A Feminist Analysis of Gender and Residential Zoning in the United States

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INTRODUCTION

Beginning in 1985, I published a series of articles addressing the relationship between land use and zoning issues and the changing demographics of American society. Implicit in all those pieces, and explicit in some, was the important relationship between changing gender roles and municipal land-use law. Specifically, I addressed the power of municipal zoning ordinances to spatially direct family lives, the location of support systems, and the very composition of intimate household arrangements.

In the 1970s and 1980s, literature about women and planning flourished. The edited volume *New Spaces for Women* was instrumental in helping define women and environments research (Wekerle et al., 1980). A special edition of *Signs*, the first feminist journal, devoted to women and the city, appeared the same year (Stimpson et al., 1980). These collections addressed women's activities in the urban environment. The authors acknowledged and examined women's different daily-life activ-

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ity patterns. They provided empirical evidence that the built environment is gendered and called for understanding of, and response to, these differences in community planning and design.

However, even within the small cadre of writers and scholars who concern themselves with the issues of women and the built environment, little is ever said about land-use planning and zoning. Although there is a clear understanding that zoning and land-use planning have to change to realize the redesign of the American dream, it is often dismissed as worthy of a sentence or two, as if by magic a new consciousness would automatically arise to wipe out 60-plus years of entrenched behavior. Although ground-breaking work has been done in the relationship of women's lives to suburban development, housing form, and community change, only this author has explored the regulatory aspects of planning (most often played out as zoning ordinances) and their linkage to women's lives.¹

Zoning, simply defined, is the regulation of the use of land within the community as well as the buildings and structures that may be placed upon it. In theory, its purpose is to protect the health, safety, and general welfare of the community by separating incompatible uses. These "police powers" are reserved for the states under the U.S. Constitution and have been passed on to the individual communities (or counties in some states) by enabling legislation.

Much of what zoning proscribes has to do with laying out the compatible uses for any type of zone and the placement of buildings upon parcels of land in that zone. In general, the typical American zoning code regulates the major land-use categories for a zone (for example, residential zones are usually categorized as single family, duplex, and apartment), other land uses allowed in the zone (in residential this often includes churches and schools), and several technical measures related to lot coverage and the size of lots in a zone. Zoning was legitimated by the Supreme Court in 1926 (*Village of Euclid v. Ambler Realty Corp.*) and the right of American municipalities to enact ordinances regulating land use is well established. The courts have strongly supported the supremacy of local-level control.

However, zoning ordinances have reached beyond the simple regulations of density and use described above to enforce a social agenda in a variety of ways. For example, current residential land policies in many communities exclude the combining of home and work; they exclude the location of child care, shopping, or services in residential neighborhoods; forbid the remodeling of large, expensive, older homes into more

¹For example, see this author's articles in the References, especially Ritzdorf (1985, 1986, 1990).

than one unit and exclude other forms of affordable housing such as modular or manufactured units. In addition, family definitions dictate the composition of the family, limiting, or forbidding those who are unrelated by blood or marriage from living together.

Most of these policies have a direct impact on the lives of women, increasing the time they spend taking care of their families while holding down jobs outside of the home. In addition, these policies have a disproportionate impact on low-income working women, whether single or married, and on the many elderly women who live alone, often in oversized, underutilized homes.

The history of zoning over the past 60 years has largely been written in the suburbs, where zoning has created a strong exclusionary control mechanism for suburban residents who wish to have only others like themselves in their neighborhoods. However, zoning issues related to gender occur in both high-density cities and low-density rural areas as well. Many of the specific issues discussed in this chapter are endemic to all zoning ordinances. Some problems are unique to high-density, medium-density, or low-density environments. For example, in Oregon, home-based child care must be allowed by right within the state-established urban service boundaries (lines surrounding urban and suburban areas that have been state designated as the outermost boundaries of all but rural development in the state) but are not allowed by right outside those areas. This means that home-based child care for rural families can be forbidden by the local county if they wish to do so.

Zoning is a potent tool for directing the spatial distribution of wealth, prestige, and opportunity in American communities. It is the policeman of a certain, suburban (or suburbanlike) lifestyle. If a single-family detached home on its own piece of land, located in a quiet and tree-lined neighborhood far from the bustle of the city, is the metaphor for the American dream, zoning is the tool with which this spatial metaphor is bonded to the landscape.

Traditional arguments say zoning is a way to control the physical environment of a community. However, a long line of court decisions and commentators point out the profound social impacts of community land decisions. Constance Perin documented the moral regarding the value-laden base of American community zoning and concluded:

What has been thought of as singularly technical concerns in land use matters I take to be value laden . . . American land use classifications, definitions and standards . . . name social and cultural categories and define what are believed to be the correct relationships among them. (Perin, 1977, p.3)

It would be misleading to say that zoning has not received a significant amount of attention by scholars; it has. However, the existing scholarship primarily explores the legality of zoning and legal aspects of its

application. After all, zoning is a legal tool, and it has been the province of lawyers and the courts to figure out the intricacies of its boundaries. Although a few authors have explored the cultural, social, and political meaning of zoning, none have explored gender roles. However, it is no surprise that the changing lives of women and their families as they relate to municipal land-use policies have not been the subject of much research. There is almost universal acceptance among both men and women, both planning professionals, academics, and community residents, that the nuclear family unit, living in a single-family detached dwelling unit, is the only acceptable lifestyle to which one should aspire. The collective identity of the American middle-class family is bound within this suburban ideal and impacts city, suburban, and rural zoning.

ZONING AND FAMILY VALUES

The family has always occupied a special niche in American culture. European settlement in the United States was heavily influenced by the expanding continental notion of a zone of private life and the conceptionalization of the family as a personal defense against society, "a place of refuge, free from outside control" (Jackson, 1985, p. 47). By the middle 1800s this "cult of domesticity" was fully entrenched in American society (Hayden, 1984). As the nation shifted from an agricultural to an industrial base, urban-living conditions became intolerable. Transportation systems improved, and living conditions deteriorated. Newly affluent urban businessmen began to remove their families to the suburbs (Hayden, 1984; Jackson, 1985).

As men commuted to work, wives became more and more responsible for everything connected with the domestic environment. Families became more isolated and the home came to be regarded as a superior sphere of the world (Jackson, 1985). By the late 1800s, single-family detached dwellings became "the paragon of middle class housing, the most visible symbol of having arrived at a fixed place in society, the goal to which every decent family aspired" (Jackson, 1985, p. 50).

By the end of the progressive era and the beginning of World War I the single-family suburban ideal was firmly established. Within and around American cities, the peripheral, more suburban areas became the haven of the middle class. However, the meaning of family for purposes of zoning was not clear even though the word was used repeatedly in even the earliest zoning ordinances (Bassett, 1936).

With a generous degree of help from the federal government by the late 1950s, good living conditions, schools, private space, and personal

safety were inexorably connected to suburban living (Hayden, 1984; Jackson, 1985). Communities were concerned with preserving certain characteristics that were clearly based on segregated residential communities with rigid, socially created gender roles. "Post war propaganda told women that their place was in the home, as nurturers; men were told that their place was in the public realm, as earners and decision makers" (Hayden, 1984, p. 42). Federal Housing Authority rules, which encouraged housing schemes segregated by age, race, and class, created communities that were homogeneous, suspicious of outsiders, and ready to defend their turf against any groups that challenged "married suburban bliss" as the only acceptable lifestyle choice (Hayden, 1984; Wright, 1981; Jackson, 1985).

Although virtually ignored in the planning literature, an implicit meaning of the word family (working father, stay-at-home mother, and children) imbedded in "married suburban bliss" has shaped much of the municipal land-use planning agenda. Built into the exclusive single-family residential zoning district is the assumption that a parent, almost always the mother, will be at home all day and available to take care of her children.

Preoccupation with the nuclear family unit is not limited to the planning profession but permeates all public policymaking. The concept of "the family ethic" is advanced by Abramovitz (1988) to explain this historic pattern:

As a dominant social norm, the family ethic articulates the terms of women's work and family roles. According to its rules, proper women marry and have children while being supported by and subordinated to a male breadwinner. Even through major changes in the political economy, the family ethic has persisted. . . . Since colonial times, social welfare policies have treated women differently based on the extent to which their lives conformed to the terms of the family ethic. (1988, p. 2)

The presence of a male to head the household is intrinsic to this Eurocentric model. However, cross-culturally, family form is so varied that it is impossible to argue for the existence of universal psychological, sociological, or biological relations. Therefore, the nuclear family, so important to white nineteenth- and twentieth-century European and American cultural norms, is not always the central point of reference for minority groups, even for those living within the Euro-American context.

Historically, in Western Europe, nuclear-family households were associated with high degrees of independence and the connected possibility of rapid economic mobility. It is no wonder that in nineteenth-century America, as home and workplace drew apart, the nuclear-family unit took on a more significant social meaning. In their classic

study of middle America, the Lunds (1937, p. 410) wrote of the "monogamous family [as] the outcome of evolution from lower forms of life and [which] is the final divinely ordered form." It is also no wonder that Americans would embrace residential patterns that protected the nuclear family as the one socially legitimate family.

The separation of work and residence in the nineteenth century made it possible to physically separate social classes. The acceptance of the "cult of domesticity" made the home-based wife the middle-class ideal and the single-family detached home the American dream. Therefore, middle-class women of that era generally applauded land-use patterns that helped physically create these separate domains at a neighborhood scale. Historically, the best way to reinforce the values of "womanhood" was to be surrounded by those of similar classes and values. "Even in the absence of zoning regulations and the massive housing tracts of postwar conglomerate merchant builders, homogeneous residential neighborhoods evolved initially as the result of informal arrangements" (Rothblatt et al., 1979, p. 16).

The home in a suburban neighborhood allowed the nineteenth- and early-twentieth-century woman an opportunity to show that she had "made it" no less than it does today. Overall, Americans have been culturally conditioned to accept no alternative as being "as good as, as acceptable as" the single-family home in a neighborhood containing only other single-family homes, and most Americans seek this utopia often at significant economic costs. For women, there are considerable social costs as well.

Land-use patterns based on the traditional family ethic serve contemporary women poorly and do not reflect their changing needs or those of their families. They have never reflected the need of alternative families, and as more middle-class women find themselves downwardly mobile through divorce, they are hard-pressed to maintain their middle-class identity. Studies show that most divorced women (primarily for economic reasons) must relocate their family (Siedel, 1986).

In contemporary America, "the popular vision of the typical household of father, mother, and two or three children is fast assuming the proportions of folklore" (Houstoun, 1981, p. 73). Census statistics show, for example, that the most common American household form (29% of households) is a married couple with no children. Almost as many Americans live alone (25%), and only 12.9% of households contain a married couple with children with a mother who is not in the labor force (U.S. Bureau of the Census, 1990).

Nonnuclear families were, and are, more likely to occur among disenfranchised groups, the impoverished, and those from different races and cultures. For women who are both poor and of color, race becomes a "second axis of oppression" with rules that often benefit whites while exploiting or diminishing their life chances. This has been absolutely true of zoning that has consistently been used to prevent the spatial extension of people of color into white, middle-class America.

Today, female-headed households are more and more likely to be white, but they, too, are viewed as culturally deviant. Widows and divorcees as well as single mothers are "not like us," and an abundance of literature exists to support the claim that they are treated differently in our society (Perin, 1988).

All these stereotypes are played out in zoning regulations that attempt to separate these deviant living arrangements from the neighborhoods called "single-family" where the mythical nuclear family resides. Perin states in her newer study of the relationship between land use and social order in America that Americans find the very presence of those of different status in their neighborhood to be an unsettling experience and are especially discomforted by female-headed and minority-headed households (Perin, 1988).

FAMILY DEFINITIONS IN AMERICAN ZONING ORDINANCES

Zoning ordinances have the right (in all but three states—Michigan, New Jersey, and California) to determine household composition. The typical ordinance defines a family as an *unlimited* number of individuals related by blood, adoption, or marriage but only a *limited* number of unrelated individuals living together as a single housekeeping unit. They are a potent tool allowing municipalities to exclude residents from their communities. Family definitions should reconsider the notion that the traditional, nuclear family with one worker is the current social norm and recognize the needs of the elderly and of single-parent families to share housing for economic, social, and security reasons as well as accept the needs or desires of alternative families to be accepted and housed in the community.

For example, sharing a traditional single-family dwelling unit may allow two single-parent families to own or rent a home that they might otherwise be unable to afford. Most municipalities have effectively excluded the "elder commune" and other forms of contemporary living arrangements that are enhancing the lives of older women and women with disabilities. Indeed, in some communities, it is illegal for any unrelated people to live together at all. This has a significant impact on single parents (89% of whom are women) who may choose to share their

homes with others, cohabitating couples, lesbian and gay partnerships, and families with foster children. A wide variety of reasons and rationalizations have been advanced by courts and communities for restricting household composition. These justifications have included preservation of property values, preservation of rent structures, prevention of parking or traffic problems, preservation of neighborhood safety, control of population density, prevention of noise and disturbance, and the control of immoral or antisocial behavior (Shilling, 1980).

Family definitions have been neglected in the scholarly literature on exclusionary zoning (which focuses only on the issue of large-lot, single-family-only zones as an exclusionary tool and only on race as the issue that prompts exclusionary behavior), yet they have a significant impact. Almost all American zoning ordinances contain a definition of family. These definitions have a history of use that is as old as zoning itself. Early definitions tended to use a simple standard, defining family as "one or more individuals sleeping, cooking, and eating on the premises as a single housekeeping unit" (Bassett, 1936, cited in Netter & Price, 1983, p. 173).

However, since the 1960s there has been a move in American communities toward more restrictive definitions containing limitations on the number of unrelated people who can live in a dwelling unit. Faced with changing lifestyles and a strong desire to preserve the existing small nuclear-family oasis, local governments began to incorporate strict family definitions into their ordinances. The regressive shift was prompted, in large part, by the move for deinstitutionalization in the mental-health community and the rise of "hippy" communal lifestyles both of which were regarded as threats to traditional neighborhoods (Ritzdorf, 1985b).

The new post-1960 definition of family most typically defines a family as all individuals related by blood, marriage, or adoption, but only a limited number (most typically, four or five) unrelated individuals living together as a single housekeeping unit (Ritzdorf, 1987). The new definitions provided the courts with a chance to clearly establish whether zoning's function was restricted to regulating land use or whether it could be extended to the regulation of household composition. Generally speaking, restrictive definitions have been rejected by those state courts that have considered them, especially in those cases where the definition was being used to restrict the location of a group home. However, the cases that have dealt more directly with the right of alternative families (such as a group of elderly women or a lesbian couple and their children) have often been decided in favor of the municipalities. Indeed,

the landmark family definition case, decided by the Supreme Court in 1974, leaves no doubt that alternative family formation is suspect and legitimately controllable by municipal regulation.

The case, Village of Belle Terre v. Boraas (416 U.S.1.39LE2d797, 94S.Ct.1536) is well known. Belle Terre, a small village in Long Island, New York, imposes a family definition that allowed any number of related individuals to live together but only two unrelated individuals to occupy a single-family dwelling. The owners of a large home rented it to six college students from a nearby university. The matter wound up at the Supreme Court where Justice Douglas wrote a majority opinion that recognized the preservation of traditional family values as a legitimate state objective. In the nearly two decades since it was decided, the impact of the decision has increased significantly.

Oft-quoted, much-criticized, *Belle Terre* could have been a landmark case in resolving the fundamental relationship between zoning and various constitutionally protected rights. However, the court chose to ignore the constitutional questions and to see the fundamental question in the case as one involving the local power to protect residential areas from disruptive intrusion.

In sustaining a zoning ordinance that restricted all the land use in a village to single-family dwellings and defining a family as "one or more persons related by blood, marriage or adoption or two unrelated persons living and cooking together as a single housekeeping unit, exclusive of household servants" (Village of Belle Terre v. Boraas, 1974), the court refused to recognize the choice of one's intimate household companions as deserving of any constitutional protection.

Since Belle Terre, the court has gone on to carve out a set of zoning decisions that serve to support the contention made by Kenneth Perlman and others (Perlman, 1978; Tribe, 1978) that the use of the Constitution as a wedge to end residential exclusion has been severely limited. But Belle Terre remains extraordinary in its impact because it allows the local zoning authority to reach inside the household and regulate its composition. It gives single-family zoning, as a legitimate objective, the right to protect and encourage the institution of the traditional family. Restrictive ordinances are still supported in the 1990s. In a 1991 case (Dinan v. Town of Stratford), the Connecticut Supreme Court upheld a local restrictive family definition in Stratford that allowed only a maximum of two individuals unrelated to the family of the occupant to live in a single-family unit. Although an amicus curiae brief was filed by the American Planning Association (the first time they have ever taken an organizational stand against such restrictive definitions), the court

praised traditional family districts and vacated the lower court decision that invalidated the regulation because it regulated the user (the people) and not the use.

Although it is often argued that family definitions are irrelevant because communities never enforce them, a 1984 survey found that not to be true. A national survey of 329 randomly selected communities conducted by the author revealed that 87% of the communities defined family in their ordinance. Nearly 60% established a numerical limit to the number of unrelated people who could live together as a family group. Forty percent of the communities had enforced their family definition and required nontraditional family groups to change their lifestyle or location (Ritzdorf, 1985b). An earlier study of all the communities in the Seattle-Everett Standard Metropolitan Statistical Area found onethird of the communities had family definitions that allowed no unrelated persons to live together (Ritzdorf, 1983). The right of communities to regulate the intimate composition of family groups should be a major concern for women as we move out of the traditional family and, whether by choice or necessity, begin to look at alternative living arrangements.

BARRIERS TO HOUSING INNOVATION IN SINGLE-FAMILY NEIGHBORHOODS

For the vast majority of impoverished women, especially women of color, changes in family definitions will barely begin to address their housing problems. In newer, suburban areas they are simply zoned out of many single-family residential districts by more traditional exclusionary zoning tools such as large-lot zoning that creates communities where all home values are kept high by establishing minimum lot sizes of 1 acre or more of land. In older suburbs and in single-family zones in the city, serious restrictions on the division of a home into more than one living unit often limit their options to denser, less safe, and less "acceptable" neighborhoods. Elderly women are especially impacted as they are more likely to own a home that they are reluctant to leave but are ill equipped financially or physically to maintain. Yet, many are not interested in living with roommates. Accessory apartments within existing singlefamily houses are an optimum solution for many of them; however, they are not the only group that benefits from better use of large underutilized single-family homes.

Accessory apartments are defined as self-contained dwelling units created from existing space that include separate bath and kitchen facilities and have their own independent entrance. Many communities already contain innumerable illegal accessory apartments. Preliminary data from the 1980 census indicate that between 1970 and 1980, there may have been as many as 2.5 million conversions of single-family houses to create accessory apartments (Pollak, 1989).

The advantage to accessory units is that when they are properly regulated, they remain virtually invisible while enhancing and preserving residential neighborhoods. Although rules vary from community to community, in general accessory units are limited to 30% or less of the floor area of a home and may not have an exterior entrance on the front of the house. The owner of the home must occupy one of the units at all times (a rule that is usually strictly enforced).

There are many benefits of well-managed accessory apartments to communities. The provision of rental income from these units can make the difference between keeping or losing their home for many elderly and female-headed households. Also, it can offer a buyer of a home the means to meet the high payments prevalent in today's market. Accessory units can provide a source of inexpensive housing units in the community and can bring households at a variety of stages in their life cycle into the community, increasing diversity and reducing fluctuation in demand for certain services, such as education (Hare, Connor, & Merriam, 1985). Most important to many women, the tenant can provide much-needed security. To elected officials and community planners, accessory units represent both an opportunity and a problem. The opportunity is the ability to expand the available affordable housing. The problem is citizen concerns about property values and the decline of the neighborhood environment.

Although accessory apartments have received a lot of attention, research shows that most communities are not adopting ordinances to allow them (Ritzdorf, 1987; Pollak, 1989). Therefore it is difficult to assess their impact. The 1984 random sample survey of zoning referred to earlier, found that only 10 of the responding communities had ordinances allowing accessory units. The remaining 93% did not permit, define, or regulate accessory units. Yet a 1983 study by the Department of Housing and Urban Development found that accessory apartment could add to the stock of affordable housing, allow better use of existing housing, better maintenance of existing housing, achieve housing diversity while maintaining neighborhood quality, and improve the local tax base (Pollak, 1989).

Families with both young children and elderly parents to care for find a solution to parental independence and caregiving in intergenerational arrangements such as accessory apartments. According to the

Older Women's League, a majority of women are caregivers to aging parents at some time in their lives, often in addition to their childrearing and other familial responsibilities (Sommers et al., 1987). In many cases, senior homeowners move into the small accessory unit and rent the larger space to younger families with children. Because the largest percentage of renters are women and the majority of female headed households are renters, women stand to gain housing opportunity from this housing option.

Elder cottages are another housing innovation that are controlled by zoning ordinances. They are small, often portable units that can be placed temporarily in someone's vard and can be made available to families to allow an ill or elderly relative to live on their property. These units, often referred to as Granny flats, are far more popular in other countries (Canada and Australia, for example) than they are in the United States. In most of the very few places that allow such a unit in the United States, the owner of the main home must build the cottage and then rip it down when it is no longer needed, which is an expensive proposition. The 1984 survey of zoning ordinances mentioned earlier found that not even one of the communities had or had considered such an ordinance (Ritzdorf, 1985a). Since that time, a major housing initiative in New York State has created a few revisions to town ordinances to allow such a use, and the state is making monies available to communities that will consider purchasing and renting out a portable unit (Pollak, 1989).

ACCESS TO CHILD CARE

Although affordable, safe, and accessible shelter is the need of women most often linked to zoning, it is an arbiter of the location of child care as well as shelter. The need for affordable, quality, and conveniently located child care is one of the pressing concerns of contemporary family life. Much has changed in the life patterns of today's families due in large part to the dramatic increase of working mothers.

In a major transformation of the American work force, half of all women who are old enough to work hold jobs. Over 75% of those women between 25 and 46 (the Baby Boomers) are in the work force. Approximately 60% of all women with children under the age of 15 worked outside the home (59% work and another 3% attend school) (U.S. Bureau of the Census, 1990). Nearly one-half of all mothers of children under the age of 1 worked outside the home during the same period.

Contrary to popular belief, most mothers work full time. In 1985,

82% of employed single mothers and 68% of employed married mothers held full-time jobs (National Commission on Working Women, 1985).

The number of children needing care greatly exceeds the number of licensed care spaces. Even when the estimated number of unregulated "underground" spaces are considered in estimating demand and supply, many more spaces are needed. In addition, recent real-estate-industry studies show that child care will be a major development issue in the next decade (Lachman & Martin, 1987).

Poor families have faced child-care problems for a long time. But, it has been the entry of middle-class mothers into the workplace in unprecedented numbers that has brought attention to the imbalance in the supply of and demand for child care. Their political sophistication, money, and power to demand change makes child care a high-profile issue. A February, 1989, CBS/NY Times poll indicated that 87% of adult Americans agreed that there needs to be a joint effort between employers and the government to meet peoples' caregiving needs (Child Care Action Campaign, 1987).

However, it is still the working poor who bear the heaviest burdens when zoning laws exclude or limit child-care services. In 1980, three-fourths of families using day-care centers earned under \$15,000 a year, and most of the families' incomes hovered near the poverty line. Minority families are also disproportionately affected. Seventeen percent of American children under the age of 15 are minorities, yet they comprise 33% of all children in day care. Thirty-three percent of all children in child care are black (U.S. Bureau of the Census, 1987). In 1987, poor families spent 25% of their income on child care as compared to 6.9% percent of the income of nonpoor families (U.S. Bureau of the Census, 1990).

Zoning of child-care uses has a far-reaching impact on access to care, quality of care, and cost of care. In September of 1987, the American Planning Association Board of Directors ratified a policy statement on the Provision of Child Care in local planning and zoning. The statement advocates the inclusion of child-care policies as part of local comprehensive plans and encourages communities to amend their local ordinances to remove obstacles to the provision of child care in all zoning districts. In 1989 the American Society for Public Administration also adopted a resolution of child care that explicitly mentions the need to change landuse policy to be more child-care friendly and to allow family-based child care by right in residential zones as a "customary home occupation" (ASPA, 1986).

In spite of these policies, in many U.S. cities and suburbs, child care is limited to commercial zones, and the provision of small-family-based

care is discouraged or prohibited. When zoning regulations restrict child-care facilities to a few areas of the community, are too rigid, do not conform to state licensing standards, or require excessive hearings processes or permit fees, there is a profound negative impact on child care that is already in short supply. According to the Child Care Action Campaign, approximately 35 million American children under the age of 14 have working mothers. However, there are only 5 million places in licensed or registered child-care facilities in the United States.

Where are American children being cared for? Nearly half are being cared for by nonrelatives in a place other than the child's home. However, the majority are cared for in unlicensed or unregulated homes. A few cities around the country now encourage the provision of child care through comprehensive programs. Some have created child-care coordinator positions. The role of the coordinators varies. Some are merely there to provide referral and coordination services, whereas others are involved in a range of planning and policymaking efforts to improve child-care resources. Other cities have created comprehensive programs aimed at creating a children's policy for the city. The two best-known examples are the Kidspace Program in Seattle, Washington, and Urban Planning for Children and Youth in Sacramento, California. Two planning agencies (Carlsbad, California, and the Maryland National Capital Park and Planning Commission) have adopted specific policy statements regarding child care (Cibulskis & Ritzdorf, 1989).

But in most communities around the country, little or nothing has been done to acknowledge the changing needs of child-rearing families in the land-use planning and zoning process. In a 1984 national random sample survey of 212 urban and suburban communities about their zoning policies toward child care, I found several major zoning issues related to day care needed attention. Only two-thirds of the responding communities even acknowledged the existence of child care in their ordinances. In two-thirds of these communities, there was no acknowledgment of the differences between large day-care centers and small day-care homes, even though all 50 states require day-care centers to be licensed and differentiate between family day-care homes and child-care centers for that purpose in the state legislation (Ritzdorf, 1987). In many states, family child-care homes are further broken down into small and large facilities according to the number of children being cared for in the home.

The biggest stumbling block to accessible neighborhood-based child care is zoning that forbids or severely limits family day-care homes. Family day-care homes in which a provider cares for a small (under 12) group of children in her own home is the most common out-of-home

child-care arrangement selected by working parents. A survey commissioned by the National Commission on Working Women showed that 40% of children were being cared for in these settings (NCWW, 1985).

As stated earlier, the majority of children in the United States are cared for in unlicensed, unregulated child-care homes. These facilities and their operators remain underground for a number of reasons. Many providers are unaware that they need to license their facility. Others fear local regulations because they may need to pay exorbitant fees, face unreasonable inspections, or have to remodel their homes to an extent they cannot afford to satisfy local building inspectors. Unfortunately, their fears are not unfounded. According to the Child Care Law Centers records, many communities still totally prohibit family child-care homes in residential neighborhoods, lack definitions that distinguish small homes from large centers (which parallels my findings), have regulations that are inconsistent with the state licensing standards and have onerous permitting processes, public hearings, and high permit fees (Cohen, 1987).

Family day-care providers have legitimate reasons to fear extra costs in providing their services. Despite the importance of the service they provide, their average earnings are small. In 1984, 90% of private household child-care workers earned poverty-level wages (Child Care Action Campaign, 1987).

Despite the demand for regulated family day care, it remains in short supply. One frequently voiced complaint to family day care is that it is not "residential use of property." This is particularly ironic because no use is so connected to the function of the single-family residential zoning district as the rearing of children. Since the original decision establishing the constitutionality of zoning (*Euclid v. Ambler*) in 1926, the importance of this housing district for children is brought up in virtually all defenses of zoning.

Child care is an essential neighborhood and community service. Just as houses of worship, schools, and libraries are considered compatible with residential life because of the fundamental importance of the services they provide, so should be the provision of child-care services.

Women give myriad reasons why they prefer family child-care homes. These include small-group size and individualized attention, provisions for flexible and part-time care, affordability, the availability of care for very young children or more than one child from the same family, and greater adaptability to emergency situations than the traditional day-care center (Cohen et al., 1989).

In addition, the licensing laws for family child-care homes in most states require that the care be given by a provider in her/his own home

putting zoning laws that restrict or forbid such activities in direct conflict with the necessary requirements for licensing/registration—a true Catch-22 situation.

In the face of local unwillingness to the overwhelming need for family child care, these small-home settings have been the focus of preemption legislation in 14 states to date, and laws are currently pending in two others. Preemption statutes are state laws that essentially lay out a statewide zoning rule for a particular issue. Although there are differences from state to state, the preemption statutes generally have three major objectives: the clarification of state policy regarding the location of family day care; the creation of an assurance that family day care is not prohibited in any residential zones (including single-family zones); and the setting of parameters regarding what localities can and cannot do in respect to zoning regulations of these homes. Powerful citizen lobbies, most frequently led by women, have led the successful campaigns for these statutes.

HOME-BASED WORK

Although there is still much debate on the costs and benefits of homework for women (see Christensen, 1988), there is evidence that many women (and men) want to work at home. A study by ATT found that approximately 23 million Americans do at least some work out of their home. Ten to 12 million (10.5% of the total work force) are estimated to work strictly at home (Butler & Getzels, 1985). In a major national survey of 14,000 women funded by HHS and conducted by Christensen with the cooperation of Family Circle Magazine, 53% indicated that they are currently conducting their work in their homes, and another 42% indicated that they would like to if it was possible. The opportunity to be one's own boss and create a job around a personal schedule is important as many women are overseeing the care of both children and elderly relatives while needing to contribute to their family's income. For single parents and/or rural women, working at home may be the only path toward any economic self-sufficiency. This is also true for the elderly and handicapped population.

However, working at home violates the most cherished norm of land-use planning: the separation of home and work environments. Home occupations are governed by ordinances that often put the pursuit of home work secondary to class interests. Although reasonable and well-written guidelines are needed to sensitively integrate home and

work environments, many ordinances are neither reasonable nor sensitive. Concerns regarding traffic, parking, signs, noise, or toxic materials seem reasonable. Those that arbitrarily preclude "nonprofessional" occupations or only allow family members to be employed are not. Yet, in many communities professional occupations (doctors, lawyers, and accountants) are specifically permitted, whereas beauticians, barbers, and similar occupational workers are forbidden from working out of their home in the same town (Ritzdorf, 1985). Ironically, a survey that investigated home-occupation ordinance enforcement found that doctors were the worst abusers of rules regarding the use of their homes as businesses. They were the most likely to expand in physical size, cause neighborhood traffic problems, or stop living in the house and use it purely as an office (Butler & Getzels, 1985).

Limitations on nonfamily employers are common. Instead of limiting the number of employees to those whose parking needs can be accommodated on the property or directly in front, limiting it to relatives or dwelling residents can have serious impacts on women, especially in communities where dependent care provision is regulated as a home occupation. It often puts large child-care home providers in a Catch-22 situation. They must (in most states) have a second caregiver if they are caring for more than 5 to 6 children (or even fewer infants) in order to be licensed by the state. They also, in many states, must show they meet zoning requirements in order to be licensed—an irreconcilable position.

Lists of "permitted" or "prohibited" lists are common and are often not rationally based. In conversations, planners or town clerks often mentioned a bad experience with one person as the basis for forbidding a whole category of users in a community (Ritzdorf, 1983). A typical example of this irrationality is contained in the Long Beach, California, ordinance that permits architects, art restorers, and artists to work at home but forbids beauticians, barbers, and upholsterers. It allows gardening and interior design studios but forbids bed and breakfasts (Butler & Getzels, 1985).

Eighty percent of communities in a national survey already regulated home occupations. The regulations included parking requirements (38%), noise regulations (50%), and limitations on nonfamily employees (90%). Of special interest, however, was a follow-up survey of municipal planners to access their attitudes toward home work. The majority of the respondents (who were overwhelmingly male) were hostile to home work. They wanted even more stringent regulation of the right to work at home, even in those towns the study's author had identified as already having restrictive zoning treatment of home occupations.

A FEMINIST PERSPECTIVE ON ZONING

Because current land-use and zoning policies clearly inconvenience women's lives, why has there been no major public outcry? The use of physical space as a representation of the differences between classes is a critical component of the answer to why women support and encourage spatial segregation. Just as a home in a suburban neighborhood allowed the nineteenth- and early twentieth-century women an opportunity to show that she had "made it," in today's America a home in a neighborhood without services, purely residential and preferably suburban is no less potent a class indicator. Americans are culturally conditioned to accept no alternative as being "as good as, as acceptable as" the single-family home in a neighborhood containing only other single-family homes, and most Americans seek this utopia at significant economic and social costs.

The attainment and ownership of a single-family home are fundamental to the socialization of most middle- and upper-class American women. Her failure to achieve such a dwelling is tantamount to failing to achieve full womanhood (Perin, 1988). The main key to the attainment of the house, for most women, is the presence of a man. Because women earn, on the average, 64% of what men earn (and used to earn proportionately less), they are virtually assured that this dream is unattainable (or unkeepable in the experience of most divorced women) without a man to help them.

Renting, even a single-family home, does not confer the same familial status. Neither does ownership, if the unit is a condominium or townhouse. According to Perin's respondents, ownership of these units is seen as a transitional step—okay for a young family who can afford nothing else or for retirees as a transition from single-family home ownership to heaven (1977, 1988)!

Historically, women play-out larger portions of their daily lives in the suburban landscape that has and will dominate American land-use patterns for an indefinite future. "Journeys through the world of women criss-cross landscapes designed by men," wrote Mazey and Lee (1983, p. 8). This has not changed in the decade since they wrote it.

Traditional zoning histories give two main reasons for its rise and acceptance. The first is the sincere desire to do something about the continually disintegrating quality of urban life. The second is the growing realization that it was to the advantage of the burgeoning capitalist economy in the United States to spatially separate home and work life and to glorify that separation in order to create a consumer-oriented

society. Recent revisionist history acknowledges the role of racism and ethnocentrism as well in the original planning of suburban communities (Ritzdorf, 1990).

I propose an additional interpretation of the historical suppositions behind municipal land-use and zoning policies: That the family ethic reinforced the growing industrial expansion and provided a way to translate the growing separation between middle-class and workingclass lives into a spatial reality. Further, that the social importance of the separation of middle- and lower-class lifestyles was of keen significance to middle-class women and men who participated and still participate in its enforcement. The irony of this cultural conditioning is that it has created a landscape that now inconveniences the lives of middle-class women in myriad ways. Yet, the importance of living in a single-class, residential-only neighborhood so fundamentally defines the collective identity of the middle class that it supersedes gender-role considerations for the vast majority of women. Even though a body of environmental/behavioral research shows that contemporary women are less happy with the suburbs than their male counterparts, there is little evidence to show that any large number of them are doing anything to change their neighborhoods into more economically, socially, and physically mixed environments. Class consciousness and racism are not merely the province of men (Ritzdorf, 1990; Abramovitz, 1988; Perin, 1988).

In the historical development of municipal land-use and zoning policies, there is an emphasis on the family ethic as the benchmark of policy legitimacy. There is a clear denial of the lifestyle differences and needs of poorer women and women of color. There is little understanding or recognition of any other family or kinship form other than the nuclear-family unit, and there is an unspoken assumption that the comfort and welfare of middle-class men are the heart of municipal planning policies. The changing lives of middle-class women, including their entry into the workplace in massive numbers and their equal descent into poverty through divorce in significant numbers, have not yet resulted in any major changes in community attitudes toward land-use patterns.

As historians explore the everyday life of women and their families in America, the metaphor of separate spheres is used to describe the power relationships that proscribe the operating arenas of men and women. Women operate in the private, or domestic sphere, and men in the public sphere. However, it is important to note that men also control the operation of the private sphere. Even recent research shows that in the majority of American families, the father "holds the purse strings."

Although the ideas of separate domains was intrinsic to the devel-

opment of family life in the eighteenth century, it is not always discussed in terms of physical space. Indeed, until the mid-nineteenth century, these domains were more social than spatial. As industrialization led to the emergence of large urban centers and eventually to metropolitan environments, the idea of separate spheres of activity for men and women became part of the physical environment itself. However, the division of space into a domestic domain, that is, the home for women, and the public domain, that is everything else for men, was treated as a natural evolution of the changing times. The physical environment was perceived as a benign and neutral setting in which activity took place, although it is neither.

Anthropological evidence supports this notion. In societies where the public and domestic spheres are closely integrated, women are more likely to share domestic obligations (Salem, 1986). Labor-force participation and a share in the control of the means of production and a role in the distribution of available surplus have been identified as integral to the achievement of gender equality by numerous scholars (Salem, 1986; Coontz, 1988).

The socialist feminist writers expand the concept of patriarchy (the personal and individual control of individual men over individual women) to include the male dominance that is built into a variety of social and political interests. This broader understanding of the terrain permits a discussion of both the individual and society, and both the private and public spheres.

The scholarship that addresses the life of women in the built environment to date primarily focuses on the larger issues inherent in the urban environment and on housing. As mentioned earlier, work exists on women and housing, the need for new urban and neighborhood design, transportation, and the metropolitan context. Scholars are slowly reconstructing the significant historical contributions of women housers and planners.

Although many of these scholars mention the need to change local land-use planning and zoning regulations in order to accomplish the reforms that they suggest, the exploration of those regulations in any detail has been ignored. This is not surprising as it parallels the subordinate treatment of the significance of zoning in traditional planning history.

However, it is municipal zoning and land-use regulation that regulates and enforces separate physical spheres at the community level in the built environment. If buildings, as Torres (1977) argues, are the symbolic form that embodies a cultural ideology about how people live and the kind and hierarchy of values that should be fostered by them,

zoning ordinances are the rules that make sure that the forms are nurtured and created over and over again. This leads to a community where physical design is defined as the constant recreation of the status quo.

Inherent in the use of zoning ordinances in most American communities is the perpetuation of the lives and values of white, middle-class Americans. These values are based on the model provided by the family ethic, and inherent in them is the assumption that the separation of the domestic and public spheres is the morally correct lifestyle for everyone.

FUTURE DIRECTIONS OF PLANNING AND POLICY

From the middle of the nineteenth century to the present day and likely well into the future, Americans have sought an environment that they perceive as a safe and pleasant one in which to raise their families and seek the better life. Despite excellent critiques of this norm by feminist architects, planners, environmental psychologists, and historians, it is unlikely to change. Yet, it is possible to accept the eventuality of single-family detached family as an American societal norm and still restructure zoning. This can be done in ways that allow the changing lives of women to be met with changing neighborhood availability of needed goods and services. The relatively narrow range of choices found in suburban or suburbanlike developments can be expanded while the symbol of middle-class security—the single-family detached home—is protected. It is clear that middle-class Americans desire the reassurance that comes from conformity to shared standards.

One of the challenges of the twenty-first century is increasing the scope of the boundaries that shape suburban lifestyles, primarily because of the changing patterns of women's lives. Similarly, women from poor families and those who have been thrust into poverty by divorce are more and more aware of the impact that their exclusion from that suburban lifestyle has on their lives and the lives of their children.

There is a lot of power expressed by the social structure of society as it is manifested in the spatial design of communities. These exert a strong influence on those who live and work within them. While for "those whose activities are facilitated may not be aware of the power inherent in the physical arrangements, it is clear to those whose options are limited by them." (Salem, 1986, p. 107)

Redesigning the "American dream" may not take the more optimist communal forms that are described and urged by contemporary feminist reformers such as Dolores Hayden, but there will be change. Like the feminists of the late nineteenth and early twentieth centuries, there are

contemporary women leading an energetic charge for the academic and practical recognition of the needs of women in the design and planning of American communities. The work of Dolores Hayden, Gerde Werkele, Jacqueline Leavitt, Eugenie Birch, Sandra Rosenbloom, Leslie Weissman, Karen Franck, Sherri Ahrentzen, and many others adds to a historical understanding of and/or contemporary call for change in the planning and design professions. However, in the planning profession, where approximately 75% of the practitioners and 83% of the academicians are men, their work is not always discussed or implemented (Ritzdorf, 1993).

In addition, as stated earlier, many of the women engaged in the teaching and practice of planning do not see or acknowledge genderrelated issues in planning, including municipal land use.

Writing about planning in 1986, Leavitt asserted that "planners assume a value set that is inherently and historically masculine . . . the overriding goals and objectives are more likely to be shaped by men than women politicians, male corporate heads rather than female" (p. 187). Although the issues of family life are significant to the majority of women, reproductive and domestic activities are not considered in the traditional economic and planning arenas (economic development and land-use regulation) where "accepted frameworks of analysis have inherent biases that isolate and denigrate women" (Fainstein, 1992, p. 14). Women are still presumed to operate in the private sphere of home and are begrudgingly accepted in the public arena.

Female planners and planning scholars have to make a conscious choice about their professional identity. If one chooses to approach planning from a feminist consciousness, she must be ready to be labeled and have her professional credibility, intelligence, and/or research methodology challenged by hostile, or at best, indifferent colleagues.

Although class consciousness muddies the waters of residential zoning reform, it is only one piece of the land-use pie. Other issues of concern to women as they go about their daily lives are also given little attention by planning and design professionals. A simple example of an issue that crosses race, gender, and class lines is the lack of attention to rape and personal safety. For women, a poorly lit street, an ill-designed or poorly placed parking lot, or even too much landscaping can be a life-or-death issue.

Land-use planners, including zoning administrators, need to take positive steps toward restructuring more "women-friendly" environments. Implicit in the granting of land-use and zoning powers to U.S. municipalities is a mandate to use those powers in a socially responsible

way. Although municipalities, legislatures, and the courts have historically placed a great value on the family and its needs, now that the family is changing, zoning must change with it.

In order to change, municipal policy awareness must be established at the grassroots level of the ways in which zoning affects the daily lives of women. At present, I do not think most women (or men, for that matter) understand that there are institutional forms of land-use discrimination that impact their lives. They need to learn to question the validity of continued support of zoning that complicates their lives and think about ways to integrate their class consciousness and family needs. Both men and women's lives would be enhanced by residential neighborhoods that allow them the freedom to work at home, to have their children (or parents) watched at small neighborhood-based daycare centers, to share living spaces with the companions of their choice, and to use the spaces within their homes as they choose, within parameters that assure the safety and health of the entire community. Undue noise, inappropriate uses of property, disruptive neighbors, and other potential problems that may arise in any neighborhood are easily handled through nuisance laws that apply equally to all community residents, regardless of age, sex, or relationship to one another.

Creating true options for women in our society is not just an economic issue. Creating women-sensitive environments will take conscious political action on the part of women. Women-dominated movements have changed zoning regulations related to family child-care home placement in 13 states in the past decade. Women who are concerned about the current quality of life in their community and about the quality that will be available to women and their families in the next century must get involved in the local decision-making process.

Bringing about the changes that are necessary to "maintain" a lifestyle that is culturally comfortable for middle-class Americans as well as accommodating the changing life patterns of women of all ages, races, ethnicities, and sexual orientations is a collective responsibility. It will not be easy as conflicts between and among women of different backgrounds, classes, and life conditions will need to be addressed.

However, the community land-use issues that innovative zoning can address: More convenient child and elder care, safer, more innovative neighborhoods, and a better meshing of home and workplace responsibilities cross the lines of age, race, and class effectively enough that there is reason to be optimistic. We can work together, as professional planners and designers and as community activists, to help create more women-friendly land-use patterns.

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