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# Evaluating the Planning Method in the U.S. Context

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**Abstract:** This paper examines the strengths and limitations of regulatory planning approaches, particularly traditional zoning methods, in U.S. urban planning. It highlights that zoning provides predictability and stability for developers and decision-makers by specifying land uses, physical requirements for properties, and spatial constraints on development. However, its rigidity may hinder responsiveness to dynamic future development needs and exacerbate issues related to social inclusivity and environmental sustainability. The article also explores efforts to incorporate discretionary elements into U.S. zoning practices to address these challenges, particularly in promoting affordable housing and protecting critical assets.

**Keywords:** U.S. Urban Planning; Regulatory Planning; Zoning Approach; Discretionary Elements.

## 1. Introduction

Discretionary planning systems could provide flexibility as much as possible in response to unforeseen future planning changes. In this case, planning could be intensive adaptability under individual circumstances, which could be done via making firm decisions as late as possible that, keeping management and control till the last moment, and a broad consideration of the facts. At the same time, plans could be advisory (Booth, 1995). For example, in the UK, the case law tradition could allow for judicial decisions based on specific cases with more flexible interpretations. During the decision-making process, British planning systems may only provide guarantees of development rights once the final decision is made, which could maximize space for negotiations with developers (Booth, 1995). However, such a discretionary system also provides more uncertainty in development and thus makes developers doubtful of future development (Omer, 2017). Meanwhile, it would be less efficient in decision-making process due to the lack of detailed regulations in this planning system (Omer, 2017).

Compared with the discretionary planning system, the regulatory planning system could be more rigid. The certainty could be assured in a rule-based approach that may leave less space for negotiation. Both Germany and the United States (U.S.) adapt this planning system via zoning approach, which defines the permitted activity types in each parcel using zoning code (e.g., the function of land, shapes of the property, and bulk limitations) (Hirt, 2010). In this case, regulatory planning using zoning could provide predictability with certain decision-making results in a consistent process, while it may also mitigate responsiveness to dynamic changes in the future with inflexibility in changing land use and specific cases (Steele and Ruming, 2012).

A hybrid planning system attempts to balance tension between flexibility and rigidity from planning systems discussed above. In this case, it could provide certain certainty with zoning and leave possible negotiation space that may allow adaptation to respond to future changes (Booth, 1995). For example, Hong Kong adapts this planning system through the mechanism of Outline Zoning Plans, which divides land use into two types. One is as-of-right land uses embodying regulatory planning, while the other type requires prior planning permission and thus provides discretionary spaces (Tang, Choy and Wat, 2000). However, this hybrid planning system could also be criticized for difficulties maintaining a clear and consistent decision-making process since balancing flexibility and rigidity may require continuous adjustment in response to practices (Booth, 1995).

This essay would focus on zoning approach in the regulatory planning system, regarding the U.S. context, which not only may maximize certainty in urban planning, but also still leaves certain space for discretion. The U.S. conventional zoning could be featured as a specific definition of development on each parcel by shaping built environment with restrictions on land-use types, physical appearance of property and limitations of developing space (Levy, 2016). However, such conventional zoning could also lead to issues of inclusivity. In this case, zoning in the U.S. may leave more space for flexibility to enhance inclusive society (Levy, 2016). The following parts will discuss the strengths and weaknesses of these two decision-making principles.

## 2. Regulatory Planning System – Conventional Zoning in the U.S.

### 2.1. Strengths

Conventional zoning could provide predictability and stability for both developers, lenders, and decision-makers by creating certainty in a rule-based approach. In the U.S. context, conventional zoning prescribes uses (such as residential, commercial, and manufacturing districts), shapes (via governing the shapes and structures of a parcel) and bulk restrictions (via limiting FAR) to shape urban functions. For instance, in exclusively single-use districts, the rules regulate specific use in each parcel, instead of allowing the owner to choose what to build, for example, to build manufacturing districts with higher intensive uses in less intensive residential districts build (Kayden, 2004). In this case, conventional zoning may be more effective in a developing area where the land use had not been fully determined (Levy,2016).

For developers and lenders, zoning could well inform them what could develop in the future and thus define property value clearly, as they may not have to worry too much about potential development causing negative externalities on other property owners and hence be sued (Levy, 2016). As a result, such predictability may lead conventional zoning as an economic tool to protect property and land values from

nuisances. In some cases, such retaining property values in conventional zoning could be criticized as a lack of strategic view for future development, but just a trend to maintain the status quo (Booth, 1995). However, this stability of real estate market could benefit the general public, as Maantay (2001) argues that such stability of conventional zoning could enhance the predictability and thus reduce risks in real estate investment and thus be more profitable in the long term.

In terms of decision-making process, conventional zoning could impede political corruption. Although zoning in some countries is criticized for being too admirative and political in practices, as sometimes decision-makers may desire an expression of power to retain discretion over individual decisions (in France, such a situation could appear in areas lacking necessary infrastructure for future development) (Booth, 1995), this power of decision-makers could be weakened via American-style zoning, especially in a growing area with clearly defined parcels. This is because in the U.S., zoning is a tool to implement police powers relating to the general public's interest in health, lives, safety, and welfare (Maantay, 2001). In this case, instead of political adhockery, conventional zoning could urge planners to make decisions more accountable and objectively, considering prioritizing public interest in specific regulations. In addition, brought by certainty, the whole decision-making process could also become more uniform and fairer, since the use of all properties are controlled to the same degree.

In terms of urban planning outcomes, conventional zoning could also protect the environment and enhance environmental beautification and harmony. The origin of conventional zoning in the U.S. was a response to pollution issues in the 19$^{th}$ by segregating potentially noxious industrial uses (Hirt, 2014). In 2007, Greensburg, a city in the U.S., adopted the Sustainable Land Development Code with the Sustainable Zoning Ordinance (Mulryan, 2015). In the Standard 3 of this article, this zone is required to use bio-retention areas, rain gardens, and grass filter pollutants to promote stormwater management and thus protect natural resources (Mulryan, 2015). Moreover, conventional zoning could enhance environmental beautification via maintaining the nature setting and open spaces. The Virginia zoning ordinance regulates that 20% of the gross area should be landscaped open space (Levy, 2016). Besides, it also defines that the Neighborhood Retail Commercial District should be developed with a unified design compatible with the neighborhood where they are in terms of architectural aesthetics (Levy, 2016). In this case, by prescribing the design of a parcel, conventional zoning could also maintain characteristics of a community and thus keep the harmony of the landscape.

## 2.2. Weaknesses

Firstly, since conventional zoning regulates urban planning with precise identification of every parcel and regulates, it could lead to rigidity that may be less reactive to the dynamics of future development, which could be challenging to foresee. In this case, prescriptive zoning could be difficult to respond to the possible land use changes that could not have been prepared (Booth, 1995).

Similarly, Levy (2016) also argues that compared to a growing area, conventional zoning could be less effective in responding to redevelopment since it could not attract investment in this area, because the inflexibility of conventional zoning could leave little space for developers. On the other hand, although conventional zoning could prevent undesirable land use changes by prescribing certain land uses in the future, it may also be less reactive to bringing about desirable land use changes. For example, NIBYism could be one negative result of conventional zoning. In this case, zoning could be used by residents to resist changes in their neighborhoods and thus maintain the status quo (by creating rigid land-use segregations), considering protecting their property values, safety or community characteristics, while these changes could be related to necessary urban development (such as infrastructure projects and affordable housing) (Hirt, 2013). As a result, by preventing desirable land use changes, conventional zoning could be less effective in maximizing urban development potential. It could not evolve with complex land use changes shaping urban form.

Secondly, conventional zoning could also lead to Issues of social inclusivity and equity, resulting from certain spatial segregation of various housing types in conventional zoning. In this case, conventional zoning is a social economic tool to exclude unacceptable activities and thus enhance privilege of certain groups in spatial distribution (Steele and Ruming, 2012). For example, Shlay and Rossi (1981) found that zoning in suburban areas of Chicago in the 1960s could increase neighborhood income segregation, where residents were professional working couples or older couples at the empty-nest stage so that they could spend more money on housing, which could impede lower-income households for residence. Meanwhile, restrictive zoning also decreased blacks and other low-income racial groups (Shlay and Rossi, 1981). Similarly, in the case *Buchanan v. Warley* as discussed in Baltimore, segregation of various housing types (including one-family, two-family and multifamily) was used to segregate certain types of people living in a certain type of housing (Hirt, 2013). In this case, zoning could damage social inclusivity via the intangible distribution of social hierarchy (racial or income) by defining housing types. Moreover, regulatory zoning could also have negative impacts on affordable housing and thus eliminate social equity by excluding low-income groups. This is because with a specific permitted land use in each parcel, local governments could limit construction of affordable housing types (such as apartments or townhomes), which could lead to increasing rent burdens and housing prices, and income segregation in the U.S. (Marantz and Zheng, 2022). In this case, conventional zoning could damage the fairness of distribution of social wealth through indirectly controlling housing prices with spatial segregation.

Regarding physical environment, the clear segregation of urban functions with certainty of conventional zoning could lead to urban sprawl as planning outcomes. Although conventional zoning could protect a certain amount of open space and green infrastructure, excessive land could be consumed and thus could damage natural resources during urban sprawl (Hirt, 2014; Levy, 2016). This cost could be higher than saving a certain amount of open space. Additionally, by separating residential districts from other urban functions, conventional zoning could also exacerbate car-dependency against pubic-transport-oriented planning, and thus could lead to more severe pollution and also threaten public health, including car-depend lifestyle and leading to obesity (Hirt, 2014; Hamidi *et al.*, 2015). On the other hand, as mentioned before, the rigidity of conventional zoning could maintain a homogenous landscape (Levy, 2016). However, since this land use of same type is zoned the same, urban physical environment might be insensitive to its unique

context and reduce diversity of the built environment by preventing mixed land use. In this case, land use regulation could work in separating uses in a uniform form, leading to a cookie-cutter style, where the single development standards could be across diverse urban areas (Steele and Ruming, 2012). Hirt (2014) also criticized this style from an aesthetic perspective, lacking the complexity of urbanism, thus reducing vitality and diversity in an organization.

# 3. Zoning with Certain Discretionary Spaces in the U.S. Context

Although zoning in the U.S. could show its rigidity in urban planning with little space for negotiation, it may still leave a certain degree of discretionary spaces nowadays, especially in responding to the shortage of affordable housing in the U.S. context. As mentioned before, conventional zoning could lead to a lack of affordable housing for low-income groups; accordingly, zoning in the U.S. started to promote discretionary levels to erode 'certainty' aspect of zoning. In this case, the main impact of discretion in zoning could be to attract developers' interest in promoting this public welfare by leaving space for negotiation with developers. In the U.S. context, bonusing is one factor in promoting discretion level, where developers could attain extra development if they could provide public amenities, such as provision of affordable housing (Levy, 2016). For example, since 1969, the Massachusetts Comprehensive Permit Act set a mechanism to facilitate supply of affordable housing, aiming at providing at least 10% of affordable housing stock each year (Bratt and Vladeck, 2014). In this case, a specific approval process could allow local zoning boards of appeal to defer zoning restrictions to encourage more affordable and mixed-income housing. Developers could propose a development that is not confront to the existing zoning regulations if they could provide at least 20-25% of the units for low and moderate-income households, and most applications negotiated with the local level and received development approval (Bratt and Vladeck, 2014). Consequently, in 2012, 22% of municipalities had successfully attained a minimum of 8% of affordable housing, while in 1972, this figure was only 2% (Bratt and Vladeck, 2014). In this case, discretionary space promotes flexibility in land use, which could be adapted to respond to the development requirements under changing circumstances – providing more affordable housing. Moreover, it could also expand public participation at the site level by negotiating with developers and providing them with incentives to maximize potential public interest, instead of only one side of decision-making from authorities.

Another factor to eliminate 'certainty' of zoning could be transfer density in the U.S. context, which could be used in existing urban areas for maintaining open space, historic or sensitive areas to retain significant property via compacting density. In certain areas, developers could increase the density in the proposed development area by purchasing property for public use and transferring the permitted density to their proposed development area (Levy, 2016). In this context, transfer development density could provide flexibility based on needs of developers. However, it could be hard to administrate since it may be challenging to evaluate whether the target is achieved in a quantity way, especially relating to maintenance of the built environment.

# 4. Conclusion

In conclusion, this essay has discussed strengths and weaknesses of zoning as a regulatory planning method in the U.S. context, regarding to its application in urban planning. It could be seen that with the certainty of zoning, development in the future could be more predictable and stable, and it could also enhance the aesthetics of the built environment with consistent community characteristics. However, such rigidity could also lead to inflexibility of responsiveness of the dynamics brought by possible land use changes in the future. Moreover, it may also lead to adverse planning outcomes from both social and environmental outcomes, leading to social exclusion and urban sprawl, respectively. Responding to these issues, the U.S. also leaves more discretionary spaces for negotiations with developers, especially in mitigating shortages of affordable housing and protecting significant property via bonusing and transfer density, while these discretionary approaches still face challenges in evaluating whether the final goal is achieved. For urban planning, there is no absolute decision-making principles, regardless of regulatory or discretionary planning, and tension between these two should be balanced adapting to the reality.

# References


[1] Booth, P. (1995) 'Zoning or Discretionary Action: Certainty and Responsiveness in Implementing Planning Policy', Journal of Planning Education and Research, 14(2), pp. 103–112. Available at: https://doi.org/10.1177/0739456X9501400203.

[2] Bratt, R.G. and Vladeck, A. (2014) 'Addressing Restrictive Zoning for Affordable Housing: Experiences in Four States', Housing Policy Debate, 24(3), pp. 594– 636. Available at: https://doi.org/10.1080/10511482.2014.886279.

[3] Hamidi, S. et al. (2015) 'Measuring Sprawl and Its Impacts: An Update', Journal of Planning Education and Research, 35 (1), pp. 35–50. Available at: https://doi. org/10. 1177/ 07394 56X14565247.

[4] Hirt, S. (2010). 'To Zone or Not to Zone? Comparing European and American Land-use Regulation', PNDonline II, pp.1-14. [Online]. Available at: https://www. researchgate. net/ publication/ 262223629_To_Zone or Not to Zo ne_ Comparing_ European_and_American_Land-use_Regulation (Accessed: 13 December 2023).

[5] Hirt, S. (2013). 'Home, Sweet Home: American Residential Zoning in Comparative Perspective', Journal of Planning Education and Research, 33(3), pp. 292- 309. Available at: https:// journals. sagepub. com/doi/ epub / 10.1177/ 0739 456 X13494242 (Accessed: 13 December 2023).

[6] Hirt, S. (2014) Zoned in the USA: the origins and implications of American land- use regulation. Ithaca London: Cornell university press.

[7] Kayden, J.S. (2004) 'Reconsidering Zoning', Zoning Practice, pp. 2-15. [Online]. Available at: https: // planning-org-uploaded- media.s3. amazonaws. com/ document/Zoning-Practice-2004-01.pdf (Accessed: 13 December 2023).

[8] Levy, J.M. (2016) 'The Tools of Land-Use Planning', in Contemporary Urban Planning. 11th edn. Routledge.

[9] Maantay, J. (2001) 'Zoning, Equity, and Public Health', American Journal of Public Health, 91(7), pp. 1033-1041. [Online]. Availabe at: https:// www. ncbi. nlm. nih. gov/ pmc/ articles/ PMC1446712/pdf/11441726.pdf. (Accessed: 13 December 2023).

[10] Marantz, N.J. and Zheng, H. (2022) ‘Exclusionary Zoning and the Limits of Judicial Impact’, Journal of Planning Education and Research, 42(3), pp. 280– 293. Available at: https:// doi. org/ 10.1177/0739456X18814924.

[11] Mulryan, E. (2015) ‘Strengths and Weaknesses of Sustainable Land Use Policy in Greensburg, Kansas’ , publicINreview, 1(4), pp.51-57. Available at: https://journals. iupui.edu/ index. php/ spea/article/view/18523/18542 (Accessed: 13 December 2023).

[12] Omer, K. (2017). ' The Rise and Fall of International Planning Systems; The dilemma of flexibility and certainty', pp. 1-11. [Online]. Available at: https://www. researchgate. net/ publication/317590936_The_Rise_and_Fall of International_ Planning_ Systems_The_dilemma of flexibility_ and_ certainty (Accessed: 13 December 2023).

[13] Shlay, A.B. and Rossi, P.H. (1981) ‘Keeping up the Neighborhood: Estimating Net Effects of Zoning’, American Sociological Review, 46(6), pp. 703–719. Available at: https:// doi. org/10.2307/2095075.

[14] Steele, W. and Ruming, K.J. (2012) ‘Flexibility versus Certainty: Unsettling the Land-use Planning Shibboleth in Australia’, Planning Practice and Research, 27(2), pp. 155–176. Available at: https://doi.org/10.1080/02697459.2012.662670.

[15] Tang, B., Choy, L.H.T. and Wat, J.K.F. (2000) ‘Certainty and Discretion in Planning Control: A Case Study of Office Development in Hong Kong’, Urban Studies, 37(13), pp. 2465–2483. Available at: https://doi. org/10. 1080/ 004209 80020080641.