MUNICIPAL PLANNING AND ZONING

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Today almost all Americans live in cities. Virtually all city dwellers have one thing in common — they are disturbed about the quality of the living and working environment provided in their community. All of us feel, either consciously or subconsciously, that great improvement should be made in the quality of living and working conditions that are provided in our cities. We see slums and blighted areas and ugliness, traffic congestion, and drive highways that are merely billboard alleys. Every day we see what appears to be completely unjustified destruction of natural beauty and of natural topographic values.

Municipal planning and zoning is the process that we have developed in an endeavor to correct these bad conditions and to bring about an improvement in the urban development. Before examining the operation of our municipal planning and zoning process, however, it would be well if we examined the scope and the character of this problem.

Scope of the Problem

On close examination, our urban areas are a great multiplicity of relatively small things. They consist of great numbers of individual buildings, most of them individual houses, and most of these are quite small. There are a great number of individual streets, most of these are quite narrow. There are very few huge shopping centers, very few tall buildings, even in a large city, very few super highways, very few large projects. The urban fabric instead is a complex consisting of literally thousands of items, each one of which is usually quite small and possibly, in itself, somewhat insignificant, except to the person living in it or owning it.

The quality of the urban environment, the character of the urban community, is dependent upon how well these thousands of individual parts fit, one with another, and how well the entire complex fits the natural characteristics of the community's site. In most communities, there is an ample amount of land for all the various types of activities that go into a city, plenty of land for the residential areas, for the commercial areas, for the industries, the institutions, and for the public uses. The essence of the problem might seem to be to provide a place for everything and then see that each of these individual things is put in the place best suited to it.
As a few examples, low lands subject to flooding should not be used for residential purposes or for an institution, but rather should be in public parks or in open space. Industry is more suited to flatter lands, while higher and rougher lands are more suited to residential purposes. In a community where two rivers join, and where there are wide, flat lands along the rivers, with high wooded lands away from the rivers, it would seem logical to utilize the higher and rougher lands for residential purposes and to place the industrial and commercial activities in the lower lands more suited to them.

The number of different types of land and building uses that go into a modern city number in the hundreds. There are great numbers of different types of residential uses; single-family houses of great numbers of sizes and shapes; apartments; duplexes; hotels and motels; numerous commercial uses, some of them individual units such as an automobile agency and some of them grouped together in a shopping center where the different commercial uses complement each other. There are industrial uses, numerous institutional uses and great numbers of different types of public uses. There are also important uses that require very careful attention insofar as their location is concerned. These include: junk and salvage yards, garbage and trash disposal areas, incinerators, and industries that are heavy users of water or that are generators of obnoxious sounds or odors. No one wants to build a new home and then find the property across the street or in back of him used for a junk yard. An isolated store on an individual lot is seldom as good a commercial enterprise as the same store would be if grouped with other similar stores. Residential uses should be grouped together in residential neighborhoods. Each use needs to be located and developed in relation to all of the others and the complex of uses related to the topography of the site.

Friends of ours purchased a home in a well laid out and carefully restricted neighborhood. In back of them was a beautiful wooded area, the home of song birds and wild flowers, which added materially to the value of their property. Shortly after they had purchased the home, however, the beautifully wooded area was turned into apartment projects. All of the trees were cut down and a very arbitrary and quite ugly appearing fill was placed where the trees, the flowers, and the birds had been before.

Not only do the types of land uses affect one another, such as apartments affecting a single-family residential area,
but the care with which a development is done has its effect also. There should be a harmonious interrelationship of the basic land uses to begin with, then each of the uses should be carefully designed to minimize any adverse effects on the others.

Obviously we cannot build a satisfactory urban community with a "devil take the hindmost" type of approach.

A second aspect of the city is that these many individual parts are fairly permanent once they are built. Our buildings last at least 50 years, some 100 or more. When we lay out a subdivision, the street pattern will last for 200 to 300 years, and about the only way we have found to change a poor subdivision layout after it has been developed is through the extremely expensive process of urban renewal.

Thus, we have an urban environment that is created by a great number of different individuals and corporations operating over a long period of time. It is an environment that consists of literally thousands of separate parts, most of which are relatively small. The quality of our community is dependent upon how well these different parts fit each other and how well they fit the topography of the site. With so many people building so many different improvements over such a long period of time, it is quite obvious that there must be some means of coordinating these many actions. Otherwise, many of these actions will be at cross-purposes. There will be duplications and there will be waste. The results will be expensive and the environment poor.

In addition to a problem of coordination, there needs to be a means of exerting some type of overall civic design, a design calling for the various parts to go into the areas for which they are best suited, a design to protect areas of natural beauty from displacement, and a design calling for the different parts of the community to be developed at least in accordance with a minimum standard from the standpoints of health and safety, and in accordance with a minimum standard from the standpoints of general character, amenities, and appearance. The individual parts of the city are being built or being changed constantly, so that the means of coordinating these building operations and the means of exerting overall civic design must be applied specifically, in detail and applied constantly, every hour of every day. Development must be coordinated with some type of an overall community-wide objective before it is built. After it is built, it is too late. When the building permit is issued, or when the
subdivision approval is given, then the community will have completed the exercise of its power to bring about the essential degree of civic design and the essential degree of coordination.

The process of exercising the will of the community in the arrangement of the urban environment, the process of applying some degree of civic design and some degree of coordination in the building process is what we call "municipal planning and zoning". The objective is the application of the maximum degree of foresight to enable a more efficient use of our energies and money in the building of a community with better living and working conditions, a community in which the many individual small parts are properly interrelated and in which the entire complex is properly adapted to the natural characteristics of the site.

Municipal Planning and Zoning

A considerable degree of foresight, of coordination, and civic design has to be applied to the process of city building, as hour by hour the different parts of the city are being built or are being changed. Who is to provide the foresight and the coordination? Obviously, we have only one agency that can do this, and that is the local government, the city or the county. State legislatures, including the legislature of the State of Missouri, have provided state enabling acts that permit the units of local government to carry on community planning of the type required. These acts enable the city or county to create planning commissions to set up planning departments, to spend public funds on planning activities, and to prepare, adopt, and maintain comprehensive plans and the zoning and subdivision control measures that are a part of the planning process.

The Comprehensive Plan

In order to bring about the requisite degree of civic design and the coordination of the many city building activities, it is necessary to have some type of an objective, something to point the development toward. This objective is called the comprehensive city or county plan.

In general, the comprehensive plan is a sketch or a picture of how the community should be 20 or 25 years from now. It is based upon realization of community objectives, to bring about the type of a community that its people would like for it to be. To be useable, the plan has to be susceptible to being applied to the city as it exists today and must
take cognizance of existing conditions and existing land use. Necessarily, it must be predicated upon a gradual transformation of what we have now and not on any sudden or drastic change. A community plan should provide the maximum of imagination and of vision in presenting solutions to community problems. At the same time, it must be realistic and practical in relation to the day-to-day process of city building.

While the scope and content of a community plan varies with the character of a community and its problems, virtually all plans consist of five major parts as follows:

1. **Basic Factors.** This is an analysis of basic topographic, geologic, and historic factors, of the community's economy, of how its economy might change in the future, and of its growth potential and what the characteristics of the growth potential might be. This section also includes basic studies of land use, of population, and population characteristics.

2. **Land Use Plan.** Based on the appraisal of the growth of a community, estimates are made of the acreage that would be required for residential, commercial, industrial, public and semi-public land uses, and a plan prepared showing the optimum arrangement of these various land uses in relation to site of the city, taking into consideration such matters as the areas that may be served by sewer, the effect of transportation provided by railroads, by air, and by highways, and the effect of the existing land use pattern. It is in the development of the land use plan that the major elements of civic design are introduced - the interrelationship of the basic land use areas and the relationship of these various areas to the topography of the site. It is in the land use plan that provision is made for parks, for school sites, for preservation of open land along stream valleys, and for the proper and most appropriate type of land use for each parcel of land in the community.

3. **Transportation.** The transportation element is an important one in the planning process. Ours is an automotive society, and any community needs to make proper provision for automotive traffic. This includes both the main arteries designed to properly and safely accommodate the heavy traffic volumes and the proper design of the individual residential streets which should be laid out to discourage through traffic. This element of the plan also includes provision for rail, air, and sometimes for water transportation facilities. These are based on scientific and rational projections of the need of the future population for those facilities as these might be anticipated in the future.
4. **Community Facilities.** This section of the plan deals with the other public facilities that are needed, including storm drainage, sanitary sewers, schools, parks and recreation areas, public buildings, and occasionally other important public facilities such as areas for the disposal of garbage and trash. These facilities, and particularly those for schools and parks, are a very important element in the plan, as they can contribute much to the improved living conditions in the community, while the underground public utilities are also of great importance to the development of satisfactory living conditions.

5. **Regulatory Measures.** An integral part of the plan consists of measures such as building codes, zoning, and subdivision control measures that are required to coordinate the private development of the community with the comprehensive plan.

It is important to emphasize that a comprehensive city plan is an **objective.** It is a tool to be used in bringing about the coordination of the city building activities. It merely represents the latest and best thinking for the future of the community as of the time that it was made. Our entire society is changing rapidly and our communities are subject to an even greater degree of change. It is not possible for any one person or group of persons to clearly see the future of an individual community. Conditions will change, it will be necessary to make changes in the comprehensive plan that correspond with the changed conditions, otherwise the plan will soon become obsolete and relatively useless. Consequently, the plan needs to be kept alive, to be kept under constant scrutiny, and to be kept revised and up-to-date. Webster Groves, Missouri might be a good example. Its first plan was prepared in 1922. This was reconsidered, revised and brought up-to-date in 1936, again in 1946, and again in 1960. Currently, consideration is being given to further revisions in parts of the plan.

The major function of the city's planning commission is to prepare, adopt, and maintain a comprehensive city plan, including most if not all of the five parts described above. It is important that the plan not just be prepared, but that it receive careful community consideration, be reviewed at public meetings and public hearings, and finally adopted officially. Adoption is customarily by the planning commission and not by the city council, as the comprehensive plan is primarily a guide for the use of the planning agency. However, it should be officially adopted and recognized as the community's accepted plan for its future development.
After adoption of a plan (and its revision from time to time), two problems emerge in bringing about the requisite degree of coordination with the plan and in realizing the objectives of the plan. The first has to do with private development. The greater part of our cities is built by private individuals. There must be some means of coordinating what they do with a comprehensive city plan. Two types of regulations largely accomplish this purpose.

The first is the city's zoning ordinance. Virtually all cities and a great number of counties are now enforcing regulations of this type. Zoning provides four basic types of regulation:

1. Control of the use of land and buildings, that is, whether they are used for residential, commercial, industrial, or certain variations of these basic purposes.

2. Control of the maximum height of buildings.

3. Control of the open space around buildings, including front, side, and rear years, and off-street parking areas.

4. Density control, control of the number of families that can live on a unit area of land, usually expressed in the amount of lot area per family required.

Zoning is done by dividing a city or county into what are known as "zoning districts". Zoning regulations are uniform in each district, but the regulations in one district may differ from the regulations in the other districts. One district may be restricted to single-family homes on quite large lots, another may permit apartments at the rate of 20 families per acre, another may permit shopping centers, and another may permit industries. By this means, it is possible for a community to direct private development along the lines envisioned in the comprehensive city plan and to gradually, over a period of years, bring about the recommendations of the overall land use plan, which is such an important element in the comprehensive city plan.

The second important regulation of private development is subdivision control. Our cities grow by the subdivision of vacant or farm land into streets and lots. Each subdivision should be coordinated with the overall city plan while it is still "on paper". This is done by the subdivision control ordinance. Such an ordinance requires that, before any subdivision is laid out or lot sold, the subdivision design be
approved by the planning commission and the city council, and conform with certain minimum regulations in regard to both the design of the subdivision and the type of subdivision improvements such as streets, sewer and water mains that must be installed as the subdivision is developed. Most of the land around our cities has been divided into relatively small parcels of say 10 to 40 or 50 acres so that to develop a satisfactory residential neighborhood occupying say a half to a full square mile in which we can utilize the best techniques of neighborhood design and development, it is necessary to bring about a coordination of the activities of a number of different subdivision developers who, in the end, will each build a part of an integrated neighborhood. This requires good staff work on the part of the city, and requires general plans for the neighborhoods to be prepared as a part of the comprehensive plan.

There are two other important regulations in connection with private building development. The first is the building code which requires that buildings be built in such a way as to protect the safety of the occupants and the public, be structurally sound, and reasonably fire-resistant, and minimum housing standards which require that individual housing meet certain minimum standards of sanitation and living space.

In most communities, all four measures are absolutely essential, zoning, subdivision control, building code and minimum housing regulations.

Coordination of public development with a comprehensive plan should seem to be a relatively simple task. Unfortunately, this is not the case. A great number of public improvements are built in our communities by a great number of public agencies. Planning enabling acts require, in many cases, that before a public improvement is built or land purchased therefor, the improvement must receive the approval of the local planning agency. The planning agency checks the improvements against the city plan. If it conforms, it is approved - if it does not, it is either disapproved or appropriate modifications are suggested. The cities and counties, of course, are legal creatures of the state legislature and it is not possible for them to control actions of state agencies such as a state highway department, which need not conform with a comprehensive plan. Many Federal agencies also need not observe a comprehensive plan, although in recent years many grants of Federal funds have been predicated upon a Federal requirement that projects that include Federal funds conform with local plans before they are built. Other local public agencies such as a school district need not follow a city plan either.
This would be an appropriate place to mention a new process of city building that, in effect, is a combination of both public and private actions. Significant parts of our communities were built many decades ago. They were built for another era, and the street and block pattern, and the pattern of buildings themselves, is no longer suited to present-day needs. Many such areas have deteriorated and we call them either "blighted areas" or "slums". There are two basic problems with these areas. First, in order to adapt them to modern needs, it is necessary to make radical changes in the street and block pattern. It is not possible for private enterprise to do this because it is not possible to acquire all of the property in any large area privately, and such a large acquisition is necessary to bring about a remodeling of the basic structure of the area. Secondly, in order to transform an area of this type, it is necessary to do away with the existing structures either totally or partially, and then to sell the land for new uses. This is an expensive process. The price of the land that can be afforded by new uses will almost never be as much as it costs to buy the property, demolish the buildings, and make it available for these new uses. Consequently, we have developed a procedure known as "urban renewal", which enables a city to purchase land in blighted areas by condemnation if necessary, to demolish the buildings, replan the streets and then sell the cleared land to redevelopers for new uses. Federal assistance is available for this process, with the Federal government paying two-thirds of the net cost in the larger cities and three-fourths of the net cost in the smaller cities. Urban renewal, of course, is tied in very closely to the comprehensive city plan and the local planning process.

It should be emphasized again that the building of the city, the construction of public improvements, the carrying on of all these various activities, is occurring every single day, and that if the planning process is to be effective, it must coordinate all of these actions and adjust them before they result in permanent buildings of the wrong type built in the wrong place.

Organization for Planning

For the daily application of the planning process to the individual items of city building, it is necessary to establish in each of our city governments a planning staff or a planning department. In a very small city, this may be the part-time services of one official. In a large city such as St. Louis or in a large county such as St. Louis County, it will be an
entire department with a department head and a staff that may be as high as 40 or 50 persons. The planning department makes the basic statistical and land use studies, keeps the comprehensive plan up-to-date, handles individual applications for re-zoning, for approval of special projects and for urban renewal projects, and in general, is concerned on a continuous basis with the coordinated, planned development of the community.

The planning department is primarily designed to serve the planning commission although, of course, it has a strong interrelationship with other municipal or county departments and works with them, with the local legislative bodies such as the city council or Board of Aldermen, and with the executives - the City Manager or the Mayor. The planning commission customarily consists of seven to fifteen persons, some citizens and some public officials. They act (or should act) as a Board of Directors of policy-making group and, as such, should be representative of the entire citizenry presenting the major points of view of the people of the community, incorporating these in the comprehensive plan and the development policies.

No matter how strong the state's municipal enabling act, no matter how well organized the city's planning department, and no matter how capable the membership of the planning commission, if the people of the community as a whole do not understand and support the plan and the planning process, and do not demand that their community be built in accordance with the plan, the planning program cannot possibly bring about the many benefits of which it is capable. It is necessary that there be widespread public understanding and support of planning and of the planning program.

Problems and Opportunities

City building is a profit-making activity. A study of the employment pattern of the St. Louis Metropolitan Area indicates that somewhere in the vicinity of one and one-half percent of the population consists of realtors, home builders, and other persons directly engaged in the process of city building. The process of building a community in accordance with a comprehensive plan, with the zoning and other regulations that are an integral part of this process, has the effect of stabilizing property values and of eliminating a very considerable amount of land speculation. To put it mildly, the planning process sets up a considerable degree of tension and conflict between the basic proposals and
objectives of a comprehensive city plan to bring more sta-
bility, more beauty, and more amenity into the urban environ-
ment and the activities of a part of the developers and spec-
ulators whose objective in connection with the process of
city development is a profit and frequently a "quick profit".

While the conflict may appear to be, and is believed to
be, between the 98-1/2 percent on one hand and the 1-1/2 per-
cent on the other, no one should discount the influence of
the 1-1/2 percent. Their proposals, their ideas, and their
plans prevail the great majority of the time. Why is this?
Why does the relatively small part of the population that
undertakes these activities have such an extraordinary influ-
ence on the planning for the community and the character of
its development?

There are several reasons why the small minority of
developers is so influential in the process of city building.
Most of our urban areas are badly divided. The St. Louis
Metropolitan Area, for example, includes some seven counties
and 250 municipalities. It is possible to use the "divide
and conquer" approach and a project that might not be desir-
able in one community may be approved in another. This group
is also well organized. They know exactly what they want and
they know exactly how to get it. Many of their projects
apparently will strengthen the tax base of the community.
These are business people, they are practical people, they
have something that they want to do and do right now that is
of possible potential economic benefit to the community. On
the other side of the picture frequently stands the compre-
hensive plan, the trees, the birds, the wild flowers and the
general beauty of the area. This point of view is not repre-
sented at council meetings, no one is there to speak for it,
no one is there to pound the table and demand, for example,
that the trees be treated with care and not all be cut down.
Consequently, the proposals of the plan are frequently brushed
aside and the development of the community is misdirected,
sometimes by well-meaning people really not knowing the ef-
facts of what they do.

Contributing to the problem is the fact that all is not
well on the public side of the ledger. Many public agencies
do not have to coordinate their activities with the comprehen-
sive plan and do not do this. This is particularly true of
some of our state agencies. State highway departments have
frequently been the culprits in actions of this kind although
their record has certainly been better in recent years. Much
of this occurs because the general public in a community do
not understand and do not support the city plan that they have. They do not demand that all public actions be taken in consonance with the plan so that the public agencies that don't want to follow it can ignore it with very considerable impunity.

This is well exemplified in the St. Louis area where the official city plan of the City of St. Louis calls for replacement of the old Post Office and yet when the Federal agency endeavors to go along with the City's comprehensive plan, it receives a very considerable amount of public criticism. If the people of the St. Louis Area had wanted to preserve the old Post Office, they should have first had the City change its official plan. You really cannot criticize the Federal government for doing what any public agency should do and that is conform with a city's comprehensive plan.

In many cities, the Garden Clubs are virtually the only organized citizen group interested in improving the overall urban environment. We build our cities at relatively low densities and there is no reason why we can't have satisfactory urban development and preserve woodlands and stream valleys, keeping all or most of the beauties with which nature has endowed the site. With new types of zoning permitting "cluster" developments, parts of a site are built more intensively and the remainder left open, making it practical to leave scenic features undisturbed. The objectives of the Garden Clubs and the objectives of any sound planning program are the same. Yet, in many instances, Garden Clubs are not doing what they should do to encourage the planned development of our communities.

There are several things that the Garden Clubs should do. The Garden Clubs should be represented at each meeting of a planning commission or a city council. One of the favorite "tricks" of the speculative land developer is to bring in a proposition at the "last minute", so it would be well to have a "watchman" at every meeting. Where an important issue is coming up, the Garden Clubs should send a large delegation. Fifty to a hundred voters appearing at any meeting frequently will have a decisive effect upon the outcome.

When the Corpus Christi zoning ordinance was being considered for final passage, all of the Garden Clubs in the area appeared at the final meeting with a demand that the city council amend the ordinance to make all billboards in the city illegal. Such an amendment was introduced and incorporated in the ordinance. This type of activity, however, requires "constant vigilance", organization, and a lot of work.
It is also important, I believe, for the Garden Clubs to be represented on the official agencies, to be members of park boards, to be members of plan commissions, and also to run for office and to become elected members of city councils and Boards of Aldermen. Here is where the intelligent, responsible point of view is very badly needed.

Summary

The quality of urban environment is our cities needs a very considerable degree of improvement. It is possible to bring about this improvement. The legal powers, procedures, and techniques are available to effect this. Our city's character is truly a reflection of citizen interest in such matters.

In the case of Berman vs. Parker, which was decided by the Supreme Court of the United States in 1954, the Court declared as follows:

"Public safety, public health, morality, peace and quiet, law and order - these are some of the more conspicuous examples of the traditional application of the police power to municipal affairs, yet they merely illustrate the scope of the power and do not delimit it...... The concept of the public welfare is broad and inclusive...... The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled...... If those who govern the District of Columbia decide that the nation's Capitol should be beautiful as well as sanitary, there is nothing in the Fifth Amendment that stands in their way."

If we would like to have our communities more beautiful than they are now, more healthy and more spacious, and with more gardens and more trees, there is nothing that stands in our way of bringing this about. Nothing, that is, but the requirement that we all devote immeasurably more time to this task than we have heretofore.