



ICMA

Residential Land Use Regulation Survey

SUMMARY OF SURVEY RESULTS
May 2019



ICMA | survey research

Residential Land Use Regulation Survey

Overview

ICMA and the Zell/Lurie Real Estate Center of The Wharton School, University of Pennsylvania, partnered on a survey to characterize and compare local governments' residential land use regulations, practices, and procedures.

The survey, which opened in December 2017 and closed January 2018, was distributed to chief administrative officers (that are in ICMA's database) in U.S. local governments with a population of 2,500 or more. It was completed by 3,346 local governments, yielding a response rate of 24.2% with a 1.5% margin of error.

Survey Population	Surveyed	Responded	Response Rate
Total	13,851	3,346	24.2%
Census Population	Surveyed	Responded	Response Rate
Over 500,000	140	28	20.0%
250,000 - 499,999	168	47	28.0%
100,000 - 249,999	532	133	25.0%
50,000 - 99,999	936	251	26.8%
25,000 - 49,999	1,642	411	25.0%
10,000 - 24,999	3,155	794	25.2%
5,000 - 9,999	3,128	744	23.8%
2,500 - 4,999	4,147	938	22.6%
Geographic Division	Surveyed	Responded	Response Rate
New England	856	228	26.6%
Middle Atlantic	2,458	496	20.2%
East North-Central	1,435	342	23.8%
West North-Central	3,853	878	22.8%
South Atlantic	1,552	475	30.6%
East South-Central	864	142	16.4%
West South-Central	1,288	275	21.4%
Mountain	683	203	29.7%
Pacific Coast	862	307	35.6%
Type of Government	Surveyed	Responded	Response Rate
Municipality	10,950	2,825	25.8%
County	2,901	521	18.0%

Key Findings

Underlying Conditions

- 38.7% of municipalities reported that the size of their jurisdiction has increased since 2000. Increases are much more likely to be reported in the West and South, where a higher portion of land is unincorporated.
- 93% of local governments have land currently available for development.
- Most local governments have both subdivisions of 50 or more single-family homes and multi-family housing within their jurisdiction. Large subdivisions are less common in counties and in regions east of the Mississippi River.

Land Use Demand

- Roughly half of municipalities feel the appropriate amount of land is zoned relative to demand for residential, commercial, and industrial uses.
- One-third of municipalities perceive the amount of land zoned for multi-family housing as not meeting demand. That perception is more common in the West, where nearly half of local governments feel they are not meeting the demand for multi-family housing.
- More than a third of responding counties report more single-family zoning than demanded in their communities.

Approval Processes

- It is most typical for residential land use changes to require approval (or at least review) by two groups: 1) local planning commissions and 2) local councils, managers, or commissioners. If the land use change would also require rezoning, a third level of approval—most often a local zoning board—is required by just over half of responding local governments.
- Approval by specialized bodies, such as environmental or design review boards or public health offices, are required by a limited share (less than 14%) of responding local governments.
- The median length of time required to complete the review of a “by-right” (permitted under current rules) project for multi-family housing is twice the time required for single-family units.

Requirements

- Most local governments (90.8%) have minimum size requirements. The minimum size varies across the jurisdiction in a majority of communities.
- Affordable housing requirements are more than twice as common in the Northeast (22.7%) and Western regions than in the South (9.6%) and Midwest (8.1%). They are most frequently found in the Pacific Coast states.
- Impact fees, where developers pay an allocable share of the costs of infrastructure improvement, are very common in the Western region (73.8%), Florida (84.7%), and Maryland (80.0%).

Suggested Citation:

International City/County Management Association. Residential Land-Use Regulation Survey – Summary of Survey Results. Washington, DC: ICMA, 2019. (Accessed Month Day, Year). <http://icma.org>.

Survey Results

1. What is the size of your jurisdiction in square miles? (n=3,002)

	Mean	Median	Minimum	Maximum
Overall	239.8	19	0.1	89,000
Municipalities	57.8	13.8	0.1	13,925
Counties	1,237.6	601.0	2.0	89,000

2. How has the size of your jurisdiction in square miles changed since 2000? (n=3,280)

	Increased	Decreased	Not changed
Overall	33.3%	4.1%	62.6%
Municipalities	38.7%	3.1%	58.2%
Counties	4.1%	9.6%	86.4%

3. In your community, how involved are the following in affecting residential building activities and/or growth management procedures? (n=3,325)

	No involvement	Less involvement	Moderate involvement	More involved	Very involved
Local Council, Managers, Commissioners	5.7%	4.9%	20.5%	21.8%	47.0%
Community pressure	11.5%	23.9%	37.4%	18.2%	9.0%
State legislature	30.6%	36.3%	20.9%	8.1%	4.1%
Local courts	53.0%	35.2%	9.4%	1.6%	0.8%
State courts	52.8%	35.1%	9.4%	2.0%	0.8%
Other	88.1%	3.6%	2.8%	2.4%	3.3%

4a. Which of the following are required to approve residential land-use changes?

For projects that do not require rezoning, i.e., allowed "by-right" (n=3,301)

	Required	Supermajority Required	Not Required
Local Planning Commission	61.9%	2.0%	36.2%
Local Council, Managers, Commissioners	50.8%	2.5%	46.8%
Local Zoning Board	34.1%	2.2%	63.8%
Town Meeting	25.7%	1.9%	72.4%
Design Review Board	13.5%	0.7%	85.8%
Public Health Office	12.4%	0.8%	86.8%
Other	11.3%	0.2%	88.5%
County Board of Commissioners	10.9%	1.2%	87.9%
County Zoning Board	10.1%	0.8%	89.1%
Environmental Review Board	8.7%	1.0%	90.3%

4b. Which of the following are required to approve residential land-use changes?

For projects that do require rezoning (i.e., rezoning or a variance) (n=3,288)

	Required	Supermajority Required	Not Required
Local Planning Commission	76.4%	2.8%	20.8%
Local Council, Managers, Commissioners	69.8%	3.1%	27.1%
Local Zoning Board	51.5%	2.8%	45.8%
Town Meeting	37.2%	2.1%	60.8%
County Board of Commissioners	14.9%	1.4%	83.7%
County Zoning Board	13.3%	0.9%	85.8%
Design Review Board	12.4%	0.8%	86.8%
Public Health Office	9.5%	0.7%	89.8%
Environmental Review Board	8.0%	0.7%	91.4%
Other	7.6%	0.2%	92.1%

5. Do you currently have any of the following in your jurisdiction?

	n	Yes	No
a. Single-family subdivisions of 50 or more homes	3,278	71.9%	28.1%
b. Multi-family housing	3,259	87.1%	12.9%

6. Do you have any land currently available for development? (n=3,288)

	Yes	No
	93.0%	7.0%

7. Do you have a minimum lot size requirement? (n=3,295)

	Yes	No
	90.8%	9.2%

7a. If yes, do you have the same minimum lot size requirement across the entire jurisdiction? (n=2,954)

	Yes	No
	71.9%	28.1%

7b. If yes, what is the largest minimum requirement? (n=2,891)

Less than ½ acre	½ to 1 acre	1 to under 2 acres	2 acres or more
38.9%	15.8%	14.6%	30.6%

8. Does your community place annual limits on the total allowable number of permits or dwellings?

	n	Yes	No
a. Building permits for single-family homes	3,301	2.2%	97.8%
b. Building permits for multi-family homes	3,285	3.1%	96.9%
c. Number of single-family residential units authorized for construction	3,292	1.9%	98.1%
d. Number of multi-family residential units authorized for construction	3,283	2.8%	97.2%
e. Number of multi-family dwellings	3,279	2.6%	97.4%
f. Number of units in multi-family dwellings	3,258	3.7%	96.3%

9. Do developers have to comply with any of the following requirements to build in your jurisdiction?

	n	Yes	No
a. Include affordable housing, however defined, in their projects	3,252	13.7%	86.3%
b. Supply mandatory dedication of space or open space (or fee in lieu of dedication)	3,255	51.9%	48.1%
c. Pay impact fees (allocable share of costs of infrastructure improvement)	3,252	45.4%	54.6%

10. Do you have zoning laws? (n=3,260)

	Yes	No
	92.3%	7.7%

11. How do you perceive the supply of land zoned for each use listed below compared to the demand for it in your community?

	n	Land-use is not zoned	Far more than demanded	More than demanded	About right	Less than demanded	Far less than demanded
a. Single-family	3,198	6.7%	9.6%	16.3%	47.0%	14.5%	5.9%
b. Multi-family	3,167	8.7%	4.7%	11.5%	43.6%	24.5%	7.1%
c. Commercial	3,172	6.1%	4.9%	16.9%	50.7%	17.7%	3.7%
d. Industrial	3,158	9.7%	5.7%	14.9%	45.9%	18.1%	5.8%

12. Please provide data regarding zoning applications over the last 12 months.

	n	Mean	Median	Maximum
a. Applications for any zoning changes (total <u>approved</u>)	2,169	8.4	3.0	1275
b. Applications for any zoning changes (total <u>submitted</u>)	2,679	7.5	2.0	1275
c. Applications for zoning changes regarding new development (total <u>approved</u>)	1,807	4.9	2.0	411
d. Applications for zoning changes regarding new development (total <u>submitted</u>)	2,556	3.6	1.0	400

13. Have you had any lot development in the last 10 years? (n=3,141)

	Yes	No
	81.6%	18.4%

14. Given your best judgement, how much has the cost of the following types of development increased in the last 10 years?

	n	0% - 20%	21% - 40%	41% - 60%	61% - 80%	81% -100%	Over 100%
a. Lot development, including subdivisions	2,929	47.2%	31.2%	14.3%	4.0%	1.3%	1.9%
b. Single family lots	2,933	49.5%	30.0%	12.5%	4.4%	1.7%	1.8%

15. If no project has been approved in the last 10 years, please check below (n=3,346).

No project approved in last 10 years	Project approved (or did not indicate)
12.4%	87.6%

16. What is the current length of time required to complete the review of a "by-right" (permitted under current rules) residential project?

	n	Have this unit %	Length of time in months			Don't have this type of unit %
			Mean	Median	Maximum	
a. Single-family units	2,760	91.6%	2.4	1.0	61.0	8.4%
b. Multi-family units	2,730	85.2%	2.9	2.0	61.0	14.8%

17. What is the current length of time required to complete the review of a "not by-right" (i.e., would require an exemption to current rules) residential project?

	n	Have this unit %	Length of time in months			Don't have this type of unit %
			Mean	Median	Maximum	
a. Single-family units	2,690	87.2%	4.2	3.0	64.0	12.8%
b. Multi-family units	2,680	83.2%	4.6	3.0	72.0	16.8%

18. Over the last 10 years, how did the length of time required to complete the review and approval of the residential projects in your community change?

	n	Considerably longer	Somewhat longer	No change	Less time	Land-use is not zoned
a. Single-family	3,112	2.0%	12.4%	58.8%	20.1%	6.7%
b. Multi-family	3,084	2.5%	13.9%	56.5%	18.0%	9.2%

19. Does your community allow rezoning? (n=2,995)

	Yes	No
	93.5%	6.5%

20. What is the typical amount of time between application for rezoning and issuance of a building permit for development of:

	n	We do not have this unit	Less than 3 months	3 to 6 months	7 to 12 months	1 to 2 years	2 to 3 years	Over 3 years
a. Less than 50 single-family units	2,971	10.9%	25.2%	36.4%	17.4%	8.1%	1.4%	0.6%
b. 50 or more single-family units	2,966	22.0%	17.0%	30.2%	17.8%	9.6%	2.4%	0.9%
c. Multi-family units	2,956	14.1%	21.8%	33.8%	18.0%	9.4%	2.1%	0.8%

21. Does your community have any subdivisions? (n=3,162)

	Yes	No
	92.9%	7.1%

22. What is the typical amount of time between application for subdivision approval and issuance of a building permit for development of:

	n	We do not have this unit	Less than 3 months	3 to 6 months	7 to 12 months	1 to 2 years	2 to 3 years	Over 3 years
a. Less than 50 single-family units	3,043	8.3%	25.3%	37.2%	20.5%	7.0%	1.2%	0.4%
b. 50 or more single-family units	3,010	21.1%	17.7%	30.1%	19.5%	8.5%	2.1%	0.9%
c. Multi-family units	2,991	14.6%	22.1%	33.5%	19.3%	8.3%	1.8%	0.5%