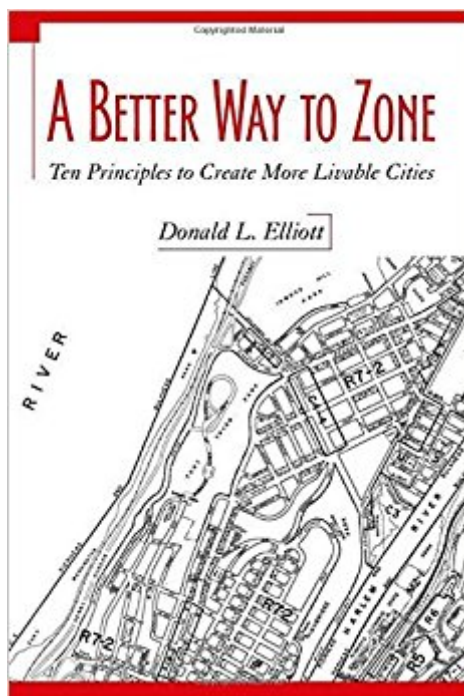


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A Better Way To Zone: Ten Principles To Create More Livable Cities



Synopsis

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

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"Sometimes you find a book that you wish you could give to everyone you work with. A Better Way to Zone is such a book. It is a must-read for every professional planner, planning student, planning commissioner and city councilperson. This book clearly explains how we got to where we are today and provides a roadmap to the future of land use regulation. Mr. Elliot brings together his broad knowledge of planning law and an international perspective to provide us with a unique insight to our future." (Frank Gray Frank Gray, Planning Director, City of Scottsdale)"Author Don Elliott was very involved in the planning of the Gateway project in Denver. He used this experience to formulate a plan for reforming the American zoning system to make it more responsive to the needs of citizens, and to build more sustainable cities. Throughout the book, he retraces the history, legal context, and development of our current Euclidean zoning system. Zoning is clearly explained in very readable language and exposed for its misconceptions, and Elliott makes a clear case for an overhaul of our zoning laws. He lays out a five-step plan based on ten principles of reform that will transform the way towns and neighborhoods are developed throughout the country." (City Matters Bulletin)"Urban zoning has become too strict with too many rulesâ "and something has got to change, according to Donald Elliott. He's been a zoning and land-use consultant for 24 years, and works for Clarion Associates in Denver as an attorney and consultant. In Elliott's recently published book, A Better Way to Zone: Ten Principles to Create More Livable Cities he outlines how he thinks the rules should change." (Denver Business Journal)"Elliott's concise accounts of the origins and logic of most cities' 'Euclidean Hybrid Zoning' would serve as a good primer on the subject for students or citizens new to the field...I think the mantra about simplicity is the most important part of the book, and completely agree with Elliott that 'the more the public knows, the better they can participate at the policy- and rule-making level.' Let's hope his call for simplicity and transparency is heeded." (Rob Goodspeed Goodspeed Update)"A Better Way to Zone just may be the best book on planning and zoning since The Zoning Game was published in 1966. Elliott's analysis of the politics, economics, law, techniques, and process of land development and zoning in America today is informed by his nationally distinguished career as a planner and attorney in the trenches of modern zoning. The book's final chapters should be required reading for anyone who believes that zoning should actually be about the 'general welfare.' A highly readable, informative, and insightful bookâ "it is a remarkable contribution to this field." (Edward H. Ziegler Professor of law, University of Denver)

Donald L. Elliott is an attorney and city planner with extensive experience in real estate and land use planning. He is a senior consultant in the Denver, Colorado, office of Clarion Associates, a national land-use and real estate consulting firm. Elliott is a Fellow of the American Institute of Certified Planners and a former project director for downtown and Gateway zoning for the City and County of Denver.

I am a land use attorney for a local government and I would recommend this to lawyers and non-lawyers alike. Incredibly readable, which I appreciate greatly when I am trying to work a book like this into my reading away from work. I think any person engaged with city planning would benefit from reading this book and reflecting on the big picture of how their City approaches zoning in comparison to other cities. I wish I could give a copy to everyone I work with. A lot of the history overview is of material that a seasoned land use lawyer would know, but it is always healthy to refresh. This made me look at our development code with a whole new perspective.

Changes in city planning driven by population shift, and new lifestyle choices, shifts development pattern from sprawl to infill, and redevelopment within existing land use areas. Describes Euclid, Form Based, and other zoning alternatives.

Nice, easy read with good info

I give this rate because of the new book and the paper quality. It can be definitely readable. Great book.

Was requested by recipient. I read just a few pages and was pleased with the writing.

This book analyzes existing zoning codes, and proposes a few ways to make those codes simpler and more predictable. Unlike environmentalist and libertarian critics of zoning, Elliott does not propose a specific vision of urban form, nor does he wish to radically deregulate land use. Rather, he assumes that such radical reforms are unlikely, and seeks to make the status quo less complex and frustrating. For example: *Elliott criticizes out-of-control use regulation. When zoning was born in the 1920s, cities were divided into a few major zones: residential, commercial, industrial, etc. But large buildings in each of these categories often have more of an impact upon neighbors than

smaller commercial buildings, and different types of commercial and industrial uses have different effects upon neighbors. As a result, landowners and their neighbors started requesting uses "like the status quo, but a little different" causing the number of zones to multiply. What's wrong with that? As zoning gets more complex, the amount of money and time required to administer zoning has grown. Elliott's solution: divide zones uses into three major categories: single-family residential, mixed-use, and special purpose districts for unusual uses that don't fit well with other uses (such as airports). Single-family residential zones are necessary because that's what buyers want- even in pedestrian-friendly "new urbanist" developments, most houses are in blocks surrounded by houses, even if commercial zones are within walking distance. Mixed-use zones make sense because generally, multifamily housing fits together with commerce, and the line between commercial and light industrial activity is often so blurry that there is no reason for separate one from the other. To deal with problems of scale, there should be a broad range of zones within each category.*Elliott points out that zoning laws are often based upon standards common for new development at the fringe of a city. Where land is cheap and everything is new, landowners can easily comply with rules requiring lots of parking and building codes that go far beyond the minimum needed to protect safety. But in an older, denser area, landowners cannot recreate suburbia without tearing down lots of buildings- hardly a desirable result. Elliott's solution: Separate development standards for mature neighborhoods, so that zoning preserves their established character rather than forcing landowners to redevelop to new standards or go out of business.*Elliott is concerned that NIMBY (Not In My Back Yard) activism has obstructed development; cities have decided that in addition to setting out zoning rules and approving rezonings, they would require "site plans" so their city councils could get a second look at the impacts of proposed development - thus giving NIMBYs a second chance (after rezoning is approved) to attack development. What's wrong with that? As the ability to build becomes less predictable, developers become scared to build in built-up areas with lots of neighbors; a developer is going to buy land only if it is reasonably certain about what it can build, and "second look" requirements decrease that certainty. Elliott's solution: Final review of a builder's site plans should be performed by planning staff rather than by politicians. That way, once a city has decided that a developer's plans meet the city's zoning code, the developer won't be sabotaged late in the process through political pressure. And to balance NIMBY concerns about density with the public interest in redeveloping older neighborhoods and creating more affordable housing and office space, allow more compact development in ways that don't disrupt existing neighborhoods. For example, allow higher density not by building high-rises in residential areas, but by allowing accessory dwelling units within single-family homes, allowing each new subdivision to contain a few

lots smaller than the rest, and allowing "dynamic zoning" that gradually changes over time (e.g. providing that a commercial area's height limit could be the height of the tallest building nearby plus one floor). Elliott also criticizes some alternative visions of zoning regulation, such as form-based codes and a heavier reliance on comprehensive planning. According to Elliott, these tools work in some situations but not all: for example, form-based codes are quite effective in ensuring that memorable, beautiful places stay that way- but aren't really cut out to regulate areas where no one wants to build anything memorable. Comprehensive plans can be useful as long as they guide the city as a whole- but the need to remain flexible and respond to economic change means that today's industrial area might be tomorrow's loft district.

Traditionally, both the law and city planning professions have a reputation for communicating in rather technical language that the layman often struggles to understand. City zoning ordinances, which have developed at the intersection of these two professions, offer a case in point. In his 2008 book, "A Better Way to Zone," author Donald L. Elliott acknowledges as much in his very first two sentences. "Zoning is not a sexy topic," he writes. "No one - except people like me - reads zoning ordinances, because they are boring" (Elliott, 1). Yet, Elliott - despite his background as both a lawyer and city planner - manages in "A Better Way to Zone" to make government land use regulations comprehensible to any city resident. The author's passion for the "filters that determine what gets built on private land" produced a thoughtful, well-organized analysis that takes great care to explain the variables that have given rise to current zoning codes (Elliott, 2). Herein lies the book's greatest strength. Elliott resists the temptation to merely deliver a zoning prescription that reflects his own preferences for how cities should look and what they should offer. In fact, he ultimately makes suggestions only about how the zoning process needs to change; not what the ideal zoning code would allow or prohibit. Rather, Elliott devotes most of his time to deconstructing the current zoning system to expose the assumptions, market forces, political processes, and legal framework that comprise the system's foundation. The author's methodology isolates the individual roles that different stakeholders play in this important aspect of city planning, enabling the reader to relate more easily to an otherwise obscure process. In his section on "governing well," for example, Elliott explores how property owners and public officials - two groups with whom most of us have some experience - react "in the press of political concerns, limited budgets, and the `tyranny of the immediate'" (Elliott, 88). The easy-to-follow discussion serves as a setup for Elliott's claim that such circumstances lead these groups to neglect the good governance on which effective zoning depends. From there, Elliott launches into a more specific critique about the political processes that

have shaped zoning during the last century. As a result, the reader almost assuredly leaves the section - and the others like it - with another piece of the zoning puzzle in place. Once Elliott feels comfortable that his reader possesses the information necessary to evaluate potential changes to the zoning system, he suggests ten principles that should guide the process in the future. In another indication of his determined communication style, Elliott prefaces his recommendations with a large table that identifies which variables from the previous sections each principle addresses. Elliott further adds to his credibility with relevant examples for each principle from his professional experiences in Colorado. Taken together with the supporting evidence that he presents earlier in the book, Elliott makes a compelling argument that his ideas will produce "simpler, more effective" zoning codes - and by extension, better cities (Elliott, 221). Perhaps more than any other phrase, "simpler, more effective" serves as the unifying theme for the principles with which Elliott concludes. The author, for example, focuses his analysis on mature cities, due to the overly complex zoning ordinances that he believes have compounded the problems that such cities already face. He advocates for zoning systems that produce faster decisions, primarily to facilitate increased private investment. Elliott also supports easier access to information for citizens to expand the underrepresented group's role in the zoning decision-making process. As most readers likely will agree, such ideas make "A Better Way to Zone" a source of meaningful guidance for any public official, professional, or citizen who needs to make critical land-use decisions.

Most land use books focus on urban design (e.g., Is it better to have 15' wide roads or 25' wide roads?), but this one focuses on the politics and the process. Getting to good design brought with back room deals and/or activist protests over years of permitting is an unsustainable model of growth. I cannot praise A Better Way to Zone enough for finally addressing the issue of governance. This book lays out how land use decisions are made and why, and how cities (and citizens) can do a better job of shaping the built environment through good governance. Please give it to everyone you know in local government, the building trades, and especially planners and land use activists.

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