In one sense, the seeds of this work were sown by a history professor's offhand remark. In the course of a class discussion on urban reform, he made the observation that there seemed to be many more histories of efforts to enact reforms than there were histories of their impacts. A thorough survey of the literature might prove otherwise, but at the time I thought he was right. Whether about Progressive Era efforts to defeat the bosses and break the power of political machines or Great Society attempts to fight social, political, and economic inequity, the stories often ended when new legislation was passed and the forces of good triumphed over evil. How well the reformers' goals were achieved, or whether the quality of life improved for their intended beneficiaries, was the untold "rest of the story." Certainly that was the case with the history of zoning.

My education as an urban historian had taught me about the squalid living conditions of lower income and working class people in America's rapidly growing turn-of-the-century industrial cities. I knew of efforts to improve those living conditions by enacting tenement house laws and similar legislation, and, when those proved insufficient, to control land use publicly through zoning. Zoning was to prevent slum formation by limiting population density and preventing incompatible land uses, such as the intrusion of factories into residential areas. Zoning would also, of course, limit the property rights of private landowners, and therein lay opposition to its acceptance. Still, there was legal justification for so limiting private property rights in the city's police power to provide for the public health, safety, and welfare. Consequently, in the passage of New York's pioneering comprehensive zoning
ordinance in 1916 and zoning's legitimation in the U.S. Supreme Court's *Euclid* decision ten years later, one could see the triumph of the public interest over private profit. Cities in the future would be better places to live, especially for the poor.

My education as a city planner—to prepare for the urban future rather than explain the urban past—had likewise taught me the planning theory of zoning. Zoning would serve the public interest (i.e., protect its health, safety, and welfare) by directing future growth and development, determining land use according to an adopted comprehensive city plan. That education—as well as my own observation of a growing metropolitan area—also taught me that the zoning process often did not function as intended, producing criticisms of both the principle and the practice and prompting calls for its demise.

If the much sought after and struggled for reform was not doing what it ought to be, what, then, was it doing? Moreover, what was the result for American cities of seventy years of public land use controls? Jane Jacobs's *Death and Life of Great American Cities* all but castigated the city planning profession and blamed zoning codes for the socioeconomic stratification and racial segregation of residential areas. But historian Sam Bass Warner had found that those same conditions existed in cities before zoning. And zoning observers both pro and con had noted that the social and spatial structure of Houston, the largest U.S. city without a municipal zoning code, was much like that of any other south central American city.² How, then, had the adoption of zoning affected American cities?

From these observations and questions came the initial basis of this research. Roy Lubove had effectively described the conditions that prompted city planners and reformist lawyers to campaign for public land use controls and told of the struggle for their passage; *The Progressives and the Slums* ends on that note of triumph.² I initially set out to learn the rest of the story. What happened to American cities since and because of the adoption of zoning?

Early in the research I discovered another factor that had to be considered and that subsequently broadened the scope of the study. Zoning was to determine land use and shape the city's spatial structure. In doing so it would also affect the social structure, influencing who lived where by permitting or prohibiting some types of housing in some places. Also determining land use
and residential patterns, however, were private land use controls in the form of deed restrictions. Restrictive covenants in the property deeds contracted between buyers and sellers appeared in American cities before 1900. They were systematically applied to some new residential areas by the late nineteenth century and used with increasing sophistication in the twentieth. Such covenants sometimes restricted land uses in areas subsequently covered by a zoning code. Thus I expanded the study to include examination of the application of private land use controls and residential development as well, to consider whether such controls effectively preempted the public sector or perhaps merely added another layer of regulation limiting property rights.

The ultimate purpose of the research, and the subject of this book, then, became to examine the role of public and private land use controls in shaping urban spatial and social structure. There were two simultaneous processes under consideration. One was the process of residential land development, which was an element of urban growth and had involved—sometimes—one private individual's imposition of restrictive land use controls on another private individual. The other was the application of zoning, the imposition of land use controls by a public body. The processes were parallel, and they interacted when both involved the same parcel of land at the same time.

There were also two primary sets of actors: one private, one public. Private property owners platted and subdivided for development land they owned. Through restrictive covenants they could control or determine the use of that land long after they ceased ownership and irrespective of whether it lay within a municipality. City councils and zoning boards, which were part of local government, passed and administered zoning codes governing land use only in their jurisdictions.

Moreover, each set of actors had a specific interest to serve. Land developers and the prospective homeowners who bought in their restricted subdivisions attended to their own individual interests, seeking to protect or increase the value of the land they owned or purchased. City councils and zoning boards were theoretically obliged to serve the public interest, promoting and protecting the health, safety, and welfare of the citizens as a whole, the public at large.
The two sets of interests were not mutually exclusive in theory. It is not unlikely that actions benefiting the citizenry as a whole would also benefit some private property owners within it. However, in serving the whole, actions might benefit some groups or individuals at the expense of others. Indeed, that was the hope of reformist zoning proponents. Zoning would serve the whole city, preventing the recurrence or expansion of slums, while improving the living conditions of lower income persons but at the same time limiting the potential profits of landlords and speculative developers. Thus, although they might sometimes tally, private and public interests could not always be equally well served.

This brings us full circle, back to the initial question, which then became a secondary purpose of the research. In examining the two processes—the application and impact of private and public land use controls—carried out by two sets of actors for two ostensibly different purposes, I would also be examining the effectiveness of zoning and learning what happened because of its adoption. This was important, for zoning has directly or indirectly affected the lives of many Americans. New York was the first, but not the only, large city to adopt a comprehensive zoning ordinance. By 1930 more than 80 percent of the urban population of the United States lived in zoned municipalities, and more than 65 percent of the zoning ordinances that regulated their land were comprehensive in nature. Even Houston, by 1990 the lone unzoned holdout among major cities, was considering a municipal zoning code.³

The most appropriate manner to determine the effectiveness of zoning was to measure its application against the stated goals of its earliest proponents, the city planners and reformist lawyers who pushed for its adoption and have been most consistently involved in its application for over seventy years.⁴ Chapter 3 will develop the planning theory of zoning and explain those goals more fully, but they can be briefly understood in terms of the following questions.

First, has zoning been in accordance with a comprehensive plan? Although courts have given different interpretations of the requirement that provisions of a city's zoning ordinance conform to its comprehensive plan (the conformity provision), many observers have stated that the relationship between zoning and the plan is crucial. Uniformity or consistency of application would imply that
the zoning ordinance is following a plan and thus being used to
direct growth and development.

Second, did the actions produce or strive to produce a balance of
land uses to meet the community’s needs, allowing housing at
various income levels and providing for commercial and industrial
land in proportions appropriate to meet both employment and
consumer needs? It was once quite common for municipalities to
greatly overzone land for commercial use since such land had a
higher potential market value and could produce higher tax reve­
nues if so assessed. If land was zoned for commercial use far in
excess of the city’s needs, the land might sit undeveloped for many
years (since development for a less intensive use would not be
profitable), and unmaintained vacant lots could have a blighting
effect on the surrounding neighborhood. Underzoning for com­
cmercial land, on the other hand, could inflate the price of that land
and thus determine the type of establishment that could locate in
the city. The amount and location of land zoned for commercial or
industrial use also reflected a city’s expectation of future growth
and the (sometime) desire to prepare for it.

Third, did the zoning actions prevent the intrusion of incon­
gruous or potentially harmful uses? Uses appropriate to commer­
cial or industrial districts could cause deterioration in residential
areas, as Lubove’s reformers observed, while the infrastructure of
residential districts might be inadequate for business or industrial
activities.

Finally, did the zoning actions, taken as a whole, serve all
income groups equally well? Did zoning provide low income per­
sons better quality, less dense housing, and some choice in loca­
tion, or only preserve the sanctity of upper income enclaves? Slum
conditions motivated Lubove’s reformers and others like them.
They realized that the poor lived in overcrowded, underserviced
inner city areas because they could not find affordable housing
elsewhere. The construction industry built single-family homes
the poor could not afford in outlying areas while old dwellings in
the inner city were subdivided to create more and smaller units.
Some early zoning proponents hoped that zoning could do what the
private sector on its own initiative would not, that is, allow for some
moderately priced or multifamily housing in outlying areas to
increase the residential options of low income persons. Others
looked to zoning to provide the same sort of residential neighborhood protection from injurious incursions for the lower classes that the wealthy could obtain through deed restrictions and the housing market. Equal opportunity and treatment concerned them.

Collectively, these questions established the criteria by which zoning could be measured. These criteria, in turn, reflected the goals of city planners and reformist lawyers and were necessary for zoning to be both legally justifiable and an effective device for planning urban growth.

The most meaningful way to determine the role of private and public land use controls in urban growth and residential development was by examining their application over many years to the specific parcels of land affected. Some researchers had studied the use of restrictive deed covenants as an aspect of urban (or more often suburban) growth, but not in conjunction with zoning. Others had studied the process of zoning, both present and past. I was more concerned with the product; how had land use controls shaped the city? A detailed case study of a single city would provide answers to my questions. I could do one using the information contained in public records regarding individual land use actions and decisions, drawing implications for the city as a whole from the aggregate of those actions. In the way that one completes a jigsaw puzzle, I would study the individual pieces, then assemble them to create a picture of the city that controls had shaped.

Having chosen an approach, I now needed a city to study. Three requirements—legal authority to zone, physical expansion after the adoption of zoning, and availability of past public records on zoning and development—determined my choice of Columbus, Ohio. The first was a given; I could not study the impact of zoning on a city that lacked either a zoning ordinance or authority to adopt one. Like many cities, Columbus adopted its first zoning code in the 1920s. The 1912 amendments to the Ohio Constitution, granting home rule powers to municipalities that adopted a charter, provided Columbus, which adopted a charter in 1914, the necessary authority. The second requirement was equally important. At its simplest, zoning was to direct growth and development by determining future land use. Zoning ordinances addressed density of development by limiting building heights and specifying how far structures had to be set back from the street or adjacent lots, but
they were equally concerned with separating incompatible land uses. As a planning device, then, zoning’s greatest potential was in determining the use and size of structures before they were built. Its effectiveness would obviously be limited in a city with little or no undeveloped land at the time of adoption or in a city whose physical growth was checked by natural barriers or adjacent incorporated municipalities.

Columbus was a most suitable candidate for study. The land area of the city in 1920, three years before adoption of the first zoning code, was 23.9 square miles; in 1970 the land area was 134.6 square miles. Annexations of unincorporated land, particularly in the 1920s and 1950s, had greatly expanded the city as that land was developed. Armed with the legal power, the city could theoretically determine its spatial structure as it grew. Moreover, the necessary public records still existed. The Franklin County recorder’s and auditor’s offices held subdivision plat maps and deeds telling how property owners had platted, subdivided, and restricted their land for development. The City Bulletin, published weekly, recorded all actions—zoning and otherwise—of City Council. Into the 1930s it also recorded decisions of the Board of Zoning Adjustment. Zoning board actions from the 1930s on were stored on microfiche or in files in the regulations division of the city’s Development Department, as was the original zoning map. I could thus track development and examine zoning on an incremental parcel-by-parcel basis and see how controls and restrictions set and altered land use patterns as the city grew more than fivefold.

Columbus made sense as a case-study subject for another reason as well. This research was not to be a history of one city’s growth or of city planning but rather a study of the application of land use controls, and I believe that the Columbus experience with both private and public controls was typical. Existing literature on historical patterns of urban growth and development, much alluded to or cited in the body of this work, indicates that growth in Columbus followed a fairly standard pattern. With the development of streetcars, “suburban” communities formed at the city’s fringe. Often blessed with natural amenities and favorable wind and water currents, these communities were generally intended for upper middle and upper income residency. Most incorporated as
independent municipalities early in the twentieth century, and the city responded in subsequent decades by annexing unincorporated fringe developments and trying to annex the incorporated ones as well (though it was rarely successful in the latter tactic).

Columbus developers used restrictive deed covenants much like their counterparts elsewhere. Moreover, the comments about zoning that city planners expressed at their annual conferences and in their journals from the 1920s through the 1950s and 1960s (also discussed in the body of this work) indicate that they faced and observed circumstances like those in Columbus. So what happened in Columbus happened in towns and cities all over the country, and the lessons are applicable elsewhere. Rather than being an anomaly Columbus seems to have been the norm. The interaction of public and private land use controls and their impact on urban social and spatial structure, illustrated by Columbus, also help explain the observations about cities, with their empty cores and segregated neighborhoods, made in the wake of the 1960s riots.

Given the size of the city, I clearly would not be able to examine every platted subdivision for restrictions and every zoned lot for changes in land use. But the portions of the city I would choose to examine would have to allow me to track its emerging spatial and social structure. The first decision was to focus on areas that were initially residential or developed primarily for residential use. This was not only because a major concern of zoning proponents was housing conditions and the formation of slums as residential neighborhoods deteriorated but also because developers most often applied restrictive deed covenants to residential subdivisions. I thus excluded from the study the core of the city, which was fully developed and mostly commercial by the 1920s.

To track growth over several decades I needed to examine those areas where development occurred first and continued longest. Like many cities, Columbus was fairly compact until the advent of the streetcar, then developed along the streetcar lines, which became major arterials with the increase in automobile use. By examining maps from several different time periods, I was able to delineate for detailed study six segments or corridors of the metropolitan area, each bordered by a streetcar line that became a major arterial. This allowed me to observe the advancing fringe of
development and also to include all or part of seven separately incorporated suburban municipalities. Collectively these segments comprise the study area for the research. Figure 1.1 shows the outline of the corridors and their location in the metropolitan area, and the appendix describes their boundaries.

I subsequently examined all zoning actions involving any lot or parcel of land within the study area, whether that action was taken by the City of Columbus or one of the included suburbs (all of which adopted zoning in the 1920s or upon their later incorporation). I also examined the recorded plats and deeds for all subdivisions platted within the study area that were beyond the urban fringe in 1920, irrespective of whether they were within or subsequently annexed to Columbus or one of the suburbs. Since platting sometimes preceded construction by more than twenty years, this included some subdivisions platted as early as the 1890s, when the use of restrictive deed covenants was just beginning in Columbus.

Consequently, I was able to examine the growth and residential development of the metropolitan area over several decades. In doing so I could consider how private and public controls on land use had shaped the spatial structure and affected the social composition of residential areas. In essence, I could learn who “planned” Columbus and whose interests were served.

The ensuing chapters contain two stories. Most obvious is that of the urban growth of Columbus, Ohio, and its environs, telling that a moderately sized state capital became the largest city in the state in both area and population and the center of a complex metropolitan area (though not the largest metropolitan area in the state). The other, and more important, story is of the application of land use controls—both public and private. I believe that the story of how those controls shaped the growth and development of the metropolis and its spatial and social structure could be told for many U.S. cities.