and Section 1987

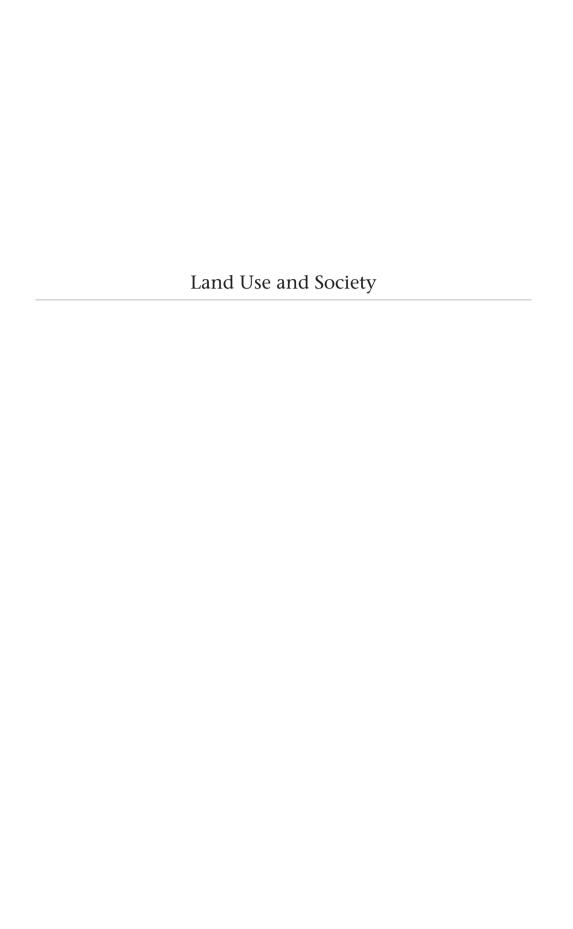
Third Edition

Geography, Law, and Public Policy



RUTHERFORD H. PLATT

KINICS



Land Use and Society

Geography, Law, and Public Policy

Third Edition

Rutherford H. Platt



Copyright © 2014, 2004, 1996 Rutherford H. Platt

All rights reserved under International and Pan-American Copyright Conventions. No part of this book may be reproduced in any form or by any means without permission in writing from the publisher: Island Press, 2000 M Street, NW, Suite 650, Washington, DC 20036

Island Press is a trademark of Island Press/The Center for Resource Economics.

Library of Congress and CIP Data

Platt, Rutherford H., author.

Land use and society: geography, law, and public policy / by Rutherford H. Platt. -- Third Edition.

pages cm

Includes bibliographical references and index.

ISBN 978-1-61091-453-6 (cloth: alk. paper) -- ISBN 1-61091-453-8 (cloth: alk. paper) -- ISBN 978-1-61091-454-3 (pbk.: alk. paper) -- ISBN 1-61091-454-6 (pbk.: alk. paper) 1. Land use-Law and legislation--United States. 2. Land use--United States. 3. Physical geography--United States. I. Title.

KF5698.P588 2014 346.7304'5--dc23

2013042593

Printed on recycled, acid-free paper

Manufactured in the United States of America 10 9 8 7 6 5 4 3 2 1

Keywords: floodplains, humane metropolis, land use geography, land use law, land use regulation, local governance, property ownership, public health and safety regulations, smart growth, suburban sprawl, takings issue, water resource management, urban design, urban planning, urban renewal, wetlands, zoning regulations

Contents

Acknowledgments xi
Introduction: Geography, Law, and Landscape: Reflections from 30,000 Feet
PART I Preliminaries: Land, Geography, and Law
Chapter 1. Land Use and Society: Fundamentals and Issues
Chapter 2. Shaping the Human Landscape: The Interaction of Geography and Law
PART II From Feudalism to Federalism: The Social Organization of Land Use
Chapter 3. Historical Roots of American Land Use Institutions 67
Chapter 4. Building a Metropolitan Nation: 1900–1940
Chapter 5. The Polarized Metropolis: 1945–2010
PART III Discordant Voices: The Land Use Decision Process
Chapter 6. Property Rights: The Owner as Planner
Chapter 7. The Patchwork of Local Governments
Chapter 8. Zoning, Regionalism, and Smart Growth
Chapter 9. Land Use and the Courts
Chapter 10. Congress and the Metropolitan Environment
Epilogue
Common Acronyms
Notes
Inday 201

TO JACK, ELIZABETH, LUCY, AND ELIOT

Grandchildren who are above average!

Acknowledgments

Many people have contributed, directly and indirectly, to this third edition of *Land Use and Society: Geography, Law, and Public Policy*. First and foremost, I thank Heather Boyer, senior editor at Island Press, who once again has expertly and cheerfully guided me through the labyrinth of the book revision process. I appreciate her timely and useful feedback on editorial matters as well as her broad knowledge of the urban sustainability literature. Also at Island Press, production editor Sharis Simonian has kept the entire book revision on track, and Rebecca Bright, editorial assistant, has been enormously helpful in overseeing the art elements of the book.

Once again, I thank Kathleen M. Lafferty as editorial advisor, copy editor, and dear friend for her unfailing technical skill, patience, and sense of humor in this our fourth book collaboration. I am also grateful to Don Sluter of the Department of Geosciences at the University of Massachusetts Amherst for his help in redrafting certain diagrams and figures. Barbara Fell-Johnson, director of the Hampshire County Law Library, vetted Box 9.1 on legal citations.

Although I have technically "retired" from the University of Massachusetts Amherst, some of my former students now educate me in their respective areas of professional expertise, particularly Joy Abbott, Miriam Anderson, Nancy Denig, Jim Kendra, Peter Klejna, Bill Nechamen, Laurin Sievert, and Aaron Wieneth.

I also thank many colleagues and friends around the country who are helping promote greener, healthier, safer, and more humane urban communities, especially Jerry Adelmann, Will Allen, Tim Beatley, Armando Carbonell, Chris De Sousa, Peter Harnik, Mike Houck, Jon Kusler, Larry Larson, Roland Lewis, Mary Rickel Pelletier, Alex Polikoff, Ann Riley, Anne Spirn, Kathleen Tierney, Cathy Tumber, and Bob Yaro, among many others.