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Why Leave It To The Liberals? Conservative Views on Smart Growth

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(NOTE: This is not precisely the speech I gave, since I did some ad-libbing. But its as close as I can remember).

Mr. Bacon (the other panelist) has given a general guide to government support of sprawl. I'd like to supplement his work with a bit more detail, to show exactly where smart growth supporters and property rights advocates should agree.

Smart growth supporters and libertarian-minded property rights supporters should have much in common. In particular, both movements have excellent reason to oppose numerous elements of American zoning law.

For example, both smart growth supporters and property rights activists should oppose government regulations that create a separate zone for every human activity: apartments only in zone A, shops only in zone B, offices only in zone C. Under this system of single-use zoning, many Americans cannot live within walking distance of shops or offices.

Single-use zoning is also harmful to property rights, because it limits the landowner's right to choose how his land is developed and requires landowners to get government permission every time they wish to shift their land from one use to another. Thus, single-use zoning both spreads sprawl and restricts property rights.

Conventional zoning also requires homes and apartments to gobble up large amounts of land. Minimum lot size requirements effectively choke off the supply not just of walkable neighborhoods, but of all housing. If each residence consumes large amounts of land, fewer residences can be placed within walking distance of shops, jobs, transit stops, or anything else. So minimum lot sizes are harmful from a smart growth point of view.

Property rights advocates should also oppose anti-density regulation, because density restrictions limit a landowner's right to use and profit from land as he sees fit.

The property rights implications of single-use zoning and anti-density zoning are, I think, fairly obvious. But even more obscure government regulations, such as parking and street design rules, also restrict the options of home seekers and property owners.

Municipal governments often require owners of apartments and commercial buildings to provide renters, employees, and visitors with huge amounts of parking. The impact of minimum parking requirements on property rights is obvious: If a landowner must devote X feet of land to parking, that landowner cannot use those X feet of land for more profitable purposes such as apartments or offices. So supporters of limited government have an excellent motive to support parking deregulation.

The quality-of-life implications of parking regulations are less obvious. How many of you have heard of Donald Shoup? (About 60 percent of hands go up, since this is audience of planners). He wrote an excellent book called *The High Cost of Free Parking*. Here's my brief summary: minimum parking requirements make cities more car-dependent by:

- reducing the amount of housing that can be built on a given parcel of land, thus reducing the number of people who can walk to public transit and other nearby destinations.
- encouraging landowners to place parking lots in front of buildings. This means that to reach shops, offices, and apartments, pedestrians must walk past visually unappealing parking lots, making for a longer and less pleasant commute.

Street design regulations may seem noncontroversial at first glance, but they reduce both walkability and property rights. Over the years, American cities have tended to require bigger and wider streets on longer blocks. Wider streets are unpleasant and perhaps even dangerous for pedestrians, because they increase the amount of time a pedestrian must spend walking through traffic. Moreover, every foot of land used for streets is a foot that cannot be used for housing or commerce. Thus, wide streets reduce density and walkability as well.

Property rights advocates have good reason to favor skinnier streets, because every foot a city takes to build a new street is a foot taken from property owners. So wider streets mean weaker property rights.

Even government spending on highways is a property rights issue as well as a smart growth issue. Every foot of land that government takes for highways is a foot taken from landowners. And as we learned after the Kelo case (when government destruction of private homes led to a public uproar) even compensated taking of land affects private property rights.

In sum, there is good reason why property rights advocates should oppose the anti-pedestrian zoning, minimum parking requirements, and wider streets and highways that smart growth advocates already deplore. These rules both increase government regulation of land use and lead to less pedestrian-friendly community design.

I do note, however, that libertarians and sprawl critics may have to agree to disagree about whether government should do anything to restrict new development in outer suburbs and about the extent to which government should support public transit.

So on that note, let the discussion begin.