

Planning Regulations and Their Exclusionary Effects

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ABSTRACT

The exclusion of certain individuals or groups from residential areas is a well-known phenomenon, which influences both the demographic space and social cohesion. This Phenomenon is a process which leads to displacement of the "other", usually socially or politically disadvantaged, from certain housing areas – residential complex, neighborhoods or even entire local authorities. One of the elusive – and in many countries, as yet unspoken - ways to do so is through land use regulation and development control. In most countries, planning regulations are a set of statutory instruments which are usually perceived as "technical" tools. In practice, such regulations have the potential of influencing the social composition of residential areas by the use of instruments such as minimal lot sizes, residential densities, either to exacerbate residential exclusion or for mitigating it. For example, low density and large size housing units will probably attract wealthy residents. These units will be out of reach for low income groups. Regulation of fair housing might enable some of these low income residents to live in a middle or higher-income areas. This paper will focus on the first type of effects. In American planners' language, the differentiating effect of planning regulation is known as "exclusionary zoning". However, in applying planning regulations, planning bodies may not have exclusionary intent, rather a legitimate and pervasive end. Another term that is used to describe land use regulations that restrict the housing possibilities of certain groups in certain areas is "Regulatory Barrier". This metaphoric expression implies a much more heterogeneous housing market that was influenced by some authorized intervention. This paper tries to focus the attention on different types of land use regulations that might be a regulatory barrier for housing cohesion. Based on a literature review concerning this issue in U.S.A., Britain and Israel, it reveals different tools that might serve similar interests, in different countries. The review is the first stage in a larger research project intended to compare the laws and policies about the exclusionary planning regulation in selected countries. Our claim is that the extent to which planning regulations are put to exclusionary use in different countries and localities is influenced by a complex set of social, economic and political differences. This paper will try to demonstrate it by a brief review of various planning tools that might be perceived as regulatory barriers that have exclusionary effect. It will also review different attitudes toward the possible effect of the planning regulation on the social cohesion of residential areas.

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