

Economic and Social Aspects of Zoning and City Planning

By HERBERT S. SWAN

SOMETIMES A PERSON becomes so intimately associated in the public mind with a particular cause that he becomes a living embodiment of a movement.

In a unique way Lawson Purdy has won this distinction in the field of zoning. He labored for its acceptance when few persons knew what the word meant; he gave an untried idea practical shape and helped to sell it to the largest city in the world, and thereby indirectly to hundreds of urban areas throughout the country.

To this achievement Mr. Purdy brought a rare combination of qualities: a charming personality; an ability to analyze intricate situations with a calm, penetrating insight; a vivid imagination in setting up ideal goals of achievement; and a shrewd, practical statesmanship so essential in lining up large groups of people possessing varied interests behind a common program. His wisdom, business acumen, and unequalled genius in shaping divergent and often conflicting interests, into a team working for a common end, may perhaps be best illustrated by the original amendment he drafted to the charter to permit zoning in the city of New York.

This enabling act, adopted by the State Legislature in 1914, brought draftmanship of remarkable skill to a highly controversial piece of municipal legislation affecting every property owner in the city. This law, only 60 lines long, printed on a single page, scrupulously avoided the multitudinous details of zoning. Having delegated the necessary authority to the local municipality to adopt zoning, the amendment to the charter, eschewing all matter which might invite argument, stressed those objectives to be obtained upon which all reasonable persons might unite.

What property owner could oppose regulations "designed to secure safety from fire and other dangers, and to promote the public health and welfare, including so far as conditions will permit, provision for adequate light, air and convenience of access"? Was not the governing body, in establishing the districts, instructed to regard "the value of land" and "the most desirable use" to which it might be adapted? Did not the law adjure the Board of Estimate to adopt regulations which would "conserve the value of buildings and enhance the value of land throughout the city"?

This proposal, though laying down social goals, was no starry-eyed, radical program to destroy the forces which had built the city. No, far

from it; on the contrary, it was a common-sense measure for the conservation of property values.

What even its most sanguine supporters had never dared to hope became a mass movement in favor of zoning; home owners, builders, developers, mortgage lenders, insurance companies, savings banks, merchants, investors in income-producing real estate, gave their united support to zoning. Owners of tall office buildings in the financial district who had their rentals ruined through the construction of predatory buildings upon the lot line, "stealing" their light and air; the owners of stores on Fifth Avenue who feared that the encroachment of garment factories would produce the same chaotic conditions and destruction in values as had overtaken the old retail area on Twenty-third Street and Sixth Avenue; the owners of vacant, one-family homes in the suburbs, homes with a half-dozen "for sale" and "to let" signs hiding the front of the house for which there was no market because of the threatened invasion of apartments and stores; people living in Flatbush, Forest Hills, Grimes Hill, Kew Gardens, and Riverdale, who wished to maintain comfortable homes on spacious lots with generous setbacks and low land coverage—all perceived that the maintenance of sound real estate values lay in the acceptance of a comprehensive zoning plan. The unanimity with which property owners backed the movement may be suggested by a single fact: a petition presented to the governing body urging the immediate adoption of the plan was signed by owners and representatives of institutions having a stake of more than \$8 billion in the real estate values of the city.

Notable Contributions of New York Zoning

OVER THE YEARS, the original zoning regulations of New York will probably be commended to an increasing extent, not so much for their specific restrictions as for the technique they evolved in tackling the complicated problems inherent in controlling the development of privately-owned land within a city. This is perhaps in the nature of every innovation; marked advances over the original are effected in subsequent projects. Certainly, in no outstanding social or economic movement touching municipal development in our day has this been more true than in zoning.

For the first attempt, the regulations adopted in New York were surprisingly complete. They comprehended three distinct sets of provisions: one to control the height of buildings; another to establish different court, yard and percentage of lot-coverage requirements in different districts; and a third, to protect three different types of use districts—residence, business, and industry.

As space forbids a detailed examination of the New York regulations, we shall limit our discussion of its provisions to one which has left its mark upon the down-town architecture of nearly every large city—the impetus it gave to the development of a new design for tall buildings, particularly office buildings and hotels.

Prior to 1916, small inner courts were used to provide daylight for rooms in many tall buildings. Because of their small size and great height, these air wells admitted no direct daylight to the lower stories.

The setback provisions of the New York zoning resolution penalized these undesirable inner courts by requiring (a) upper stories of tall buildings to recede from the street line, and (b) all required open spaces to increase in size with each increment of height above a certain level. Outer courts were substituted for inner courts. Above the setback plane, these outer courts became shorter and shorter with each additional setback requirement until they disappeared entirely.

The plan of tall buildings was, in effect, turned inside out; the open spaces previously wholly within the skyscraper were thereafter placed outside where, merged with the street areas and the open spaces provided by other buildings, they afforded increased light and air to all portions of the building.

The core of the building, formerly utilized by inefficient air wells, became now the portion of the building carried up, frequently in the form of a tower.

Before the adoption of the zoning plan, towers were rare; where built, they were usually a mere incident or ornament to a huge building, providing relatively so little rentable space as to be uneconomic structures. Now every new skyscraper tends more and more to become a tower. This evolution has gone so far that in recent years most of the rentable space in many high buildings has been included within the setback portion of the tower.

Conservative Character of the Original Ordinance

BECAUSE ZONING in 1916 was, frankly, an experiment, and most of all because it had to be approved both by the highest court of the state and by that of the nation, the approach to all problems relating to zoning was deliberately conservative. The less restricted districts were inflated in size through inclusion of doubtful areas. The regulations themselves erred on the side of generosity, for fear that they might bear too heavily upon reluctant owners. Caution was deemed the better part of valor until both owners and courts could be shown conclusively, as a result of actual ex-

perience, that zoning would work. Then, if it was desired, the door was always open to more effective zoning through an amendment of the plan.

If recalcitrant owners could only be kept in line for a short period while the administration of the regulations was being installed, and while owners were being given a demonstration lesson in the practical side of zoning, it was confidently hoped that the courts could be relied upon to uphold the constitutionality of the scheme. Events have more than justified this policy.

With the highest courts affirming the constitutionality of reasonable zoning as an exercise of the police power, progressive amendments and improvements have been gradually effected in the local regulations. Some desirable provisions omitted as "unsafe" in the original plan have been incorporated into the present law. The original "over-zoning" for apartments, business and industry has been somewhat contracted so that the areas set aside for less restricted purposes are now more consistent with the actual spatial needs of these uses. Now a more thorough-going revision of the entire ordinance is under consideration.

Dynamic Growth of the Zoning Power

THE DYNAMIC CHARACTER of zoning—how it has grown to respond to the social and economic needs of communities—may perhaps be best suggested by summarizing some of the more important contents of an up-to-date ordinance. According to the requirements of local conditions, it may, in addition to limiting the height of buildings, regulating the size of courts, yards, and other open spaces, and establishing residence, business and industrial districts, be expected to contain provisions to effect most, if not all, of the following purposes:

1. Establish districts in which residences are restricted to one-family detached dwellings.
2. Require that lots be of a minimum area and a minimum width for different types of development. In some urban areas this control may contemplate a minimum lot width of 50 feet and a minimum lot area of 5,000 square feet; in some districts of exclusive suburbs, it may range upwards from a requirement of a minimum lot width of 100 feet and an area of 15,000 or 20,000 square feet to a legal lot frontage of 200 feet and an area of an acre or more.
3. Limit population density, so that even with multi-family developments there is a restriction upon the maximum number of families which may be housed upon any given area of land.

4. Establish front yards and building lines. In many present ordinances, new buildings are obliged to set back a given distance from the center of the street even in business and industrial districts. Front yards up to 50 feet depth are a quite common requirement in the more exclusive residence neighborhoods.
5. Prohibit new dwellings in industrial districts, and where not prohibited, require that new residences be confined to one and two family dwellings conforming to all regulations laid down for residence areas.
6. Provide mandatory side yards on both sides of all residence buildings, sometimes even for all multi-family dwellings.
7. Prohibit all accessory buildings (except built-in garages) on the front portion of the lot. A quite common practice is to confine them to the rear half of the lot.
8. Prohibit the erection of all rear dwellings.
9. Require windows in every room in which persons sleep, work, or congregate—the window area quite commonly stipulated being one-eighth of the floor area contained in the room.
10. Separate stores and dwellings, or at least prohibit stores and business places upon a floor used for dwelling purposes.
11. Eliminate billboards from residence districts.
12. Limit building coverage to a comparatively small percentage of the lot area. On 50 × 100-foot lots, 25 per cent of the lot area is an ordinary limitation. In some ordinances, even garden apartments are confined to 20 or 25 per cent of the lot area.
13. Prohibit the use of inner courts as areas for providing daylight, sunlight, and air for residence buildings.
14. Consolidate courts and yards into grouped open spaces with a view to affording maximum illumination and ventilation to buildings.
15. Prohibit new dwellings in places deemed undesirable for residence, unless the ground is brought to an elevation to be free from floods, inundation, stagnant water, or seepage into cellars, and unless the building is served with a sanitary sewer.
16. Require that all land hereafter be plotted into units of an area and dimensions which will comport with the zoning regulations. Per contra, require that no existing lot conforming to the regulations shall be subdivided into plots of a size or dimensions which will violate the regulations.

With the acceptance of such controls, zoning has had such an impact upon city planning that it is becoming in a very unique sense the technique

of sociology applied to the social organization of urban areas.

The efficiency of city planning and zoning ordinances must be gauged primarily by their adjustments to living conditions. Only as they meet basic requirements of present population, and the emerging needs of prospective population, can they be said to serve a community in full measure.

Common Shortcomings in Many Zoning Ordinances

THAT THE NEED for comprehensive zoning is still inadequately appreciated in many urban communities is evidenced by the fact that some zoning ordinances are concerned exclusively with use regulations. And of the ordinances which control the volume of buildings and the open spaces about them, only a portion treat of the matter in any satisfactory way. Some make no provision at all for front yards. Others refrain from all direct limitations upon congestion. Still others ignore all restrictions upon the percentage of lot area that may be occupied by buildings. Another large group fails to limit the height of buildings properly. Of the many hundreds of municipalities which have adopted zoning in this country, perhaps not more than one in five of the ordinances is what may really be termed comprehensive in the full sense of the word.

Apparently there is little realization as yet in many cities that the open space about buildings is of as much importance to the health and safety of the population as the exclusion of stores from residence zones; that mandatory front and side yards may be as influential in preserving home values as restrictions against apartments; that direct limitations upon congestion are indispensable to prevent future overcrowding of land.

Adoption of a zoning ordinance, far from marking the completion of a zoning program, originates it. Instead of being the end, it is the beginning. Nor should the dynamic character of zoning be overlooked. Such progress has been made in zoning that many of the earlier schemes impress one as primitive when compared with some of the recent ordinances.

Every city should wish to benefit through these new developments, whether they relate to new victories in the litigation of disputed points in zoning or to improvements in zoning technique involving better methods of controlling divergent uses, defining zones limiting height, establishing building lines, regulating courts and yards, restricting congestion, controlling the size and width of lots, or handling nonconforming buildings.

It is, however, of the utmost importance that such regulations as are incorporated in a zoning ordinance should be designed with strict reference to the needs of each particular community. "Paste pot and scissors" ordinances, representing a hodge-podge collection of miscellaneous regula-

tions clipped from other ordinances are, in no small degree, responsible for many failures of zoning. Because each city is an individual community with its own historical development and traditions, having its own peculiar location, topography, building pattern, industries, and needs, it must also have, not a copybook ordinance, but an ordinance tailored to meet its own unique requirements.

The Educational Value of Zoning in Local Government

AN UNANTICIPATED BY-PRODUCT of zoning has almost universally been the active interest it has awakened among property owners in the affairs of their local government. An appeal for a major variance of the regulations heard by the board of adjustment, and a petition for a change of districts shown upon the zoning map, seldom fail to bring out a fair representation of owners in the affected neighborhood. Standing room in the meeting place is often at a premium, with several hundred persons in attendance seeking to be heard. At some hearings, applicants as well as protestants are represented by counsel, and expert testimony of real estate men, architects, builders, planners, traffic specialists, and public officials may be introduced by either or both sides.

For an evening the body subject to this bombardment of witnesses, briefs, petitions and counter-petitions—and sometimes impassioned oratory—must listen attentively, with all decorum, impartiality and august majesty of a court of law, to constituents or neighbors who would either maintain or change the local regulations. Whatever the decision may be in a specific case, who would deny that such hearings make for increased public responsibility among officials? Or for a greater devotion to neighborhood and community on the part of home owners?

Civic advance is a phase of the democratic process. Maximum progress occurs where the electorate, equipped with factual data, backs up an intelligible program.

Every city plan, and every zoning ordinance, must be administered in a practical business environment. Except as the basic concepts of the plan coincide with the general consensus of business experience, as gleaned by persons interested in real estate, merchants, builders, owners, lenders, speculators, manufacturers, and home-makers, relative to the long-term needs of different neighborhoods, it will meet, because of impracticalities, with considerable difficulty in administration.

Convinced of this view, Mr. Purdy was not only one of the leaders in organizing the Zoning Committee to protect and advance zoning after its adoption in New York, but served continuously as its vice-chairman until

the committee was dissolved a few years ago.

Practical Limitations Upon the Use of Zoning

ZONING HAS BEEN PUBLICIZED so much that some people have unfortunately come to regard it as a panacea for nearly all of the problems besetting building development in a community. The rapid growth of blight in older neighborhoods, largely the result of the steady decentralization occurring in the central residence, business and industrial areas, has caused considerable disillusionment as to the efficacy of zoning as a tool to control building development. There is no occasion for this feeling of frustration. The fact is that, though zoning, like castor oil, is good for a good many things, there are some things it was never intended to cure, and never will cure. Among these are existing blight and decentralization.

With blight as enemy number one to the development and maintenance of a healthy residential environment, the effort to combat blight must be placed near the head of any planning program. As yet, however, we have failed to lay the factual basis for the proper analysis of blight. We are still to evolve the mechanisms required to insure neighborhoods against the worst hazards threatening their stability, particularly areas topheavy with obsolete buildings. To be effective, an approach to this problem must be on a much broader front than has as yet been attempted.

The Trend Toward Decentralization

NOTWITHSTANDING THE CONDEMNATION heaped upon decentralization, builders continue to erect homes in the suburbs and on the periphery of our cities. Movement away from the center proceeds steadily, abetted by lenders through the preference they attach to loans in new localities; by speculators because of the relative cheapness of outlying land and the consequent probability of larger profits; by municipal administrations through the construction of streets, pavements, sewers and water mains in the suburban areas long before their need; and by the FHA through the preference it shows toward new houses in new subdivisions, rather than toward new houses in old neighborhoods, in insuring mortgages.

So long as this combination of forces continues to favor decentralization, it is idle to expect much progress in the replacement of obsolete buildings with new structures in old neighborhoods. Builders will not operate in central areas until they can do so on as favorable terms and with as much profit as in outlying areas.

The present trend toward decentralization cannot be reversed until all interests involved in construction make it their business to collaborate in

making old neighborhoods as available and profitable for redevelopment as virgin land is for its original improvement.

Blighted Areas and Their Causes

THE RAPID MULTIPLICATION of substandard buildings; the unprecedented growth of blighted areas; the almost complete removal of upper and middle income groups from the centers of many cities, and their replacement by huge numbers of unskilled people in the lowest income groups—people barely able to eke out a precarious existence except in the most prosperous times—these are forebodings and symptoms of troublesome times ahead for nearly every urban area.

Blight may start from conditions arising either within buildings, the physical environment surrounding a neighborhood, business policies controlling sectors of the building industry, or the program of public improvements carried out by the municipality. Excessive loans upon new buildings guaranteed by government bureaus, tax exemption, speculation, jerry building, bad planning, and improper zoning may all play a part. Such factors all contribute in different degrees to the destruction of the sales market for housing properties. Once the market for buildings disappears, little is done in the way of modernization, with the result that the number of dwellings falling into the substandard classification increases rapidly. Let a few substandard houses appear and the cohesive force which maintains the solidarity of a vigorous neighborhood spirit ceases to exist and its whole development soon falls a prey to disintegration and decay.

During the past 30 years, each recurring economic crisis has produced a new series of restraints upon operations of the real estate market. Though well-intentioned—and justified in time of war and world devastating panics—it is questionable whether these legislative controls, when unduly extended for many years after the occasion for their enactment has passed, have not augmented rather than minimized the very evils they were designed to remedy. Carried to extremes, these interferences with free enterprise threaten both to increase and to multiply blighted areas.

At no time in our history have we as a nation, in the name of better housing and planning, been more industrious in building more new residence areas loaded with potential blight than today.

Risks incident to new construction are at present in the main assumed, not by private capital, but by a prodigal national government. The restraints in previous times imposed by prudent investors upon unwise projects, as a result of government guarantees, have been removed.

In addition, many housing projects, carried out under wartime pressure,

have violated nearly every amenity of their neighborhood. Huge developments, embracing hundreds of small salt boxes, planted either in the heart of, or adjacent to exclusive home areas, have destroyed untold property values and revolutionized the character of entire neighborhoods.

Bad as the damage wrought to existing home areas is, the worst aspect of the situation is found in the fact that these buildings, often sold to veterans at from three to four times their pre-war cost, are themselves almost certain to become problem areas 10 to 15 years hence. In brief, they promise to become the blighted areas of the Nineteen Sixties.

From all indications, we are producing new areas of blight faster than the old blighted areas can be eliminated.

The Need for a Municipal Land Policy

THE ENVIRONMENT of a residence neighborhood embraces more than the eye sees. Invisible, intangible forces underlying and controlling purchase and sale of real estate; basic policies governing the issuance of mortgages on new and old buildings; methods followed in assessing property; age distribution of the local population no less than age distribution of the dwellings—such factors may exercise more influence upon the fundamental character of a locality than many of the more obvious outward evidences of its structures. Indeed, when a once sound neighborhood becomes undermined with substandard buildings and blight, this is more often due to an inadequate appreciation of these hidden mainsprings in the housing economy than to faults in the construction of its buildings.

What does all this add up to? Simply this: for urban ailments, like human ailments, no cure-all has been found. But many factors have their impact, for good or ill.

Lawson Purdy's helpful influence has extended over large areas of our municipal problems: assessment of land and buildings, taxation, condemnation procedures, housing, mortgage loans, city planning, zoning.

If I were to epitomize the lessons taught me by Mr. Purdy, as a result of an intimate association and friendship extending over many years, it is this: a rational, all-inclusive, long-term land policy is indispensable to the effective planning of a city.

To advance in city planning we must have tools designed for the work in hand. We must have efficient administrative processes capable of achieving our objectives. Obsolescence in planning procedures may prove quite as paralyzing to progress as inadequate funds.

More efficient techniques developed for planning will themselves be

equivalent to increased manpower and capital resources back of a plan.

But if our various techniques are not to cancel one another, they must be geared to one over-all, coherent policy affecting each community. Each administrative process must function wholly within the framework of a living and growing master plan. All projects must be subordinated to such planning. Both policies and action in planning, whether at the local, state, or national level, must be harmonized into a single, long-term land policy. Directed in a way to back up the master plan, the recent interest exhibited by state and national governments in local affairs may be made one of the most significant and constructive factors ever introduced in the development of our cities. But let us not forget that social progress can be achieved permanently only if it is placed upon a solid economic foundation.

Not only will recognition of these elementary facts open new horizons in planning, it will also make for a maximum advancement of the American way of life in our urban areas.