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# Rural Zoning in Transition

By Erling D. Solberg

*Rural zoning is in a period of rapid growth and development. New types of regulations and zoning techniques are emerging to cope with the new problems and goals stemming from the impacts of change in our rural communities. A study was made to find out the nature and extent of rural zoning and the probable trends. The extensive results of this research, on which this article is based, will be published later as a Department publication.*

**Z**ONING ORIGINATED and developed in crowded cities. Its basic regulations were designed for urban ends. Pioneers in the field of rural zoning took these basic raw materials and shaped them to serve the rural community. In the early twenties, in Wisconsin and in a few other States, rural communities began to adopt zoning techniques for protecting rural values on that day's more restricted urban fringe. During the following decade, they established forestry and recreational districts to help bring order out of land-use chaos in the cut-over areas of the North Central States. More recently, in the open country and on an expanded urban fringe, which sometimes extends 30 to 50 miles beyond city limits and often overlaps fringe areas of neighboring cities, many rural communities are exercising zoning powers to guide residential growth, to assign commercial and industrial activities to designated areas, and to preserve the safety and carrying capacity of their highways.

The process continues. Rural zoning is in a period of transition. From today's zoning laboratories—the State legislatures and local zoning agencies—through a process of adaptation and innovation, new types of rural zoning regulations and techniques are emerging to cope with problems of our changing rural communities. The very number and diversity of these experimental agencies alone foreshadows further change.

Rural people in increasing numbers are recognizing the value of rural zoning as one available regulatory measure for protecting their community and for guiding its growth. They have been asking for information on how zoning can be helpful in coping with new problems. They want to know how rural zoning has been used in other States and counties.

## Enabling Laws

The future value of rural zoning to our changing rural communities may depend as much, or more, upon the development and use of new zoning devices as upon the exercise of conventional regulations. For that reason, a library study was made of all enabling laws authorizing zoning outside the limits of incorporated municipalities. In total, 175 such laws in 38 States were found. Of these, 102 in 31 States empowered a total of 1,165 counties to zone; 50 in 12 States authorized towns or townships to adopt ordinances; and 23 pertained to other units of local government (fig. 1).

The main provisions and powers conferred by each enabling law were summarized and tabulated for ready comparison. Tabulation was facilitated because two model enabling laws were found to have materially influenced the drafting of most of the statutes. The legislatures, using these standard acts as a base, selected provisions at will. They accepted some, rejected others, and added a host of their own. New adaptations and innovations, the mutations of zoning, were carefully noted and are discussed later.

Local governments get their power to zone from their respective State legislatures. This power is conferred in zoning enabling laws, which merely empower the counties, towns, or other units of local government, to adopt zoning ordinances. These governments, at their discretion, may exercise the powers granted or they may decline to act. If a community decides to zone, the ordinance must come within the framework of its enabling law which governs the areas that may be zoned and the types of regulations that may be imposed. In this respect the enabling laws vary considerably.

Before proceeding further, it will be helpful to define zoning and to examine briefly the types of

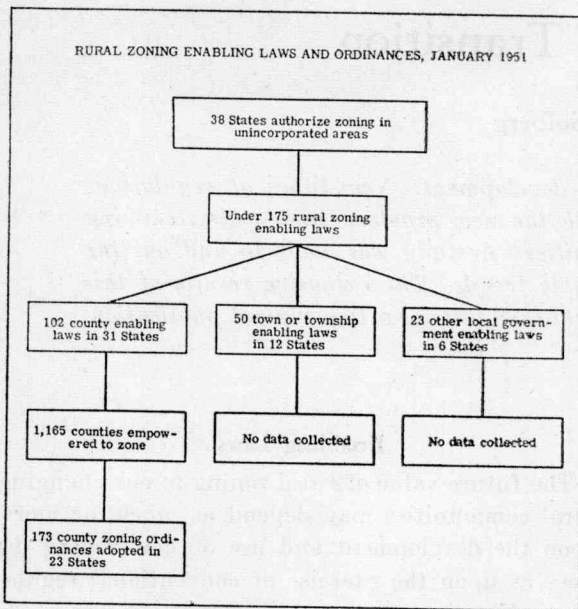


FIGURE 1.

regulatory powers embraced by that term. Zoning is the regulation by districts of the height, bulk, and use of buildings, the use of land, and the density of population. The term embraces a bundle of differing but related types of controls. It involves four major types of directives—use, site-area, building-dimension, and density of population. Each of the four is composed of several separable parts. For example, use regulations are sometimes imposed only in suburban-type districts—residential, commercial, and industrial—or only in open-country zones—agricultural, forestry, and recreational. Or, as is often the case, they are imposed in districts of both types. There may be multiple variations of permitted or prohibited uses in such districts.

Similarly, site-area regulations may control the minimum size of lots or tracts, the percentage of the tract that may be occupied by buildings, the size of side or rear yards, and the set-back of buildings from roads. Building-dimension restrictions may control the height, size, bulk, kind, and number of stories, and design of buildings, or only some of these. Density-of-population regulations may limit the number of families permitted per tract, or prescribe in square feet the minimum areas of ground or floor space required per family.

Zoning measures that are exercised in the interest of public health, safety, morals, and the general welfare, have been held a valid use of the

communities' police powers in a long line of decisions in both Federal and State courts. But the validity of a proposed zoning regulation in each jurisdiction must be considered in light of enabling authority conferred, and of Federal and State constitutional limitations.

### County Zoning Ordinances

Only county zoning ordinances were examined, and a complete coverage of these was not feasible. Zoning officials in counties that had zoned were communicated with and a copy of their ordinances was requested. Responses from counties in California, in the Northern Lake States, and in a half-dozen other States, were gratifying. A number of ordinances were obtained from libraries of Federal agencies. In all, copies of zoning ordinances were obtained for one or more counties in 17 of the 23 States that had zoned at the time of the study. These comprised slightly more than 40 percent of the 173 ordinances then in effect.

The character of zoning powers exercised in the county zoning ordinances that were examined varies materially. Four main types of ordinances were found. These were rural comprehensive, suburban comprehensive, rural use, and open-country use. The first two of these types of ordinances embody regulations of all four of the classes previously mentioned—use, site-area, building-dimension, and population-density. Rural comprehensive ordinances were the most numerous and comprised 35 of the 71 ordinances diagrammed in figure 2. Four ordinances were of the suburban comprehensive type. Only use regulations are effected by the 19 open-country use ordinances examined. The same is also true of some of the 13 ordinances of the rural-use type, but a few in this class add site-area regulations, or they impose set-back lines.

The most important function of zoning—the regulation of the use of land, buildings, and structures—is effected by dividing the areas to be zoned into use districts in which certain uses are permitted, sometimes conditionally; and in which others are prohibited. Use districts established by the ordinances examined are of six main classes: Residential, commercial, industrial, agricultural, forestry-recreational, and residual. Each main class embraces several subclasses. The agricultural class includes general agricultural, residential-agricultural, and country-home districts. Fifty percent



TYPES OF ORDINANCES, CLASSES OF POWERS EXERCISED, AND GENERAL TYPES OF DISTRICTS  
ESTABLISHED BY 71 COUNTY RURAL ZONING ORDINANCES EXAMINED, JANUARY 1949

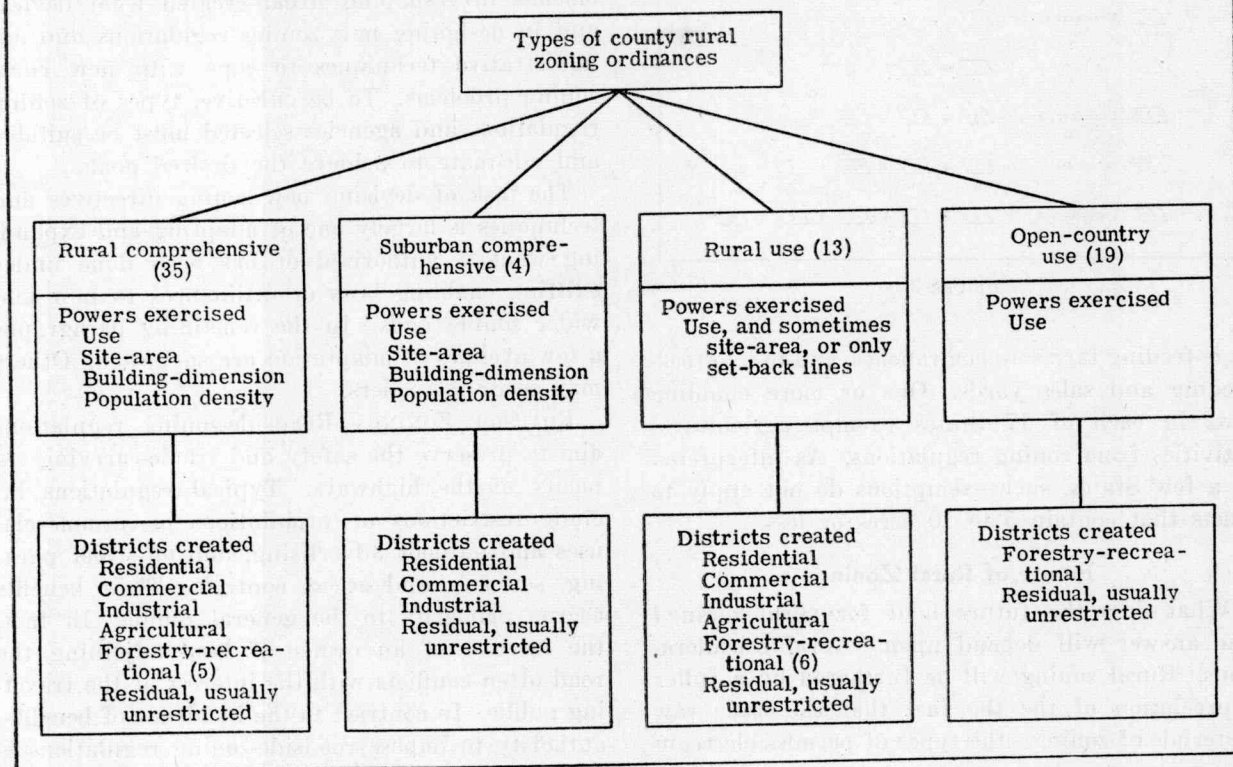


FIGURE 2.

of the ordinances examined provide for general agricultural districts.

Ordinances classified as rural comprehensive and as rural use, usually create types of zoning districts embraced by five of the six main classes of districts. The exception is the forestry-recreational type districts, which type was established by only 5 of the rural comprehensive ordinances examined and by 6 of the 13 rural-use ordinances. Four main classes of districts were created by the suburban comprehensive ordinances. The open-country-use ordinances established only forestry or recreational districts, or both.

Readers are cautioned that the name given a particular type of district in an ordinance is not always indicative of all the classes of uses permitted in such district. Rather, it generally is descriptive of the least restricted class of use in the entire array permitted in such zone. Under many ordinances, districts of less restricted uses admit the uses of the more restricted zones. Uses

permitted in each succeeding district in the array from the most to the least restricted are cumulated. For example, in the residential districts having highest restrictions, only homes and accessory uses are permitted; in the agricultural districts, homes plus farming; in the commercial districts, homes plus farming, plus trade; and so on (fig. 3).

Each zoning ordinance, in addition to dividing the areas zoned into districts, usually lists the general kinds and the specific uses that are permitted, conditionally permitted, or prohibited, in each type of district. Multiple variations are found. Such uses that are enumerated in the county ordinances we examined that pertain to the three classes of agricultural zoning districts are of nine types: Residential, agricultural, agricultural-industries, recreational, commercial, public and semipublic, public utility, mining and related activities, and general industrial uses. Very few zoning restrictions on farming activities in general agricultural districts are found, except for those that apply to gar-

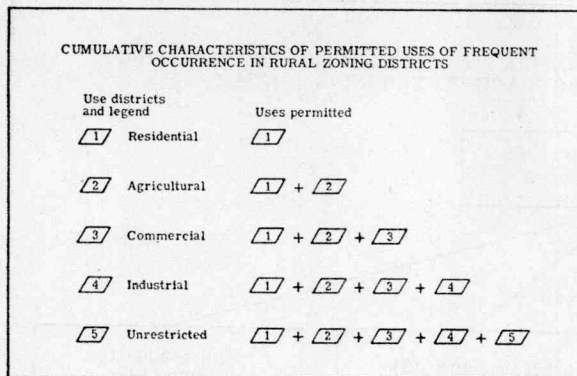


FIGURE 3.

bage-feeding farms, to hog ranches, and to livestock-feeding and sales yards. One or more enabling laws in each of 17 States exempt agricultural activities from zoning regulations. As interpreted in a few States, such exemptions do not apply to tracts that contain 5 to 10 acres or less.

### Future of Rural Zoning

What does the future hold for rural zoning? The answer will depend upon several considerations. Rural zoning will be furthered by a fuller appreciation of the fact that the basic raw materials of zoning—the types of permissible regulations—were urban-created; that such urban-created devices cannot be transplanted, without reshaping, to a rural setting and be expected to flourish. Instead, they may wilt and die. The future of rural zoning will be advanced by apprising rural people that zoning is not a single package that must be accepted or rejected as a unit, but that zoning embraces differing but related types of controls; that these controls may be exercised individually or in groups; and that they may, and preferably should, be modified and reshaped so as to best serve the rural community.

The growth of rural zoning will be promoted by a widespread realization that the benefits from some types of zoning regulations are primarily local, while from others the benefits accrue to the locality as a whole or to society generally, with lesser or even no advantage to landowners or occupants in the zoning unit. Moreover, rural zoning would be furthered by a general recognition of the limitations of local government for administering types of zoning regulations whose benefits are largely nonlocal. In such cases, administration by higher levels of government would be more

effective. Finally, and most of all, the future of rural zoning will depend on the adequacy of present zoning research and on the ingenuity of zoning officials in reshaping urban-created legal devices and in designing new zoning regulations and administrative techniques to cope with new rural zoning problems. To be effective, types of zoning regulations and agencies selected must be suitable and adequate to achieve the desired goals.

The task of devising new zoning directives and techniques is largely one of adapting and expanding what is authorized or has been done under existing enabling laws or ordinances to new and wider zoning ends. In the remaining paragraphs a few avenues of adaptation are suggested. Others may occur to readers.

**ROADSIDE ZONING.**—Roadside-zoning regulations aim to preserve the safety and traffic-carrying capacity of the highways. Typical regulations include restrictions or prohibitions on commercial uses and outdoor advertising, and off-street parking, set-back, and access controls. Their benefits accrue primarily to the general public. In fact, the interest of an owner of land adjoining the road often conflicts with the interest of the traveling public. In contrast to the incidence of benefits, authority to impose roadside-zoning regulations is usually vested in local units of government. The exercise of roadside-zoning powers, when granted, is often limited functionally by restrictive enabling laws; is necessarily limited geographically by the community's boundaries; and is frequently limited administratively by meager budgets and in response to individual and group pressures stemming from a divergence of interest between landowners.

Problems growing out of the absence of roadside zoning or from inadequate regulations are evident in many rural communities. Merely to empower counties or towns to zone apparently is not enough. The result too often on Federal and State highways is good zoning in a few communities, inadequate controls in others, and none in many; although the needs are the same in all. Examples are also common of the attrition of local interests causing a gradual break-down of locally imposed zoning regulations, particularly along new arterials. The larger public interest suffers. Greater uniformity of roadside-zoning regulations, both geographically and chronologically, is sorely needed.

The problem and challenge is one of redesigning

traditionally local zoning regulations and techniques so as to achieve a workable compromise between local and State-wide interests. Ways need to be found to reconcile this conflict of interest and to make administration more responsive to the structure of zoning benefits.

In this field there is a need for both research and education. Certainly, attention must be paid to local desires and needs, and at the same time wider public ends must be served. Some legislative experimentation directed toward these goals has occurred. In addition to the usual provision in enabling laws that requires zoning regulations to be preceded by and based on comprehensive planning, a few statutes are found that prescribe minimum set-back lines along roads, if the community zones; require local governments to adopt regulations of a specified character; or authorize State agencies to veto local roadside ordinances. In 1949, the legislature of one State considered a bill to grant its State Highway Department power to zone areas along certain roads. It has been suggested that grants and aids for highway purposes should be predicated on the existence of adequate roadside zoning. And, moreover, since the benefits from such zoning accrue primarily to the community at large, that highway aid funds should be made available to zoning agencies to defray at least partially the cost of administering roadside ordinances.

**ZONING IN RIVER BASINS.**—Rural zoning both on the watershed and on the flood-plain is a useful regulatory device that is not to be overlooked when planning development of river basins. Conventional zoning regulations and techniques no doubt will play a useful part, but such regulations have some obvious limitations. New types of regulations, reshaping of old types to attain new goals, and rural zoning by other levels of government, offer greater possibilities. Zoning techniques and agencies proposed for river basins need to be designed with a cognizance of the nature, scope, and interrelationship of the over-all problem, and with the aim of integrating zoning with other remedial measures. Inspired research is needed in this field.

Programs in a river basin looking toward stabilization of water supply and reduction of siltation and flood crests must begin upstream on agricultural, grazing, and forest lands. Unwise land use on the highlands often accentuates problems in the valleys below. Conversely, upstream remedial pro-

grams may confer both local and downstream benefits. Problems of a river basin call for the integration of remedial programs of all the areas within the basin.

One means of reserving upper watersheds for purposes of stream regulation is by purchase for public forests; another is by zoning such areas to forestry and recreational uses, or to both of these uses. The incidence of benefits from this type of zoning, however, if regulations are to be imposed by the usual local units of government, may preclude tapping their full potentials. There are both local and regional benefits. Those accruing to the locality are ascribed primarily to improved recreational conditions, to lessened forest-fire hazards, and to lower taxes on forest lands resulting from the need for fewer public services. Other benefits resulting from forest zoning are the stabilization of water supply, and the reduction of flood crests and silt flows. These benefits may accrue primarily to people living outside of the forest zone.

Although the incidence of the benefits from forestry and recreational zoning may be both local and regional, these benefits will be realized only if local governments on the upper watersheds decide to zone. This they may decline to do, or neglect to do; or they may initiate an inadequate program. Forest zoning might be strengthened by regulations imposed at higher levels of government or at a combination of levels. Furthermore, the establishment of adequate forest areas on the watershed might be assured by the allocation of river-development funds for the purchase or condemnation of nonconforming tracts, to be resold for forestry and recreational uses. Also, public recreational values might be protected by zoning regulations that require forest land to remain open to public hunting and fishing, as is required by two county zoning ordinances in Michigan.

Flood-plain zoning regulations, to be stable and most effective, need to be imposed at a level of government higher than the local level. Attainment of the full benefits calls for regulations that prohibit certain uses of land in all areas subject to periodic damaging inundation, irrespective of local political boundaries. Annual flood losses might be greatly reduced by excluding or removing dwellings and other uses that are subject to aggravated flood losses from hazardous lowlands; by restricting such areas to farming; and by re-



stricting the more critical areas to grazing. Benefit-cost analysis might be used in making a choice between flood-plain zoning and alternative remedial measures, and for deciding upon the character of zoning regulations to be adopted.

**FARM ZONING DISTRICTS.**—Rural zoning is a flexible tool that can be readily shaped to serve the needs of rural people. Realization of its full potentials awaits the touch of adaptative imagination. Perhaps zoning regulations could be designed to prevent the unplanned, haphazard, and often premature, suburban development on good agricultural land located on the urban fringe. The destruction of the agricultural character of these communities often begins by sale of a few small tracts for nonfarm residential uses. The process continues, bringing with it higher taxes stemming from school, sanitation, and other public-service problems, and, finally, the economic and political submergence of the rural community. Such parcellation and nonfarm uses are permitted by pre-

vailing cumulative zoning district regulations (fig. 3).

Instead, regulations designed for agricultural zones might prohibit nonfarm residences and impose large-tract minimums. These would tend to retard parcellation. A comparable growing practice in industrial districts is the exclusion of all nonindustrial uses. Moreover, there are already county zoning ordinances that prescribe minimums of 5-, 10-, and even 20-acre tracts. A further step might be the establishment of greenbelts around our cities.

In closing, it is emphasized that the legal raw materials of zoning—the basic types of regulations—were urban created; that in the past these raw materials have been reshaped in an effort to serve the rural community. Today, in our changing rural economy, new problems and goals call for new zoning techniques. It is probable that rural zoning will again prove to be a flexible community tool.

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## Changes in Corn Acreage and Production After the Early Indications

By Malcolm Clough

*Early-season indications of corn acreage and production are important to farmers, to processors, and to the Government. This article compares the earliest indication of corn acreage and production each season with the actual outcome of the crop as estimated in December. During the last two or three decades, more than 80 percent of the year-to-year variation in corn acreage has been reflected in the March 1 intentions, and about 60 percent of the variation in corn production has been reflected in the July 1 indications. But 40 percent of the variation in corn production has been determined after July 1, and decisions based on July indications must allow for this remaining uncertainty. In general, the range of uncertainty is reduced substantially by the August and September crop reports. The September estimates have differed from the December estimates by less than 100 million bushels in 20 of the last 32 years.*

**B**ECAUSE of the prominent place of corn in the agriculture of our country, prospects for an oncoming crop are of interest and concern, not only to Corn Belt farmers, but to the public generally. Prospects for the crop are basic to the outlook for livestock production and to prospective

supplies of meat, milk, and eggs. Changes in prospects for the crop are under continual observation, from the first indications of farmers' planting intentions, as reported in March, to the time of harvest in the fall.

The purpose of this paper is to compare the