

## RESEARCH SUMMARY

# Less but Better Zoning

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For nearly a century, the pursuit of public welfare has been the principal foundation for most zoning regulations. In “Less but Better Zoning, Part 1: The Pitfalls of Preference in Zoning,” Norman Wright argues that public welfare is a flawed concept that has led to flawed, arbitrary regulations. In “Less but Better Zoning, Part 2: A New Base Code” he proposes a “base code” that can transform zoning regulations into a much simpler and more objective set of rules.

### REASSESSING PUBLIC WELFARE AS A ZONING GOAL

Zoning has led to one of America’s most acute problems today: housing affordability. Enforced by municipalities across the country, the tripartite goal of zoning has been to advance the following:

1. Public safety
2. Public health
3. Public welfare

While the first two of these goals have meaningful, direct correlations to the built environment and are regulated in rational ways through technical design codes, the third, public welfare, is based on preferences of the influential few. Yet, public welfare has become the prevailing justification for zoning restrictions. If public welfare were no longer pursued, ineffective restrictions could be successfully challenged and likely overturned.

### ELEVATING PUBLIC SAFETY AND PUBLIC HEALTH

In place of public welfare, Wright’s “base code” addresses the first two goals for zoning: public safety and public health. It does so by focusing on rules governing these areas:

- **Mobility and Accessibility**—ensuring that streets provide safe usage for all, from bikes and pedestrians to automobiles and transit (with all residents paying for infrastructure and, therefore, all residents benefitting from the investment)
- **Adaptability**—developing cities that can change over time because of their ability to expand vertically without severe degradation to the systems that support such growth
- **Compatibility**—recognizing that a safe distance must be maintained between the few remaining incompatible land uses, separating, for example, landfills and heavy sites (oil refineries, chemical plants, etc.) from residential, civic, or general commercial locations

## **BENEFITS OF A NEW BASE CODE**

Such a base code can deliver a dynamic, resilient, adaptive city able to meet the needs of all its residents. It creates a great public realm, especially through a street grid, and ensures that sensitive lands are protected, and noxious uses are moved elsewhere. The remainder of the private realm—buildings, private hardscapes, softscapes, lighting, signage, and more—can be free to exist according to market demand.

The market, in this case, includes public choice markets. A final important feature of the base code is that it serves as a framework for optional regulation that can be established above and beyond the core mandates. Such additions would be established through referendums for district-level policies. Borrowing from historic and architectural design codes, the referendum mechanism empowers communities to continue to address ancillary concerns (à la public welfare) through a more transparent, less arbitrary, choice-driven means.