

**The Development of Zoning Codes Tied to the Influence and Implications on Decisions  
Made by City Governments**

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On my honor as a University Student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments

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## **STS Research Paper**

### **Introduction**

The lack of understanding of the zoning codes has allowed various bodies to abuse its regulations and build a system that heavily favors the city governments at the high expense of the citizens' welfare. This research will explore the development of the zoning codes along with their purpose and evaluate the decisions that have been made using them in order to conduct local planning developments. At its root, building decisions were made to what seem to fit with the land and with the people. Complaints would be sent to the local judge who would then decide the outcome of the building. In 20<sup>th</sup> century New York, building heights would be set higher and consequently affect the neighboring real state. The tall buildings would cast large shadows on other properties, devaluing them. Hence, the introduction to the United States' first comprehensive zoning codes law.

Zones create regulations and separate allocated land for different institutions. The purpose of zoning is "to promote the health, safety, morals, and general welfare of the community, to protect and conserve the value of buildings, and encourage the most appropriate use of the land" ("City of Richmond", 1958). In the name of achieving any of these values, executing a plan to change the zone lines would follow with no resistance, allowing the enforcers to reach goals that question ethicality. The issues lie in the costs pertaining to the finances and funding provided by the city government and in the well-being of the citizens. Notable instances where people have been neglected can be seen here in the city of Charlottesville. The Brandon Avenue Master Plan aimed to create a "vibrant, mixed-use, sustainable district that links the Health System to Central Grounds" ("BrandonAveMasterPlan", 2017). Although the changes to Brandon Avenue were installed to ultimately create an uplifting space for students, the entire project was tied to several costs that involved and affected crucial stakeholders in promise of

local gentrification. In the same city of Charlottesville, zoning codes were used to drive a whole neighborhood away in the excuse of prospering the city. This instance was during case of Vinegar Hill in 1965. The zoning codes were intended to be used as a tool by the city governments to regulate the uses of buildings and land within the city and while those goals may have been reached, the decision-making process brings light to a question of ethics.

## Literature Review

Early pioneers on the topic of zoning can be dated back to the founders of America, James Madison, Alexander Hamilton, John Adams, and Thomas Jefferson all whom believed that “ownership and protection of property was a right of the people and was necessary to preserve a republican form of government” (Vail, 2016). Property and land were rights to be protected and the zoning codes were set to endorse that. While the new regulations were implemented and regions were growing accustomed, society has been advancing technologically and socially to the extent where zoning regulations cannot keep up as “scholars and advocates increasingly promote the reform of local planning and development management efforts in order to transition from the conventional form of suburban landscape development occurring widely across the US to an urban–rural form” (Norton, 2007). These same scholars predict that local master planning such as the Charlottesville, Brandon Avenue Master Plan (BAMP), will drastically influence the development and use of landscape within a city. With a vibrant eco-district in mind, the BAMP aims to help the students express themselves academically and creatively, advancing the overall student productivity and University publicity. However, the cost of the project involved the transfer of ownership of all of Brandon Avenue and reassigning the residential zone to a green zone, thereby vacating all residents on that street, leaving the tenants with no home at no compensation. The city of Charlottesville is responsible for a parallel story of negligence on residents in the case of Vinegar Hill in 1965. Vinegar Hill was the largest African American neighborhood in Charlottesville at the time, having cultivated the land for former slaves. It was located by the Downtown shopping district and was stagnating the potential growth of the district and thereby the city. The neighborhood of Vinegar Hill was planned to be

torn down “for the sake of progress” (Smith, 2017) by reassigning the district zones, breaking the community apart and leaving the people without homes or monetary compensation.

Although not a direct positive parallel to these questionable choices made by the city government, Baltimore demonstrates what it looks like “to promote the health, safety, morals, and general welfare of the community, to protect and conserve the value of buildings, and encourage the most appropriate use of the land” genuinely and backed-up with an 18% increase in residents living under development zones and a considerable increase in health promotion by limiting the off-premise alcohol outlets. Understanding that zoning codes have to grow as the city grows, periodic revisions of zoning codes are essential to maintaining a modern and useful land-use. Baltimore City began a zoning code rewrite titled “TransForm Baltimore” with the goals of “simplification and standardization; preservation of neighborhood character; addressing changing land needs; and incorporating transit-oriented development (TOD), sustainability, and walkability”( Ellen et al, 2013).

### **Methods and Analysis**

The Social construction of technology (SCOT) is a theory within the field of science and technology studies which argues that technology does not determine human action, but that human action shapes technology (Pinch and Bijker, 1984). The theory of SCOT explores the reasons for acceptance or rejection of a technology or technique by examining the social world and its response to the technology which is defined as technological constructivism. This framework alludes to the idea of not necessarily finding the best technology based off its success as who is the one to decide what is best but rather defining what is considered to be best and for whom. “Relevant social groups do not simply see different aspects of one artifact. The meaning

given by a relevant social group actually constitutes the artifact” (Bijker, 1984). Zoning is not simple mechanism used by one party as there are several stakeholders at hand. The parties can vary greatly from the initiators of a zoning district plan to the city council who approves of the plan not to mention the residents within the zones affected by the plan and every financial matter plays a role as well in the construction workers and the entities purchasing the land within the zones, in this case the University.

The examples of Brandon Avenue, Vinegar Hill, and TransForm Baltimore, share likeness in their objectives as they are to encourage the best use of the land within the zones but beyond this surface layer lies a deeper, more meaningful objective in each case that questions the ethics living in these instances.

Zoning in itself is a system or technology put in place to regulate decisions and distributions of land. Installed to minimize chaos and accommodate to the needs of the citizens, it becomes paramount to understand where the responsibility for the zoning codes lie. Rather, it may be better to question where the responsibility should be placed.

### **The Brandon Avenue Master Plan**

“The location of Brandon Avenue is really quite strategic [because of] the proximity to Grounds, to the Lawn, to the South Lawn, and it sort of serves as the link between the Health System and the rest of Grounds,” (Tubbs, 2016). Brandon Avenue is an ideal location that can truly benefit the student body, providing easier access to the student health center. Brandon Avenue is zoned under Charlottesville’s urban residential density district, which is primarily intended to provide a sound environment for medium-density residential occupancy, aligning well with the fact that the area was occupied by residential buildings owned by both the

foundation and the University of Virginia. The BAMP aims to bridge the University Health System with central Grounds and to achieve this goal, the residential areas in its path must be torn down. This can be done because the city government of Charlottesville authorized a conditional use permit in accordance with Chapter 21.71 HCC and also approved the appeal for this plan provided by the University of Virginia. The city government of Charlottesville maneuvered around the zoning codes to implement a program benefiting to the student body but executed it at the expense of removing the existing apartment buildings. With the removal of the buildings, the University bought off the remaining land on Brandon Avenue as properties owned by the University do not have to pay local real estate tax. This privilege brings to question the true motives behind the University emptying out the street of Brandon Avenue, possibly leading towards alternatives that could have been taken in compromise of maintaining the homes of the residents. The ethical question is directed and emphasized towards the plan itself as it was a conscious decision to vacate the area of all homes not owned by the University, seemingly only benefitting one party.

The Brandon Avenue program turns its direction towards an eco-district environment where students have greater accessibility around Grounds and the University earns a financial benefit. Seemingly, the only stakeholders who benefit are the University and the students, disregarding the most heavily affected stakeholders, the former residents of Brandon Avenue. The actions that have taken place bring to question the ethical values of the responsible entities, the University and the city government by using zoning codes as a tool to achieve their goals. What may have been presented as a means to encourage and promote an eco-district could be argued to have an objective of self-promotion and even financial benefits.

## **Vinegar Hill 1965**

The city of Charlottesville is responsible for a parallel story of negligence on residents in the case of Vinegar Hill in 1965. Vinegar Hill was the largest African American neighborhood in Charlottesville at the time, having cultivated the land for former slaves. It was located by the Downtown shopping district and was stagnating the potential growth of the district and thereby the community. The neighborhood of Vinegar Hill was planned to be torn down “for the sake of progress” (Smith, 2017). During this time, the city was developing rapidly and with it, zoning regulations naturally became more prominent. Residential zones would hold houses and apartments while commercial zones hold shopping districts and malls, segregating them by law ensuring order with the types of buildings being built. However, this only applied to white neighborhoods. Black neighborhoods were always susceptible to being demolished in light of progression, despite being classified as a residential zone. The rapid gentrification during this time has impeded on the lives of many of minor race and created a supremacy complex within cities. The question of blame surfaces and many fingers point to the tools used, this case being the zoning codes, when in reality the evidence highlights the flaws and shortcomings of the people using the tools in self-rewarding and thoughtless manner. Gentrification in a city is not self-harming nor is it unethical on its own means but it is where the line is drawn in the compromise of the benefits for the city to the costs that are linked to them. In retrospect, it would be ignorant to think that every decision made will come at no costs but evidence points to the conscious decision where the progression of the city was upheld to a higher degree than the lives of a growing black neighborhood.

In the case of Vinegar Hill, the residential zone was changed to a commercial zone to extend the Downtown shopping district, having the zoning codes altered with no repercussion for



their actions. In fact, how could they claim to be instituting this demolition in the name of progress for the growth of the community when it has impeded such a large part of its members. Instead, it appears to have been a selfish financial attempt for those who could not care less about the community. This instance highlights ethics, or lack thereof, in the decision-making using zoning tools as a means to an end.

**TransForm Baltimore**

The city of Baltimore studied the relationship between general public health and the zoning lines within the city. The areas most impacted by the zoning codes consist of physical activity, violent crimes and obesity. Studying both the high and low poverty neighborhoods, evident results appears to display the direct correlation between public health and zoning codes. This project was called TransForm Baltimore. The study truly reflects the correlation between poverty scales and crimes as well as obesity as seen in Figure 1 but it also brings light to what can happen if the distribution of high poverty and low poverty areas are flatted out.

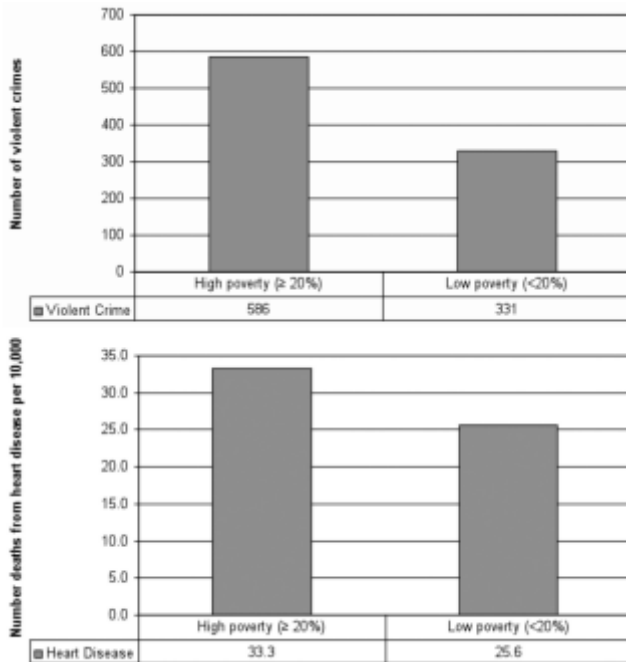


Figure 1. Average number of violent crimes (2004–2005) and average heart disease mortality rate (2004–2006) per CSAc by CSA poverty: Baltimore City, Maryland

It was apparent that mixed-use and transit-oriented development were important goals for the TransForm Baltimore. By restructuring the zoning lines in the city such that the residents could have easier access to daily routines by making the city more walkable or transit-oriented, public health would increase and violent crimes would decrease. The zones also allowed for more residents to live in districts with new lighting and landscape guidelines, with more transit-oriented development and off-premise alcohol, which also promotes general health. It is not immediate for zoning codes to be directly associated with public health but in many ways, it encourages healthy activity and reduces the reasons for crime (Ellen et al, 2013). It is the technology of codes that keep people in order but it is the choice of the individual to take advantage of such tools. It is a demonstration of how the people shaped the technology to be as promising as it was for TransForm Baltimore. The objective of TransForm Baltimore fell under the premise of using the land to its best use, encouraging the community as a whole and doing its best to promote the health of those residing. This example shines in revealing how those enforcing the actions and plans can work cooperatively with the affected stakeholders to produce a positive outcome.

### **Conclusion**

In reflection of the presented data, it is evident that the zoning codes is an influential tool. How it is used and the results that come out of the use of them are dependent on the those responsible for enforcing them. Created as a means to create peace and resolve problems has actually become an actuator to benefit a cause, self-inducing or generously. The examples of the Brandon Avenue Master Plan and Vinegar Hill have presented a means to an end that disregarded the obvious negative drawbacks for the sake of city progression while TransForm

Baltimore sought to benefit the city residents, and as a byproduct, benefitted the city as a whole. The examples of Brandon Avenue and Vinegar Hill demonstrate that because we have learned nothing from the mistakes of the past, we truly have to emphasize the importance of zoning codes and how they can be used to benefit the community as TransForm Baltimore has. The tools didn't change throughout the examples but the data reveals varying results. It is not the technology that shape people but rather it is the people who shape technology.

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