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Home, Sweet Home: American Residential Zoning in Comparative Perspective

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Abstract

This paper explores the emergence of zoning in early twentieth-century America against the background of zoning in two European countries: Germany and England. The common interpretation is that zoning was first used in these countries and then imported to America. But this interpretation neglects the extent to which American zoning began to deviate from European traditions early on. Based on primary and secondary archival sources, this paper tells a story about two aspects of zoning that set U.S. practice apart from that in Europe. The first is the purely residential district and the second is the purely single-family residential district. The European–American comparison helps highlight the distinct nature of U.S. land-use regulation.

Keywords

zoning, exclusionary zoning, single-family zoning, home and work, planning history

It has long been a cliché to call America a "nation of homeowners." This statement is true in the sense that most American households—some 66 percent of them—own their homes. But the phrase also implies something else: that homeownership is the embodiment, the "lynchpin," the "crown jewel" of the "American dream," as politicians and journalists continue to tell us (e.g., Lowenthal and Curzan 2011; Forman 2011). It implies that in its unique dedication to homeownership, America stands out among other nations. This notion, however, is demonstrably false. Although homeownership rates were significantly higher in the United States than in other parts of the "Western world" some hundred years ago,[1] this is no longer the case. In fact, when it comes to homeownership, today's America is a middle-range country, ranked seventeenth out of twenty-six "economically advanced countries" (Pollock 2010).[2]

But compared to other industrialized nations, at least those in Europe, America's housing patterns may be distinct in another way. Americans are not simply homeowners; they are *single-family* home owners. About 69 percent of U.S. housing comprises single-family dwellings. In *detached* single-family homes–homes with private yards–America resolutely beats almost all European nations[3] and Europe as a whole. About 63 percent of American housing is detached single-family homes (U.S. Census Bureau 2011a). The comparable average number for the EU 27 is 34 percent; for the 17 countries comprising the Eurozone, it is only 30 (European Commission, n.d.-a). In the United Kingdom, the percentage of households residing in single-family homes is massive (85 percent), but it dwindles when we separate the detached from the attached homes (less than 25 percent in detached homes and more than 60 percent in attached homes, i.e., row housing). In Germany, a minority (45 percent) live in single-family homes and a smaller minority (29 percent) in detached ones (European Commission, n.d.-a). One can dig into the European numbers a bit deeper and detect a story very different from the U.S. one. Notwithstanding recent trends toward urban de-centralization, detached single-family housing is, on the other side of the North Atlantic, often associated with small towns and villages, with a rural way of life. In contrast, large cities are dominated by multifamily buildings. Seventy-eight percent of the population of Amsterdam lives in such buildings, 82 in Berlin, 94 in Paris, 96 in Rome, and 97 in Madrid[4] (Urban Audit, n.d.). Compare this to American cities. Only New York comes close with 80 percent of its housing stock as multifamily housing (the figure drops, though, to 62 for New York's metropolis as a whole). In Chicago, the numbers are 65 percent (city) and 37 (metropolis), in Seattle 46 (city) and 29 (metropolis), in New Orleans 21 (city/Parish) and 31 (metropolis), and in Philadelphia only 25

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(city) and 20 (metropolis) (U.S. Census Bureau 2011b). Not surprisingly, densities in U.S. metropolises are, likely, the lowest in the world.[5]

It is fair to say then, that there is something quintessentially American about the detached single-family home, as many scholars have already noted (e.g., Kostof 1987; Kelly 1993; Archer 2005). In 1681, William Penn dreamed of Philadelphia as a town for "country gentlemen," a town in which every house would be placed far apart from its neighbors, "in the middle of its plat, as to the breadthway of it, so that there may be ground on each side for gardens or orchards, or fields" (cited by Skaler and Keels 2008, 44). This dream seems to have been realized throughout the country (even though the gardens, orchards, and fields that Penn envisioned eventually became private yards used for recreational rather than productive purposes).

In this paper, I propose that America's housing patterns are not only spatially but also *legally exceptional*. Specifically, I suggest that the municipal land-use regulations that pertain to single-family housing areas are distinct from regulations in other "Western" countries, at least those in Europe, where municipal land-use-based zoning originated during the nineteenth century. These regulations support the special status of America's landmark housing form—the detached single-family home. I use the verb "suggest" intentionally: the claim I make requires a study of all European countries, which I cannot offer. However, empirical accounts of how the Europeans practice urban land-use regulation have accumulated for some time. We know definitively that the land-use control system in Europe's largest countries, England, France, and Germany, is quite different from that of the United States today. The differences span a variety of issues, including the different role of the public sector in the production and regulation of urban forms and the different treatment of private property rights. The distinction most pertinent to this paper, however, is that the English, French and Germans do not afford the exceptional legal protection of the surroundings of the single-family home that is characteristic of traditional American zoning ordinances. Specifically, the Europeans do not separate residential and nonresidential uses as rigidly as a "typical" U.S. zoning code, nor do they separate single- from multifamily housing as strictly (Delafons 1969; Cullingworth 1993; Lefcoe 1979; Liebmann 1996; Hall 2007; Hirt 2007a, 2007b). A recent study (Hirt 2012) compared land-use control in five European nations: England, France, Germany, Sweden, and Russia, each of which is the largest member of one of the five European planning schools according to the typology used by Newman and Thornley (1996). The study confirmed at a broader European scale that land-use separation by zoning is stronger in the United States.

Segregation and exclusionary single-family zoning have been assailed by U.S. scholars and practitioners on social, economic, and ecological grounds at least since the 1960s (e.g., Jacobs 1961; Sennett 1970; Davidoff and Davidoff 1971). This critique is so well known that it needs no further repetition. As a result of this critique, planners and lawyers have rethought many of the assumptions behind traditional zoning. To an extent, ordinances around the country have been revised as part of the rising wave of Smart Growth and New Urbanism (e.g., Ohm and Sitkowski 2003; Pendall, Puentes, and Martin 2006). Still, systematic empirical data on the extent to which legally mandated land-use and housing segregation has been overcome is limited. Recent studies of some of America's largest cities found that large tracts of developable urban land, some 30 to 60 percent, are still zoned in ways that permit only residential uses and that single- and multifamily homes continue to be separated by zoning (Hirt 2007a, 2013). This finding supports the claims of scholars such as Levine (2006) and Hall (2007) that zoning reforms have been timid.

It is commonly stated that U.S. zoning was imported from Europe, specifically from Germany, in the early 1900s (Lefcoe 1979; Power 1989; Liebmann 1996).[6] Early twentieth-century zoning ordinances in Germany and America were similar. Yet, as I will show, differences emerged early on, including differences in the very names and definitions of the zoning categories. The English carried on the zoning tradition only until the late 1940s—when traditional zoning was at its height in the United States. After World War II, they abandoned the zoning system altogether.[7]

I discuss two important tools that are likely "made in America." Europe lacked them in the early twentieth century (and still does). These are the strict separation of home and business through zoning and the creation of a residential district that permits *only* detached homes. Both of these granted an exceptional status to detached, single-family housing. Even after all the new tools that U.S. planners have invented over the last fifty years—planned unit development, performance, incentive, inclusionary, form-based zoning, etc.—these hundred-year-old zoning constructs are still very much with us today.

I have attempted to reconstruct aspects of early twentieth-century U.S. history from primary and secondary sources: books, master plans, zoning ordinances, speech transcripts, and publications in professional journals and the media. I greatly benefited from the works of three prominent American lawyers and zoning "fathers": Edward Bassett,[8] Ernst Freund,[9] and Frank Backus Williams.[10] My primary goal is to set the historic record straight: U.S. zoning deviated from its European predecessors early on. My data are admittedly fragmented and limited by the types of archival documents I could find at the libraries of two large U.S. universities. Because primary sources on the foreign countries are especially scarce, I cannot offer a full-fledged comparison between the United States, Germany, and England. Rather, my aspiration is to contextualize the U.S. experience (for which my data are much richer) within that of the other two nations.[11] My hope is that this approach will underscore aspects of the American zoning tradition that may have

become habitual yet are exceptional if we use the experiences of other countries as a reference point.

I first review the origins of zoning. Next, I establish the historical record showing that American zoning began to deviate early on from German and English zoning in treating land-use separation and residential separation. Finally, I review some justifications for land-use and housing separation, as early American zoning advocates articulated them, and propose some hypotheses of why the United States developed the zoning categories that it did.

Roots of Zoning

As textbooks tell us, zoning is a municipal law that divides the area under a particular local government's jurisdiction into sub-areas or districts in which it "limits the uses to which land can be put" (Levy 2011, 72–73). Typically, it regulates three aspects of built form: function, shape, and bulk (Kayden 2004). Zoning has many sources, whose lineage I will attempt to briefly sum up below.

The first source comprises of historic building, nuisance, and housing laws (Nelson 1977). This is especially true if we distance ourselves from zoning's recent, twentieth-century focus on regulating functions (typically classified as residential, commercial, industrial, etc.) and take it, more broadly, as a public act that regulates private building activities. In this case, we can say that zoning's roots can be traced all the way back to the nearly four-thousand-year-old Code of Hammurabi.[12]

In medieval England, urban building codes date back to the twelfth century, when London's first Mayor, Henry Fitzailwin, issued the *Assize of Buildings* (Manco 2009; Green 2011). The early urban codes were primarily concerned with fire safety and thus focused on the regulation of construction materials and, to a lesser extent, the relationship of buildings to their neighbors and the street. German cities such as Munich had fairly sophisticated codes of this type in the fourteenth century. By the seventeenth century, these codes had become a common feature in Europe's major cities (Hall 2009; Talen 2012). About that time, the Laws of the Indies began to regulate some aspects of settlement form in colonial America (Talen 2009). Restrictions on the size and, particularly, the height of structures entered building codes sometime in the 1700s: for example, in Paris. Some hundred years later, height regulation became practice in American cities such as New York (1887), Washington (1899), Baltimore (1904), and Los Angeles (1904) (Garvin 1996, 356–94; Barnett 2011). Nuisance laws developed in parallel to building laws over a thousand-year-long period. In twelfth-century London, neighbors could bring nuisance claims against each other under the *Assize of Buildings.* In North America, nuisance laws regulating the noxious trades and sometimes banning them from cities date back to colonial times. Along with the building laws, they served as the major means of land-use control until the emergence of zoning in the early twentieth century (Talen 2012). New Amsterdam (later New York) had building rules as far back as 1625 (Delafons 1969). Boston enacted legislation on fire safety and building materials in 1672, followed by restrictions on the location of slaughterhouses, stills, and tallow manufacturers twenty years later. These were Boston's primary land-use control tools until the city's first zoning code in 1924. By the end of the nineteenth century, all major American cities had building and nuisance laws of this type (Garvin 1996). Cities also developed housing tenement laws, like New York's pioneering one from 1867. Legal efforts to limit nuisances existed not only at the municipal level but also at the state and, in Europe, the national level. In 1692, Massachusetts stipulated that slaughterhouses be built only in certain parts of town. In 1703, New York decreed that industries such as liquor and limestone-making must stay at least half a mile away from city halls (Talen 2012). In the British Isles, Public Health Acts provided relatively strong means of controlling urban form by extending the powers of local authorities to enforce building by-laws.[13] French and German building and nuisance laws became highly codified in the eighteenth and nineteenth century.[14] In 1810, a Napoleonic decree created protected districts in French cities, where the location of injurious uses was banned (Reynard 2002; Morag-Levine 2011). The Prussian and the German Imperial Code followed suit soon thereafter: noxious industries had to obtain licenses from the public authorities, which were subject to conditions related to performance. If they failed to meet these standards, the industries were banned from the protected districts of cities (Williams 1914a, 1922; Logan 1976; Hirt 2007a).

These laws, however, did not create specific rules for specific districts of specific cities. They applied citywide and sometimes (in Europe) to cities generally, state- or nationwide. The division of a specific city's territory into zones with separate rules for each emerged only in the nineteenth century. The Germans—pioneers in the "scientific administration" of cities—were the first to employ this technique (Mullen 1976; Lefcoe 1979; Power 1989; Ladd 1990; Liebmann 1996). For this invention, they were profusely praised in America.[15] Edward Bassett (1922b) and Frank Backus Williams (1914a, 1914b, 1922) claimed that the word "zone" is of French origin and linked it to the medieval practice of taking down the defense walls around French cities and replacing them with "belts" or "zones"—parks, boulevards, etc. Bassett and Williams deeply admired German cities for their long-standing efforts to protect housing by banning the location of industries in certain locations (e.g., where the prevailing winds would drive smoke towards a town's center). As Williams appreciatively noted, "almost from the beginnings of their history, German cities were governed by regulations which were the same for the entire city" (1914b, 1). Note, however, that just as Williams observed in 1914, the German regulations, including those developed during the height of the Industrial Revolution, "did not create . . . either residential or industrial districts,

much less classify or grade them" (1914b, 27). The German laws placed restrictions only on *some* industries and never excluded them from housing areas altogether. The notion that entire areas of cities should serve as purely residential enclaves and should be guarded as such by law was not yet invented.

There was another way of guarding residential exclusivity, however, although it was used only for the residences of the rich. The tool was *private* regulation: deed restrictions or restrictive covenants. The history of such private regulations spans centuries. Platt (2004), for example, discusses the regulations used during the building boom on the north and west side of London that followed the city's 1666–1667 planned reconstruction after the Great Fire. What eventually became the fashionable West End district was not subject to public rules under the Act for Rebuilding London. Instead, it was built following private agreements between the land's aristocratic owners and its developers and occupants. During the nineteenth century, the private rules became increasingly widespread in the large cities of Europe and America (e.g., London, Paris, New York, Chicago, St. Louis), as well as in their growing suburbs. They regulated all sorts of matters pertaining to the "nice" residential neighborhoods, from the mundane (e.g., how often to mow the lawn) to the functional (what the proper building types should be); from the aesthetic (what the proper architectural styles should be) to the sinister (e.g., what skin color potential buyers could have) (Atkins 1993; McKenzie 1994; Garvin 1996, 355-94; Le Goix and Callen 2010). Thus, they served their purpose well: they guarded the upper classes from the invasion of the growing multiethnic/multiracial proletarian armies. In America specifically, private covenants were so popular that some reject the notion that zoning was a "German invention"—the classic theory postulated by scholars such as Williams (1922, 210) and Ladd (1990, 187)—and claim that it was a U.S. "home product" (Fischler and Kolnik 2006), "a child of the covenants" (Wiseman 2010, 713). Yet in the early 1900s, from the viewpoint of municipal zoning advocates such as Bassett, the private rules were "far from satisfactory": they were piecemeal, had term limits, and could not "stabilize large land areas, different parts of which can properly be put to different uses" (1922b, 317).[16,17] Nuisance and building laws had the opposite problem: they banned or restricted uses citywide, yet all uses that were economically advantageous *had* to have a place somewhere in the city.[18] Enter zoning: a municipal regulatory system that promised a place for everything and everything in its place.[19]

Separating Home from Work

Doubtlessly, some separation between home and work spans the history of urban civilizations (Kolnick 2008). Well prior to the advent of scientific knowledge about health and sanitation, people sensed that certain production activities such as butchering, brick-burning, etc. should be conducted away from living quarters because they are unpleasant, unsightly, or dangerous. The advent of highly polluting manufacturing during the Industrial Revolution, however, made the separation of dwelling from other activities more pertinent than ever before. Industrial-Age cities were already experiencing market-driven land-use specialization expressed in space. Downtowns were losing residents and were increasingly dominated by high-class retail and offices (since the latter could outbid even the most affluent homeowners in the competition for valuable central space); industries and warehousing were grouping in distinct areas to take advantage of common suppliers and transport facilities; and wealthy residents were withdrawing into suburbs (Knox and McCarthy 2005, 115–37). Although workers' housing continued to mingle with industry, for the upper and middle classes the distance between place of living and place of working became greater than during any preceding historic era. As the historian P. Stearns noted: "The biggest jolt the Industrial Revolution administered to the Western family was the progressive removal of work from the home" (cited by Kotkins 2006). In this sense, the land-use laws that spread during the late nineteenth and early twentieth centuries only strengthened processes that were already well under way (Knox and McCarthy 2005).

Even so, somebody at some point must have come up with the idea that cities could, through legal means, be zoned for discrete purposes. Furthermore, the purposes had to be articulated as modern zoning categories: residential, commercial, industrial, etc. Williams believed he knew the source. While acknowledging the role that Napoleon's 1810 decree (and the subsequent German Imperial laws) played in creating protected urban residential zones, he gave special credit to Reinhard Baumeister, a professor at the University of Karlsruhe and one of Germany's "greatest theoretical planners" (Williams 1914a, 1; 1922, 210).[20] In 1876, Baumeister published a book called *Stadterweiterungen in Technischer, Baupolizeilicher und Wirthschaftlicher Beziehung* (Urban Expansion with Respect to Technology, Building Code and Economy). The book presented one of the most comprehensive analyses of urban problems and solutions at the time. Baumeister discussed myriad ideas. One of the most consequential was his observation that economic activities in the industrial city have a tendency to group together more so than during any earlier historic period. Baumeister's proposal was to reinforce this "natural" process by a municipal legal mechanism—districting or zoning. In his view, it made sense to categorize buildings in three classes and locate them in three zones:

> When we built a vision of the future . . . we want to distinguish three sections. The first consists of the large-scale industry and wholesaling . . . but also the homes of the workers and even the factory owners; the second includes all trades which require direct contact with the public, and similarly the homes which must be united with the trade premises; the third includes homes whose owners have no trade and have

different occupations (landlords, officials, merchants, factory owners, workers). (Translated from Baumeister 1876, 80; see also Incorporated Society of Architects and Engineers of Germany 1907).[21]

Williams also praised Mayor Franz Adickes, under whose leadership Frankfurt became the first city in Germany (and, in all likelihood, the world) to fully divide itself into districts, with separate rules for each, as part of a municipal master plan (Mullen 1976). The idea of dividing a city into zones with rules pertaining to function (as well as bulk and shape) spread quickly in Germany and later in Switzerland, Scandinavia, and England (Williams [1916] 1929, 81). Berlin adopted zoning in 1887, Munich in 1904, Düsseldorf and Cologne in 1912, etc. (Ladd 1990).

But the separation of uses in these German ordinances was different from what became typical in twentieth-century America (Light 1999). The pioneering Frankfurt Zoning Act of 1891 had two broad zones: inner and outer. The inner one, the old city core, already had an intricate mixture of existing uses. No land-use-based zoning was enacted for the built-out center: the land uses could continue to coexist; only a few nuisance types were explicitly prohibited. The outer part of Frankfurt was itself divided into inner, outer, and country. In outer Frankfurt, a land-use-based zonal classification system was adopted with three types of districts: residential, industrial, and mixed. But each zone permitted more than a single land-use class. The mixed districts were exactly as their name suggests. The residential districts, however, were far from purely residential. They allowed industries that complied with the industrial performance norms outlined in the Imperial Code (shall we call this performance zoning?). Code-compliant industries were not banned per se. But locating them in the residential areas was hard because they had to meet stringent bulk rules. Often, they were too big to fit (shall we call this form-based zoning?). The industrial areas, on the other hand, were more restrictive than anything else. Most types of dwellings were unwelcome: only those of the service personnel (factory watchmen, caretakers) were allowed by right (Williams 1914a; Logan 1976; Talen 2012).

Fast-forward to America, a quarter of a century later. As readers undoubtedly know, the first comprehensive zoning ordinance in America was enacted in New York in 1916[22] (e.g., see Haar and Kayden 1989; Bressi 1993; Fischler 1998b). Like Frankfurt, New York had three types of use districts (in addition to the overlapping height and bulk districts). But that was one of few similarities. Unlike the German city, no part of New York was left without land-use zoning—hence New York's claim to pioneering comprehensiveness—although, of course, existing uses could continue to operate under a nonconforming status.[23] New York's use classifications—residential, business, and unrestricted—resembled Frankfurt's mostly in name. To begin with, they were organized using a hierarchical principle: residential on top, industrial at the bottom. This meant that new residences could locate everywhere in the city, commerce could locate in the business and the unrestricted districts but not in the residential zones, and manufacturing could be located only in areas labeled as unrestricted. The contrasts with Frankfurt are perhaps obvious but nonetheless important to highlight. New York created areas *exclusively* for housing, whereas no such thing existed in Frankfurt.[24] According to Garvin (1996, 364), just under half of the post-1916 New York population resided in areas designated only for housing. True, the existing mix of uses was not immediately rooted out (again, because of the nonconforming clause), but the principle of creating pure housing zones was now on the books in ways it was not in Germany, where industry was not banned from housing areas fully, as an entire use class (Logan 1976; Liebmann 1996; Light 1999; Hirt 2007a).

The separation of housing from industry was only part of the process of erecting a more impermeable border between home and work. Not only was manufacturing banned in the residential districts, but so was business. New York's residential districts permitted houses, apartments, hotels, clubs, schools, churches, a few other cultural and institutional uses, and very small businesses that today we could classify as home occupations (doctors' offices, dressmakers, and artists' studios; City of New York [1916] 1920; also Willis 1993). Since most business was no longer allowed in housing zones, New York needed a new autonomous land-use classification—the business zone, which Frankfurt and other German cities lacked. Yes, new dwellings could be located in New York's business zones, but the opposite was banned. Williams noted this contrast repeatedly. Otherwise an admirer of German municipal governments, he was baffled by their failure to see the necessity for creating purely residential zones and therefore for creating separate business zones. From Williams's viewpoint, the business zone was regrettably unknown to the continental Europeans.

Absence of Business Districts. It should be noticed that the Frankfort ordinance does not establish districts for business, from which manufacturing is excluded, as the zoning ordinances in this country do. . . . In Berlin there is not a single block where business has driven out residences. . . . Nor could business and industry in Germany be completely excluded from any district by law. (Williams 1922, 215)

This differentiation in between industrial and residential districts in Frankfort, although far advanced, is not complete. The mixed districts, for instance, contain both residences and factories. . . . [T]he results . . . have not been altogether good. . . . A better solution would be to create separate residential and industrial streets. . . . Another instance of incomplete differentiation between residential and industrial districts occurs in German cities in the case of chief traffic streets. Here may be seen shops and minor industries and residences also; offices too are found here… In [German] cities, residences in the upper stories of buildings occupied on their lower floors by shops and offices are found not only on chief traffic streets, but wherever shops and offices are to be found. In none of the continental [European] cities is there an actual business district. (Williams 1914b, 28)

> The real trouble with the business district in Germany and all continental [European] cities is that there is none. Business is universally done in the lower stories of buildings, with residences above. This is true even in Berlin, and on Berlin's principal street, Friedrich Strasse. Only here and there, there are business buildings in which no one lives. (Williams 1914a, 5)

Purely residential and purely business streets and buildings may have been rare in central New York in 1914 as they were in Frankfurt. Certain uses were perpetually "invading" others. As Toll (1969, 74–116) eloquently describes, the consecutive "intrusion" of upper-class retail, lower-class retail, and the garment industry along Fifth Avenue was one of the important rationales behind New York's zoning resolution. But this was precisely the difference: American zoning proponents saw the mixing of home and work as a problem that had be fixed; the Germans found it less objectionable.[25] In the emerging American way, the separation of home and work was a key goal to be achieved. Zoning advocacy documents from the 1920s commonly used photographs showing that "problem areas" are those where homes were mixed with nonhomes. Monofunctionality was the "ideal" landscape that zoning could mandate. Here are a couple of examples from a report of the Chicago Zoning Commission (1922) (Figures 1 and 2):

Not surprisingly then, John Nolen, one of America's greatest early twentieth-century planners, called the separation of home from business America's "principal" contribution to the world's planning tradition (cited by Talen 2005, 154). Upon the tenth anniversary of New York's resolution, Bassett celebrated this idea as evidence of American progress in a speech titled "Stores in Residence Zones":

> Before the zoning resolution was adopted ten years ago the occasional grocer or butcher would jump his shop into some street corner in the heart of a residential district. . . . Wagon deliveries, noise, litter and increased fire risk were introduced into a quiet home district. . . . The zoning plan seeks to keep stores on business streets and residences on residence streets. . . . Stores with families above should be relegated to the dark ages of the past. The play space of small children ought not to be near fruits and vegetables for sale. . . . Sanitary streets should be all business and no families. One of the best tendencies of zoning is to make business streets business only and residence streets residences only. (1926, 2)

By the mid-1920s, the separation of homes from all else was becoming the norm. First, several state supreme courts (Massachusetts and California) ruled to exclude stores from housing zones (Department of Commerce 1926b). The verdict in *Euclid v. Ambler*, the Supreme Court case that affirmed the constitutionality of zoning (Haar and Kayden 1989; Schultz 1989; Wolf 2008), legally cemented the idea of pure residential zones:

Figure 1. To advertise zoning, the Chicago Zoning Commission (1922, 3) used photos of residences such as these, explaining that "there is a great abundance of places where zoning will protect them from the encroachment of [public] garages and business."

Figure 2. From the same document: "Zoning will guarantee this block" (Chicago Zoning Commission 1922, 10).

> Some of the grounds for this conclusion are promotion of the health and security from injury of children and others by separating dwelling houses from territory devoted to trade and industry; suppression and prevention of disorder; facilitating the extinguishment of fires, and the enforcement of street traffic regulations and other general welfare ordinances; aiding the health and safety of the community, by excluding from residential areas the confusion and danger of fire, contagion, and disorder, which in greater or less degree attach to the location of stores, shops, and factories. (*Euclid v. Ambler* 1926)

That America was embarking on a trajectory different from the European one was repeatedly noted by another

contemporary lawyer and zoning advocate, Ernst Freund. Unlike most of the other "fathers" of zoning, Freund was not only an admirer of German municipal administration, but also German by birth. As a "two-culture man" (Toll 1969), he also found the difference important and tried to intuitively make sense of it. Europeans, he thought, were somehow "naturally" more comfortable with the mixture of people and activities:

> The whole zoning problem in this country [America] is affected by two factors that I should like myself to learn more about than I know. They are in a sense peculiarly American. [There is an] . . . extraordinary sensitiveness of [residential] 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 wouldn't do that. (Freund 1926, 78)

Williams and Freund did not write nearly as extensively on zoning in England, which was introduced under the 1909 Town and Country Planning Act, as they did on Germany. But, without giving specific examples, Williams believed that the Americans, while very different from all continental Europeans, were somehow like the English in viewing a home/business mix as undesirable (1922, 215). And he was partially right. English early twentieth-century planners, much like their American colleagues, deeply admired German planning and zoning (Cherry 1994).[26] But English zoning schemes went farther than their German counterparts in including language discouraging not only the mix of homes and industry but also the mix of homes and shops. Still, it seems that the English notion of separating home from business was softer than the American one.

The English adopted zoning in the form of "planning schemes"—regulatory plans covering the undeveloped parts of town (i.e., peripheral areas). The first two English cities to adopt such schemes were Birmingham (Chrisholm 1922, 458) and Ruislip-Northwood[27] (Delafons 1997, 35). In Birmingham, the areas labeled for "dwelling houses" prohibited industry outright, but the authorities were required to justify in writing why they withheld consent for the construction of shops (City of Birmingham 1913). In Ruislip-Northwood, there were separate zones for shops and businesses, but the residential areas could include "professional buildings" and buildings for "the carrying on of handicrafts and the selling of the products thereof" if the products sold and the materials used were not displayed in the windows (National Housing and Town Planning Council 1914). In later schemes, such as Doncaster's, streets of continuous shops were declared "desirable," but while the housing areas banned industry and agriculture, they could include "roads, local playgrounds and open spaces, churches, shops and civic centers" (City of Doncaster 1922). Note that the English at the time zoned for undeveloped areas only: in other words, like in Frankfurt of 1891 but unlike in New York in 1916, the English schemes did *not* include a mandate for land-use separation in the existing, built-out city centers.

Creating the Single-Family District

Like the separation of residential from other uses, the separation of different types of housing (especially single- from multifamily) by zoning proceeded in the context of a sociospatial trend that was already well underway: residential segregation. Of course, social groups in both ancient and medieval cities tended to separate themselves, typically along ethnic and occupational lines (e.g., Vance 1990). And people were long accustomed to perceiving each other as insiders versus outsiders—those living within versus outside the city walls—a tradition that, as both Bassett and Williams believed, informed modern land-use segregation through zoning. But the process had gained speed during the Industrial Revolution, as the upper classes began fleeing to suburbs in England and America (Fishman 1987) forming homogeneous communities protected by private rules.

Still, in America of the late nineteenth and early twentieth century, it was not clear at all whether it was warranted or legal to create *public* regulations that separate housing—and therefore people—by type. What should the types be anyway? U.S. cities had been experimenting with municipal rules for residential segregation at least since the 1880s when San Francisco expelled Chinese laundries from certain areas inhabited mostly by Caucasians (And since the Chinese tended to live in the same structures where they worked, this amounted to segregating their residences from the residences of the Caucasians). Modesto, Los Angeles, and other West Coast cities followed soon thereafter (Toll 1969; Garvin 1996). But the exclusion of the Chinese laundries could be generally justified using reasons similar to those for excluding industry: health and safety.[28] Using the law to classify and separate the residential quarters of all kinds of people required another leap of imagination. It was harder to argue that residents of a certain kind create the same public health risk to residents of another kind as do industry or commerce, as Bassett (1922b) realized. At best, the "other" residents, those living in, say, tenements, could be said to pose a property value risk and some vague danger to light and air in an area dominated by high-class "private residences." This was

Figure 3. The conflict between "private residences" and "apartments" illustrated by the Philadelphia Zoning Commission (1921) with this photo and caption: "Fifteenth Street and Allegheny Avenue—apartment house built to street line, projecting 25 feet beyond other buildings, cutting off light and air and depreciating property values."

Figure 4. The desirable outcome as the Chicago Zoning Commission (1922) saw it: "A clearly defined separation between private residence and apartment."

the usual line taken in zoning advocacy documents and defended with abundant illustrations (Figures 3 and 4).

But what should residential separation be based on? Resident characteristics or residence characteristics? Part of the difficulty arose from the fact that the courts deemed unconstitutional the creation of housing zones based explicitly on race—the criterion that may have seemed most "natural" at the time. Baltimore was the first city to enact overtly racial zoning in 1910. But this approach was overturned by the U.S. Supreme Court in 1917 in *Buchanan v. Warley* (this case dealt with the racially divisive law of Louisville; Silver 1997).[29] So another way of division had to be found, perhaps following the example of the private covenants. New York's approach in 1916, however, was fairly cautious. Bassett (1922b) was concerned that creating a housing typology as part of the use rules might be illegal. His solution was to use the area rules to achieve a similar effect: the "E area" districts required detached buildings that occupy no more than 30 percent of a lot. "In New York," he explained, "it is not practical to put up any residential building on 30 per cent of the lot except a one-family private residence" (1922b, 323). He believed this to be more legitimate because area rules could more easily be shown to protect sun and air, and thus health and safety, than use rules based on a housing typology.

Elsewhere in America, however, and earlier than in New York, cities had already drawn up pioneering districting plans that used the classification of detached single-family or "private" residence explicitly. It is unlikely that the inspiration came from Germany. The German ordinances did not clearly distinguish single-, two- and multifamily housing. A row of attached homes could be built in all residential zones, if the homes complied with the pertinent bulk and density rules (Liebmann 1996; Light 1999). Frankfurt's 1891 ordinance created two types of residential districts: the first for "country dwellings" and the second for dwellings generally. There was obvious class intent behind it. The country-dwellings quarter was meant for the affluent: it was located in the more scenic peripheral parts of the city farther from the heavy industries. The second, less desirable residential zone was intended for small workers' homes. But the ordinance relied on its bulk rules to distinguish between the two without setting a firm legal border, by classifying them in different types (sort of like New York). A similar approach was adopted in Berlin, Hamburg, Stuttgart, etc. (Logan 1976), where too the mix of different housing forms remained legal (Liebmann 1996; Talen 2012). In 1907, Essen did define a zone for single houses but the authorities *could* authorize two- and multifamily houses. According to the Heights of Buildings Commission "practically everybody [in Essen] applies for permission to build double houses or groups" (1913, 97).

Williams may have been correct, again, that there was something English in this idea of "private houses" (detached single-family ones). The English zoning schemes from this time period include definitions such as the following: "dwelling houses shall mean houses designed for occupation by not more than one family, together with such outbuildings as are reasonably required to be used or enjoyed therewith" (City of Birmingham 1913, 11). Still, the English schemes did not appear to imply that detached dwellings, dwellings occupied only by one family and surrounded by private open space, had to be placed in one area, whereas buildings comprising rows of attached "dwelling houses" had to necessarily go in another. Instead, the "dwelling houses" were classified by the number of units within a building per acre (e.g., twelve, fifteen, or eighteen per acre). There were also rules such as the following: "no more than eight dwellings shall in any place be built under one continuous roof or without a break in building from the ground upwards" (City of Birmingham 1913, 14). All the way until the end of zoning in England, planning schemes still used broad residential classifications (zones for less than twenty-four vs. zones for more than twenty-four houses per acre; City of Manchester 1945). The English-American

contrast was captured succinctly by John Delafons—an esteemed British scholar who wrote in the 1960s. Marveling at several features of U.S. land-use control that differed from the English tradition, Delafons noted: "The British planner would probably say 'Let the whole place be "general residence,"' but the more exclusive zones [in U.S. ordinances] do reflect very marked preferences held by the American homeowner" (1969, 47). Hall (2007) and Hirt (2007a, 2012) much more recently showed that, like the English, today the French and the Germans rely on a "general residential" category instead of the many single- and multifamily housing classifications typical of U.S. zoning ordinances.[30]

The notion for a typology giving a privileged status to the detached single-family home seems to have emerged in America. Utica and Syracuse enacted "residence districts" in 1913. These districts allowed single- *and* two-family homes (Scott 1971, 152).[31] But Berkeley, California came up with a district *only* for detached single-family homes (Scott 1971; Fischler 1998b). Berkeley passed its first ordinance in 1916, the same year as New York. This ordinance defined eight use classes. In Class I districts, "no building or structure shall be erected, constructed or maintained which shall be used for or designed or intended to be used for any purpose other than that of a single family dwelling" (City of Berkeley 1916, 1). Using similar language, the ordinance defined the Class II district for both single- and two-family homes. Class III was for row buildings, along with single- and two-family buildings; Class IV for boarding houses, fraternities, and dormitories as well as the above-listed housing types; Class V for apartments, hotels, and restaurants and the above-listed housing types; Class VI for religious and cultural buildings (no mention of housing here); Class VII for warehousing and some light industry; and Class VIII for the remaining industries (like VI and VII, Class VIII did not permit housing; City of Berkeley 1916, 1–2). Berkeley's ordinance was highly innovative. Not only did it distinguish single-family homes from other housing types. It also applied the hierarchical principle partially (only in the housing zones). Elsewhere the districts were mutually exclusive; that is, they allowed only a single-use class such as only public or only industrial (Toll 1969, 181). Unlike New York, however, Berkeley was not immediately completely covered by zoning districts. Citizens had to petition the city for their area to be zoned. Here is an excerpt of a petition requesting that a neighborhood be labeled as a Class I district, authored by Duncan McDufee, President of the Civic Art Commission:

> The property owners of Elmwood Park and vicinity ask that their district be classified under the District Ordinances as a District of Class I . . . in which no buildings shall be erected or maintained other than single-family dwellings with the appurtenant outbuildings. The petitioners make this request on the ground that such classification will afford them a protection against the invasion of their district by flats, apartment houses and stores, with the deterioration of values that is sure to follow. (1916, 12)

Ten years later, *Euclid v. Ambler* made clear that the borders of the single-family category were impermeable. Apartments were in the outside space, along with all else.

> With particular reference to apartment houses, it is pointed out that the development of detached house sections is greatly retarded by the coming of apartment houses, which has sometimes resulted in destroying the entire section for private house purposes; that in such sections very often the apartment house is a mere parasite, constructed in order to take advantage of the open spaces and attractive surroundings created by the residential character of the district. Moreover, the coming of one apartment house is followed by others, interfering by their height and bulk with the free circulation of air and monopolizing the rays of the sun which otherwise would fall upon the smaller homes, and bringing, as their necessary accompaniments, the disturbing noises incident to increased traffic and business, and the occupation, by means of moving and parked automobiles, of larger portions of the streets, thus detracting from their safety and depriving children of the privilege of quiet and open spaces for play, enjoyed by those in more favored localities—until, finally, the residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed. Under these circumstances, apartment houses, which in a different environment would be not only entirely unobjectionable but highly desirable, come very near to being nuisances. (*Euclid v. Ambler* 1926)

By the early 1930s, zoning for "homogeneous types of dwellings" had become a standard line. Note how the position of federal bodies changed as well. In 1926 the *Standard Zoning Enabling Act* dared to propose one-family zones only in a footnote (Department of Commerce 1926a, 5). A few short years later, the Presidential Conference on Home Building and Home Ownership fully embraced the idea "That zoning separate residence districts by homogeneous types of dwellings" and that "In residential districts they [zoning codes] should provide for one-family dwelling districts, two-family dwelling districts, multiple dwelling districts" (Gries and Ford 1932, 31–32; 44). By the mid-1900s, "flat" zoning codes—those in which each district allows a single use class—had become more popular than the hierarchical ones, and single-family zones had become a nearly universal feature (Gerckens, n.d.; Elliott 2008). Yet, this was not the case in Germany (Logan 1976) and England (Delafons 1969) (Figures 5 and 6).

The American Way: Some Explicit and Implicit Justifications

If the zoning categories commonly used in America were not a ready-made import, if they have a strong original element, on what grounds were they made? The classic and explicit justifications for zoning as formulated, for example, by Bassett in regards to New York's 1916 zoning code, and articulated in his later scholarly and advocacy work (1922b), were for the

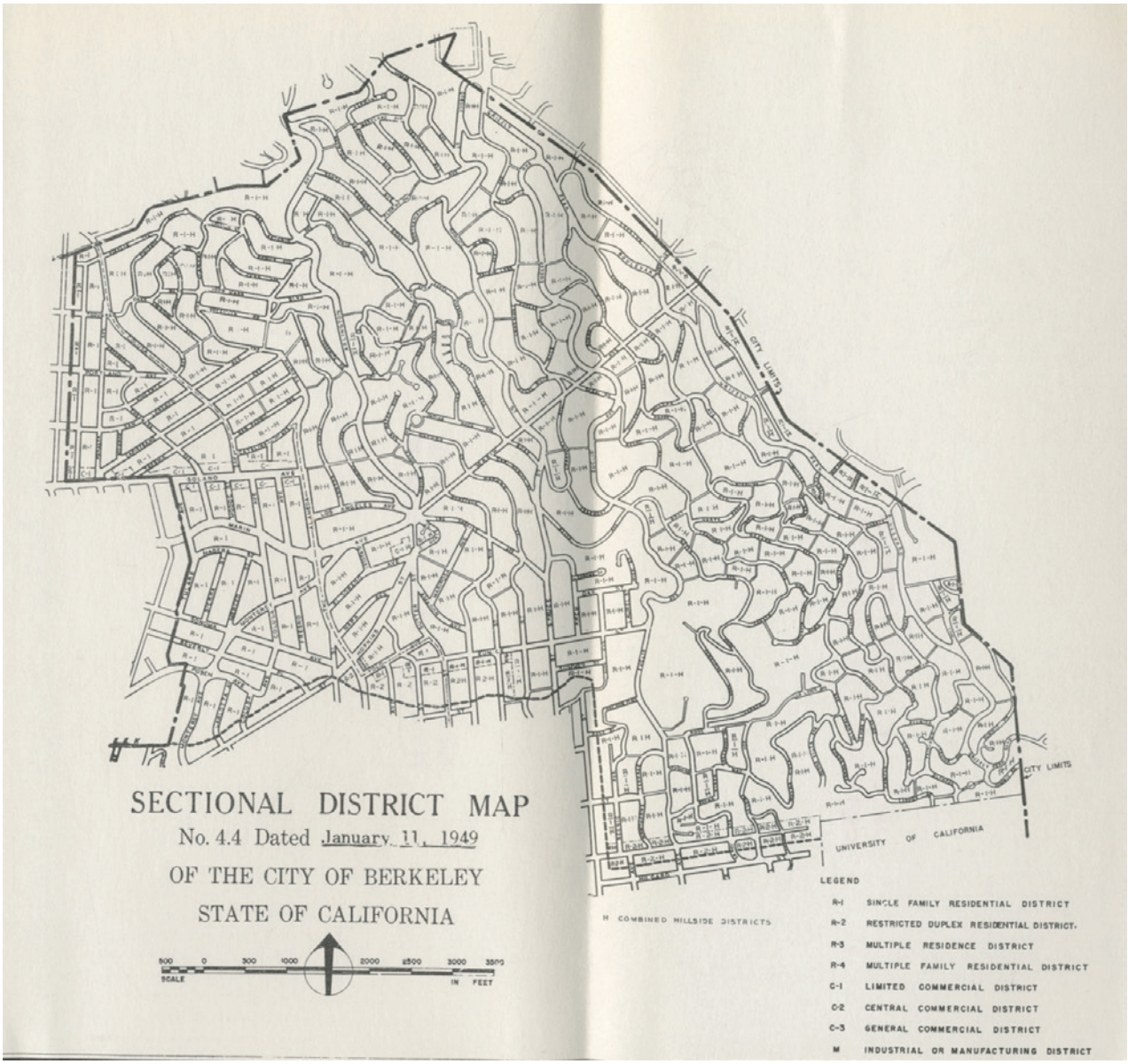

Figure 5. Part of Berkeley's 1949 zoning map, showing some of its single-family districts (City of Berkeley 1949).

preservation of public health, safety, morals, and the general welfare. Yet these concepts—and especially the last two, morals and welfare—are general enough to be open to a number of interpretations. Many of the justifications, especially those related to health and safety should be already apparent to the reader from the citations above. In short, it was strongly believed in the early twentieth century that land-use separation would reduce fire and work-related accidents, will provide citizens with healthier, free-of-pollution living conditions, would improve access to light and air, would reduce traffic jams, etc. On the next few pages, however, I will draw attention to two aspects of the category-building process that did not enter official pro-zoning propaganda to the extent that health and safety did but were very much on the minds (and thus in the writings) of zoning's architects. The first is the extent to which they believed that there is a natural social (especially racial/ethnic) hierarchy, which zoning should seek to enforce in the name of the general welfare (Fischler 1998a). And the second is the extent to which many believed that the detached single-family house is a supreme form of human habitation that is as integral to American civilization as to be declared a public priority. Both had serious implications for property interests. Because land-use and social homogeneity were desirable, it could be argued that property values would be preserved and potentially increased if zoning would reduce land-use and social mix (Mitchel 1916; Grinnalds 1920; Bassett 1922b). This is why big commercial interests such as the Fifth Avenue Association in New York (see Fischler 1998a) and New York's Chamber of Commerce came in support of the zoning idea (New York Chamber of Commerce 1917, 170–71).

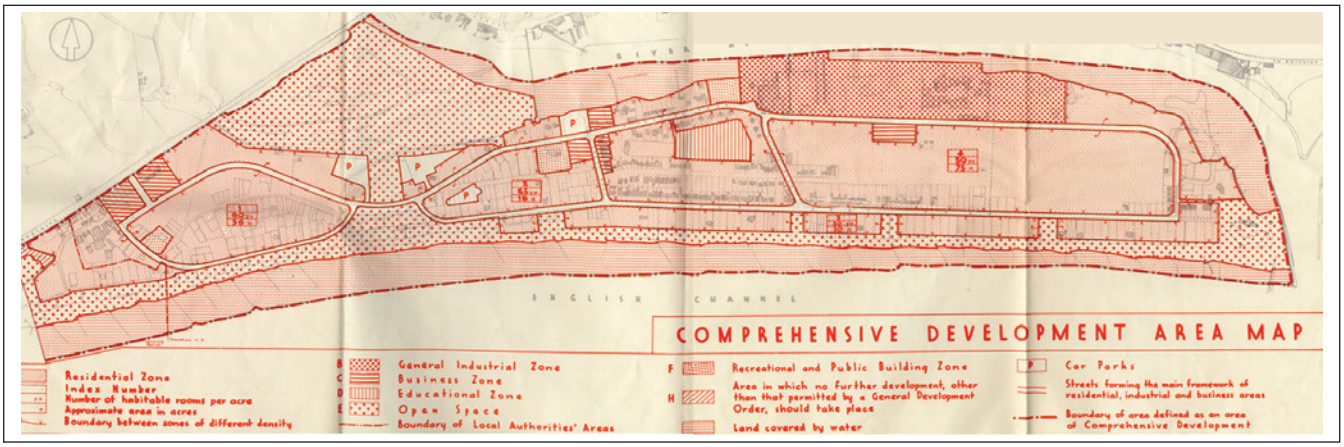

Figure 6. An example of an English scheme from the same period (West Sussex County Council 1947). Note the general residence category and the absence of a single-family one.

The reader probably needs no convincing that racial and ethnic prejudice underpinned much of the zoning process. Some of our predecessors were simply too honest about it. One Berkeley activist explained California's key role in developing the concept of zoning in the United States in the following explicitly racist terms: "We [Californians] are ahead of most states [in adopting zoning] thanks to the persistent proclivity of the 'heathen Chinese' to clean our garments in our midst" (Bither 1915, 175). After *Buchanan v. Warley*, discussions in Baltimore—the city-pioneer of racially divisive ordinances—shifted in the direction of achieving the same goals via different means. Baltimore's Assistant Civil Engineer J. Grinnalds cleverly noted in a newspaper article "the tendency of [a certain kind] of people to live in a certain kind of house." The recommended solution was a "scientific" survey of housing (as a proxy of population) using the following housing types: one-family, two-family, and multifamily. "Some sections of the city will show a preponderance of one family homes. Some will indicate that there is a considerable grouping into two family houses. Other neighborhoods will appear to be tenement or apartment districts *almost as if by segregation*" [my italics]. Then, he continued, zoning would legally cement the status quo and eliminate the danger of future crossovers between residential types (and therefore, types of people) (Grinnalds 1921, 2).

But whereas racial and class prejudice have often been used as an explanation for the zoning division of single- from multifamily homes, it is rarely highlighted how the same beliefs partially underwrote the construction of all the other land-use classes. For example, it was well recognized that opening a shop in a stately residential area would bring lower-class outsiders: if not necessarily the shoppers themselves (assuming the store was as high-end as the residences around it), then the sales people and various dubious others. Same applied for opening up a production facility, likely employing lower-class workers. This was plainly said in court cases prior to *Euclid v. Ambler*. In *Civello v. New Orleans*, the Supreme Court of Louisiana justified the legal separation of home and business primarily on the grounds of protection from outsiders:

> A place of business in a residence neighborhood furnishes an excuse for any criminal to go into the neighborhood where, otherwise, a stranger would be under the ban of suspicion. Besides, open shops invite loiterers and idlers to congregate. (1923)

The same logic of class exclusion applied to the separation of business from industry, as in the hallmark case of New York's Fifth Avenue merchants who felt that their businesses would wither if the garment industry workers were allowed to perpetually engulf "the shops, shopkeeper, and the [respectable] shopping public" (cited by Fischler 1998a, 683). It also applied to the business sub-categories that proliferated in zoning codes in the later decades. As Charles Cheney, one of the key advocates of Berkeley's ordinance put it:

> Garages, oil stations, tin shops, plumbing shops, dying and cleaning works and undertakers are not good bedfellows for high class retail stores nor do they attract the same kind of customers; also they are almost always of the lesser rent-paying class . . . [and will] seriously deter needed high class retailers from coming in. Hence two kinds of retail business zones need to be established. (Cheney 1929, 33)

These ideas were grounded in the theory that the various races and social classes "naturally" congregate in different parts of town and all would be better off if a public instrument (i.e., zoning) would legally enforce this tendency to the extent possible. This theory went beyond the original Baumeister's idea for natural groupings (since he did not explicitly advocate separating workers' housing from the housing of the wealthy) and appears to have been widely held at the time. In the words of well-known landscape architect S. R. De Boer, who brought zoning to Denver,

municipal zoning was the thoughtful extension of "natural zoning." For him, the latter was "the subconscious grouping together of business houses or of residences of a similar nature." He stated: "In residential sections it [zoning] is carried out in the desire of people in one type of house and hating to have another type enter their neighborhood. The type in this case is based mainly on wealth" and "This natural grouping of similar interests . . . runs though the life of the whole city" (1937, 12–14).

This "natural" social hierarchy was easy to translate into an imaginary hierarchy of built forms, generally, and housing types specifically. There can be little doubt that one particular type was perceived as sitting on top of the pyramid: the detached single-family home. Part of the explanation was that this type of home was seen as naturally more conducive to homeownership, whereas dwellings in multifamily structures were bound to be rentals. And the rental class was seen—even in New York where it comprised the majority of the population—as a "source of weakness" (Committee on the Regional Plan of New York and Its Environs 1931, 330). Homeownership on the other hand was perceived as bringing in many positive social effects. Bassett (1922a) dedicated a newspaper article on the topic ("Home Owners Make Good Citizens") and the idea was championed at the highest levels of U.S. government, for example, by President Hoover (1931):

> [There is] the high ideal and aspiration that each family may pass their days in the home which they own; that they may nurture it as theirs; that it may be their castle in all that exquisite sentiment which it surrounds with the sweetness of family life. This aspiration penetrates the heart of our national well-being. It makes for happier married life, it makes for better children, it makes for confidence and security, it makes for courage to meet the battle of life, it makes for better citizenship. There can be no fear for a democracy or self-government or for liberty or freedom from homeowners no matter how humble they may be.

But the virtues of the single-family home went farther than its proclivity towards a certain type of tenure. It was the space itself or the peace, the privacy, the serenity that this space gave to the American family that made it an indispensable nation-builder. Certain spaces, our predecessors seem to have believed, taught certain values. The same values could *not* be taught—at least not equally well—in pure environments made of homes with private yards, on one hand, and in apartment buildings in messy urban settings, on the other (even if the apartments were technically owned by their residents). The former were *moral* values, the latter not so much. Here is how in advocating NY's zoning resolution, the Commission on Building Districts and Restrictions explained the impossibility of teaching the right morals in a particular type of space, the dense city, thus making a case for public intervention (zoning) that would lay the path for more private homes in pure residential settings (1917, 20–22, 31):

> The moral influences surrounding the homes are of greatest importance. The sordid atmosphere of the ordinary business street is not a favorable environment in which to rear children. Immediate and continuous proximity to the moving picture show, the dance hall, pool room, cigar store, saloon, candy store, and other institutions for the creation and satisfaction of appetites and habits is not good for the development of the child. Influences and temptations resulting from the proximity of such business to the homes may affect seriously the morals of the youth of the community. Under such conditions it is difficult to cultivate the ideals of life that are essential to the preservation of our civilization.
>
> Yet preserving the values of civilization is a matter of keen state interest. . . . It is important from the standpoint of citizenship as well as from health, safety and comfort that sections be set aside where a man can own a home and have a little open space about it. It makes a man take a keener interest in his neighborhood and city. It has undoubted advantages in the rearing of future citizens.

These "values of civilization" could not be transmitted, ostensibly, in the same way in dense environments dominated by apartment buildings. In fact, in an area of single-family homes, apartment buildings interfered with the "proper social conditions and the development of the proper civic spirit" (Veiller 1914, 11). So detrimental was the mix that "if an area of single homes can keep out apartments, it is better able to retain face-to-face community relationships. The apartment breaks down neighborhood spirit and is not congenial to family life" (Anderson 1925, 159).

It is of course both easy and correct to read class and racial bias in the statements above and, more broadly, in the legal shield around the single-family home that by the 1930s zoning created. Except that zoning's propagandists, while supporting class segregation, also apparently wished to spread the benefits of the single-family home to the wide American masses. Indeed, if such homes were to be privilege of a small group, how would America's civic spirit go on? Residential zoning, Bassett proudly noted, was having the desired effect: neighborhoods were "rapidly building up with the homes of the best of the citizens who are not wealthy"[32] (1922b). It is this promise of zoning to increase access to the "American dream" of private homes that allowed zoning advocates to adopt a heavy populist tone. If the goal was to give "privacy to private homes" (Bassett 1922b, 419), then by shielding residential purity, zoning could be said to aid the "poor man with a family [who] is as much entitled to live in a home neighborhood restricted from . . . undesirable buildings as is the wealthy man" (Cheney 1920, 275–76).

Still, as routine as the single-family home and its district may have by now become, it is worth recalling that despite the early populism, the very idea of having such a district was highly controversial. In Euclid of 1926, the Ambler Realty lawyers, whatever their motivations were, argued mightily against single-family zoning because it would oppress "all the people" who "are not able to maintain a

single-family home." Theirs was just one voice in a chorus of early twentieth-century oppositions. Williams was seriously concerned about such zoning. Freund, the "two-culture man," wondered whether the American apartment building should ever be granted the same outsider status in relation to single-family homes as a glue factory (cited by Toll 1969, 266). And is America, the land of no "natural class differences," striving to make them "artificially" (Freund 1926, 79)?

Conclusion

Twenty years ago, Cullingworth (1993) revealed the special features of American land-use planning by placing it in comparative perspective. In this article, I highlighted one of these features. Based on my sources, I believe it can be stated with certainty that far from being a mere European protégé, U.S. zoning quickly developed its own profile. As Babcock (1966) argued decades ago, insulating America's hallmark housing form—the detached single-family home—from intrusion was U.S. zoning's original primary purpose. The class- and race-based underpinnings of such zoning have long been studied and critiqued (Silver 1997). And there has been decades-long pressure from social-equity, good-design and environmental advocates to abolish it. Yet single-family districts remain widespread, reflecting perhaps a strong American ideal of explicitly private living (Perin 1977; Conzen 1996; Archer 2005), or as I term it, an ideal of "discrete domesticity"—domesticity that shields itself from all else through hefty legal and spatial barriers.

Further research using more varied European sources should assess why the Europeans did not adopt U.S.-style land-use categories. I focused on two reasons behind the building of the U.S. categories: race/class prejudice and the belief in the social and spatial supremacy of the single-family home. I suspect that European debates from the same period—the period when European national imperialisms were at their height—were also marked by prejudice. This prejudice did not translate in zoning like it did in the United States; perhaps the Europeans had other means of exclusion. On the other hand, I suspect that the idea that single-family housing is a superior habitat was weaker in Europe. One way or another, compared to Europe, today's America is not a "nation of homeowners," but, if I might end on a semi-serious note, it may well be a "nation of homezoners."[33]

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Notes

1. In the late nineteenth century, homeownership rates in the United States were about 48 percent. They fell during the Great Depression but eventually reached the current figure of about 65 percent by 1970 (e.g., Gale, Gruber, and Stephens-Davidowitz 2007). Compare this to England, for example, where until the late 1940s only 10 percent of households owned the dwellings they lived in. The situation was similar in the Netherlands (Hicks and Allen 1999; Munjee, n.d.).
2. Data about homeownership rates in many other countries is widely available. It shows that the United States is not among the world's leaders. The average homeownership rate in the EU's 27 is 73.6 percent; in the Eurozone's 17, it is 72 percent (European Commission, n.d.-b).
3. There are two European countries that have higher numbers of detached single-family housing than the United States. Both are post-communist nations: Slovenia and Hungary. But for various reasons, Eastern Europe has been less urbanized than the rest of Europe and the United States (Szelenyi 1996). Thus, these numbers can likely be explained by the higher percentage of the population residing in the countryside.
4. Of Europe's largest cities, only London is an exception with its 48 percent, but again we are talking mostly about row housing.
5. According to Bertaud (n.d.).
6. Nobody has proven this with certitude, but many early twentieth-century U.S. planners and lawyers such as John Nolen, Ernst Freund, and Frank Backus Williams have written about the debt they owe to German municipal administrators. Williams (1922, 210) specifically asserts that zoning was a German invention.
7. Zoning in England was eliminated by the Town and Country Planning Act that came into effect in 1948. Since then, no zoning-like regulatory system has guaranteed the rights of private owners to develop their land, as long as they comply with a predetermined set of rules. Development rights are severable from ownership rights. Permissions are granted upon the discretion of authorities who approve or deny proposals after considering precedents and national and local policy documents (Booth 2003; Cullingworth and Nadin 2006).
8. Edward Murray Bassett (1863–1948) is probably familiar to most U.S. planners today. He was an extremely influential lawyer and zoning advocate during the early twentieth century. A graduate of Columbia Law School, he practiced in New York and was the chief author of New York's 1916 zoning resolution (e.g., see Power 1989).
9. Ernst Freund (1864–1932) was born in New York, when his parents were on a brief American visit. He grew up in Frankfurt and Dresden and went back to America as a young man. A graduate of the University of Heidelberg and Columbia University, he became one of the founders of the University of Chicago Law School. He authored several books, including *The Police Power: Public Policy and Constitutional Rights* (Power 1989).

10. Frank Backus Williams (1864–1954) was another very prominent lawyer and zoning advocate in early twentieth-century America. A graduate of Harvard Law School, he practiced law in Connecticut and New York. He is best known for authoring *The Law of City Planning and Zoning*—a comprehensive tractate on planning and zoning in Europe and America (see, e.g., Buttenheim 1955).
11. This is a major limitation of the paper that future research should overcome. Greater access to original English and German documents on the adoption of zoning in these countries would allow a much richer comparison on the *reasons* why the American and the European zoning approaches diverged.
12. For the long international history of urban building codes, see Ben-Joseph (2005) and Marshall (2011).
13. England and Wales passed such laws in 1858; Ireland in 1878; Scotland in 1897 (Manco 2009).
14. For example, the General Law for the Prussian States (*Allgemeines Landrecht für die Preußischen Staaten*) from 1794 and the Building Line Act (*Fluchtliniengesetz*) from 1875 (COMMIN, n.d.).
15. The first few national conferences on city planning held in the United States, and especially the third one, in Philadelphia in 1911, featured long series of speeches praising German municipal planning and zoning. Such speeches were read by figures as authoritative as Frederick Law Olmsted, Lawrence Veiller, Daniel Burnham, Benjamin Marsh, and Ernst Freund.
16. Houston, Texas, the only large American city that does not have municipal zoning today, has solved this problem by using public authority to enforce private deed restrictions (see Lewyn 2004).
17. This critique of private deed restrictions was widespread in early twentieth-century zoning advocacy. Bassett put it succinctly, as did J. Grinnalds (1920), Assistant Engineer to Baltimore's City Plan Committee: "Consider what has been the usual means of protecting residential neighborhoods . . . [b]y a covenant in the deed when the lot is sold. Usually the purchaser covenants to use the property for residential purposes only for a period of fifteen or twenty years. . . . Before the covenants have run out the seller has probably disposed of all the remaining lots or retained the corners. . . . [But] he has probably not covenanted for himself to abstain from using the corners for business. Now if this is the case he can sell the remaining land for whatever purpose would bring the best price. The result of this is merely partial protection for a limited time. The only safe and permanent method is by a zoning ordinance."
18. As Bassett said (1922b, 318), "Uniform building laws do not bring about the orderly condition desired . . . they apply uniformly over the entire city. . . . They do not recognize that stores which may be built on car-lined streets should not be built promiscuously among homes. . . . The usefulness of zoning regulations consists in their being different for different districts." Most famously, Supreme Court Judge George Sutherland expressed this sentiment in *Village of Euclid v. Ambler Realty Co.* (1926). The judge posited that "a nuisance may be merely a right thing in the wrong place, a pig in the parlor instead of the barnyard."
19. This phrase is often used to sum up the nature of zoning as an orderly taxonomy (Perin 1977). Judge Sutherland's opinion, cited in the footnote above, is a case in point. The motto "A place for everything, and everything in its place" was often used to denote the need for household orderliness—the job of women. Disorder was associated with women; "good women" were supposed to overcome it. The zoning primer published under the authority of the then–Secretary of Commerce Herbert Hoover (Department of Commerce 1926b, 1) started with: "Some one has asked: 'Does your city keep its gas range in the parlor and its piano in the kitchen?' That is what many an American city permits its household to do for it. We know what we think of a household in which an undisciplined daughter makes fudge in the parlor. . . . Yet many American cities do the same sort of thing when they allow stores to crowd in at random among private dwellings."
20. New York's Heights of Buildings Commission (1913, 48, 94–96) made the same acknowledgment.
21. The Heights of Buildings Commission (1913, 67) produced a nearly identical statement 37 years later: "Moreover, advantage of location and the resulting enormous difference in land values tend strongly toward differentiation in the character and intensity of use and this and other social and economic factors tend toward a natural segregation of buildings according to type and use. The city is divided into building districts. We believe that these natural districts must be recognized in any complete and generally effective system of building restriction."
22. By 1915, however, Los Angeles had already covered almost all of its territory by zoning regulations. Like Frankfurt's, LA's zones were called residential, industrial, and mixed (Pollard 1931; Scott 1971).
23. If Frankfurt's approach to leaving parts of its territory un-zoned seems unorthodox, consider that German cities to this very day have continued this tradition: historic, built-out city centers often have no use zoning.
24. Peculiarly, this principle was opposite to Frankfurt's. In New York, the most restrictive zones were the residential ones. In Frankfurt, the most restrictive zones were the industrial ones.
25. German codes, historically, were focused on bulk and density, whereas American ones emphasized land use (Light 1999). According to the City of Philadelphia (1923), the United States had some 120 ordinances regulating use, height, and bulk. About fifty "partial" ordinances had only land-use rules. With few exceptions (e.g., Boston), this was the standard path: land-use-based zoning first, then comprehensive zoning.
26. The classic example is the 1904 book "The example of Germany" by British reformer Thomas Horsfall.
27. At the time, Ruislip-Northwood was a town in West Middlesex. Today it is part of London's metropolis.
28. And the laundries were dangerous because of their heavy use of wood-stove fires and boiling water. The problem is that laundries of Caucasian owners were not similarly excluded, although they too must have been dangerous.
29. This did not stop several southern U.S. cities from using racial zoning for quite some time (Silver 1997).
30. Here I focus on the single- vs. multifamily typology typical of U.S. zoning codes. A related matter is what constitutes a "family." For example, can people unrelated by blood be a family? This is a pertinent debate today, when nuclear families are becoming a minority. However, the legal status of the "family" is complex enough to require its own articles: e.g., see Robertshaw and Curtin (1977) and Pollock (1994).

31. The earliest explicit reference on this I could find in U.S. planning history comes from 1909, when the Chairman of the Congestion Committee Henry Morgenthau proposed to restrict certain zones to one- or two-family houses (cited in Toll 1969, 124).
32. The idea here was that developers were much more willing to construct single-family homes— not just upscale ones but also modest, middle-class ones—in areas which were zoned for residential purposes alone. Banks were also more likely to give loans for homes to be constructed and owned in zoned areas. Thus, single-family zoning was credited with increasing the production of single-family homes and allowing a greater number of people the opportunity to enjoy living in them.
33. I make no reference here to the English "home zones" or the Dutch "*woonerven*": neighborhoods employing various community-building and traffic-calming techniques. I just mean good old exclusive residential zoning.

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