can explain it all. If this were a history book, it would be strangely lopsided and organized. I search for the origins of urban land-use control far back in world history and discuss the emergence of zoning in the United States, but I do not review post–World War II U.S. zoning history in detail (Richard Babcock [1966] and John Delafons [1969] are the classic sources on the time period). My focus is on what I call the formative years of zoning: between about 1905, when the first comprehensive zoning proposals emerged, and about 1935, when most American cities and suburbs were fully zoned. It is during these years that zoning's key constructs, including the basic land-use categories, were formed. I do away with chronology: I first explain how the system works today and then return to history. My logic is this: let us first pose an empirical puzzle—that the U.S. model of land-use control is distinct from the models used in other nations—and then let us reflect on how this potentially unique system emerged. And since my goal is to show how the basic U.S. distinctions developed as they did during the first half of the twentieth century, it is this historic period that I analyze in depth.

The book updates and extends existing knowledge on land-use regulation from an international, comparative perspective. I am building on the solid foundation provided by Delafons (1969), Haar (1984) and Cullingworth (1993). I hope that the book will enrich the reflective insights of Babcock (1966), Nelson (1977), Haar and Kayden (1989), and, more recently, Platt (2004), Levine (2006), Wolf (2008), and Talen (2012a) on American land-use regulation. Still, I believe that there are several points that distinguish this book from others and that may make it a valuable read not only for urban planning scholars but also for scholars in urban history, geography, sociology, anthropology, and comparative law. These points include an expanded comparative scope (thus far, England and

Germany have been the “usual suspects” for comparison with the United States); an extended historical timeline (land-use control is a very old idea, although its histories are often written starting with the industrial age); a stronger empirical basis for the claim that the U.S. urban land-use regulation model (and, more broadly, the U.S. model of urbanism) is distinct, especially in terms of the residential settings it creates; and a focus on explaining some of the peculiar aspects of the U.S. model through historical investigation.

Chapters 1, 2 and 3, which discuss contemporary land-use controls, are based primarily on a review of U.S. and foreign laws (including select municipal ordinances), most of which are available online, as well as a review of the literature and available secondary data. Sources for the historical chapters (4, 5 and 6) include literature and available documents pertaining to the history of urban land-use regulation worldwide, plus primary U.S. (and, to a lesser extent, foreign) sources from the early 1900s, such as key early planning reports and zoning ordinances; planning tractates and textbooks widely used at the time (especially those written by such prominent land-use lawyers as Edward Bassett, Ernst Freund, and Frank Backus Williams); court cases, media reports, and scholarly articles; and the full set of transcripts from the National Conferences on City Planning over a 25-year period from 1909 (when the first conference took place) to 1934 (when zoning was an established institution nationally).

I have structured my argument as follows. In chapter 1, I build a case for the distinct nature of American urbanism, specifically for its exceptionally low density and the predominance of the detached single-family home with the large private yard. In chapter 2, I outline how the U.S. land-use regulation system works. In chapter 3, I compare the U.S. system of land-use control to the systems of other industrialized nations, particularly with regard to treating residential areas. My argument is that far from being exceptional as a “nation of homeowners,” the United States is exceptional in being a “nation of homezoners.” By this I mean that Americans have an unusual proclivity to impose strict legal barriers around the single-family home and protect it from interaction with all other forms of urbanization, including all other housing types as well as other nonhousing built forms. In so doing, Americans tend to severely limit the variety of behaviors and activities that can occur in the vicinity of single-family housing and the types of people who can be in that vicinity. Partially as a result of policy, the detached single-family home is more dominant in the United States than in almost all other nations, it is larger than what we find elsewhere, it is enveloped by unusually bountiful chunks of privately owned open space (by most of the world’s standards), and it is legally shielded from all else to a degree hard to find anywhere else that a study of municipal land-use laws can take us. In sum, American single-family housing areas are characterized not only by their striking spatial

generosity but also by their exceptional social and functional purity, which is legally protected by mechanisms such as zoning laws. This purity has been critiqued on social, economic, environmental, and aesthetic grounds by a long line of writers of the magnitude of Jane Jacobs (1961) and Richard Sennett (1970) for more than five decades. In response, the legal system has changed to some extent. I discuss some of its most popular recent alternatives. But, as chapter 2 shows, the empirical evidence suggests that these changes have touched the margins rather than the substance, the core of the legal system. The marginality of the reforms is best illustrated by a comparison between the prevailing U.S. model of zoning and what we see in other countries. Yes, the current U.S. zoning model seems different if we compare it to itself, say, during the 1930s, 40s or 50s, but it seems remarkably stable if we compare it to the models of other industrialized nations (e.g., in Europe).

The peculiarities of the current U.S. zoning system, with its focus on strict order, land-use segregation, and exclusive private spaces limited to particular family types and particular physical configurations, can be gauged in another way: by placing it in a historic context. Chapters 4, 5, and 6 review the historical evidence. Here is the story in short. Today, as I noted earlier, most of us in the United States consider it normal, routine, and virtually inevitable to split urban space into various functional categories, of which single-family residential is especially prominent. However, the notion was actually invented at a particular historic moment. Although some seeds of the idea can be found in Greek and Roman times, in the history of the Western world, at least, this moment does not arrive until the full effects of the industrial revolution hit cities during the late nineteenth century and the Enlightenment-born spirit of high modernity brought about a previously unknown impulse to control space by intricate division and classification. But the negative effects of the industrial revolution and the rising modern *Zeitgeist* did not lead to identical land-use-separation systems in all industrializing societies: the U.S. system became the strictest. In chapter 4, I look for the roots of land-use separation through regulation in the very long history of urban building laws around the world. In chapter 5, I study the emergence of a potentially distinct land-use regulation model in the United States against the background of the models developing in Western Europe (mostly Germany and England) during the nineteenth century. In chapter 6, I analyze historical materials from the formative years of zoning in the United States (1905–1935). I address the question of how zoning—a government instrument with such restrictive powers—could ever become culturally acceptable in a country where political individualism was a mainstream philosophy. My answer has three parts. I highlight the extent to which the new regulation system was presented as a tool that constrains government bureaucrats just as it restricts private parties (this helped make the system

acceptable in a nation dominated by political individualism). I underscore how the system was justified as a means of defending private property values (i.e., as a means of advancing economic individualism). Finally, I emphasize the invention of the legal tool that implements Americans' spatial individualism in built form: the exclusive single-family zoning district.

In the concluding chapter, I summarize the promises and paradoxes of the American model of land-use control. And I argue that Ernst Freund may have been right: there is something peculiarly American about our land-use practices, something perhaps as quintessentially American as baseball and apple pie.