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The Rise and Fall of Zoning

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TS06H – Unpacking Planning Principles for Sustainable Development



Plans are nothing... Planning is everything.

– General Dwight David Eisenhower



https://en.wikipedia.org/wiki/Military_career_of_Dwight_D._Eisenhower



OUTLINE

- Rational zoning: What? and Who?
- Problem: Why zoning, or not, and How to change zoning plans?
- Functional development vs. Conservative control
- Evolution and critique of zoning trends along the 20th Century
- Conclusions

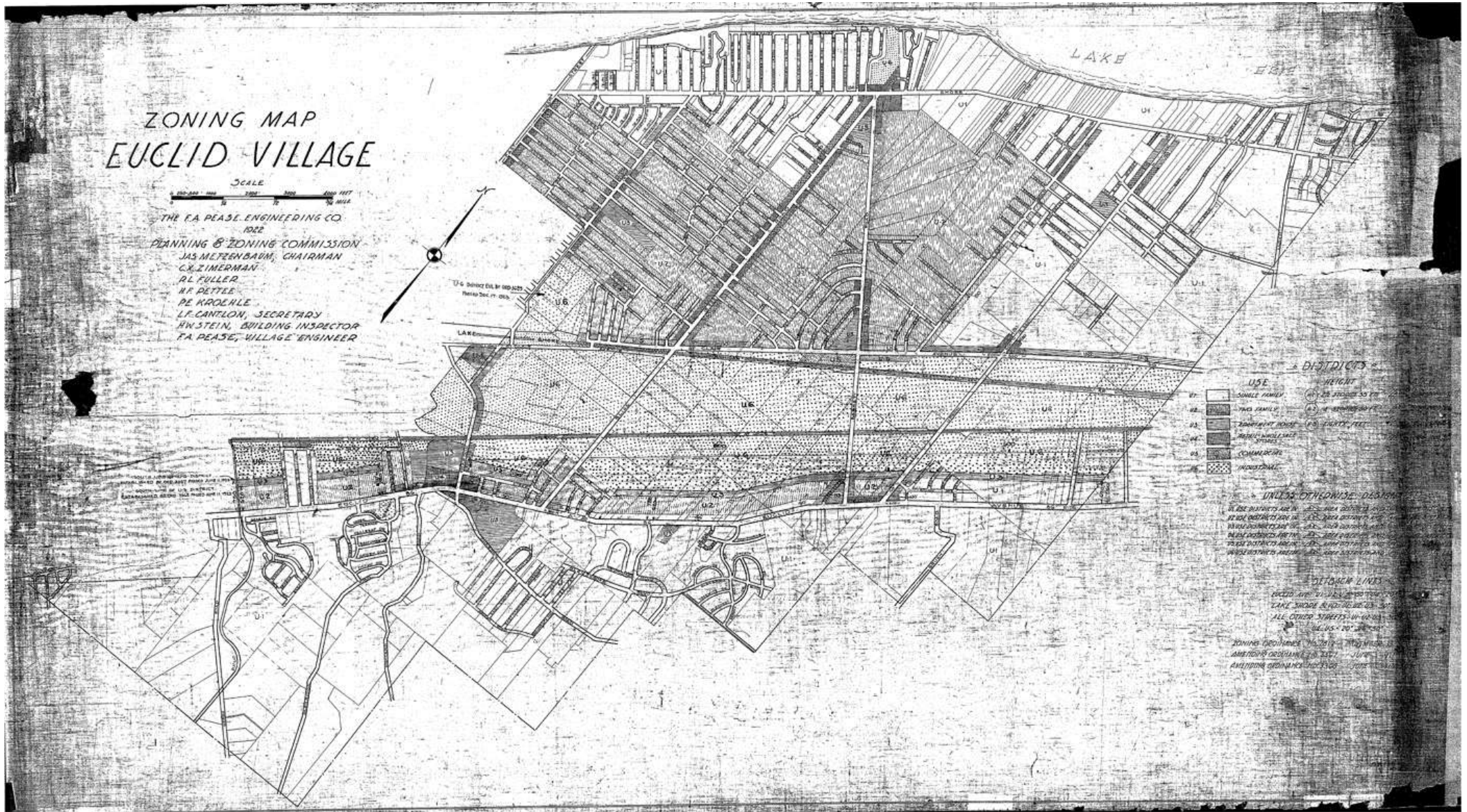
MEANINGS OF “ZONE”

- Ancient Greek: ζώνη = belt, circling strip, spherical segment, ring
- Geographical zones: torrid (tropical), temperate, frigid (polar)
- Time zones: hourly bands E & W from Greenwich UK
- Marginal, peripheral area: flooding zones, dismantled city walls
- Strictly delimited sector, range, location, domain of specific interest
- Focus on visualization feature or area
- Strictly partitioned/delimited sectors of a larger area, for a purpose
- **In urban planning: spatial element of a system of land-use regulation**
- It refers to and is an area along a firm delineation, with special status.

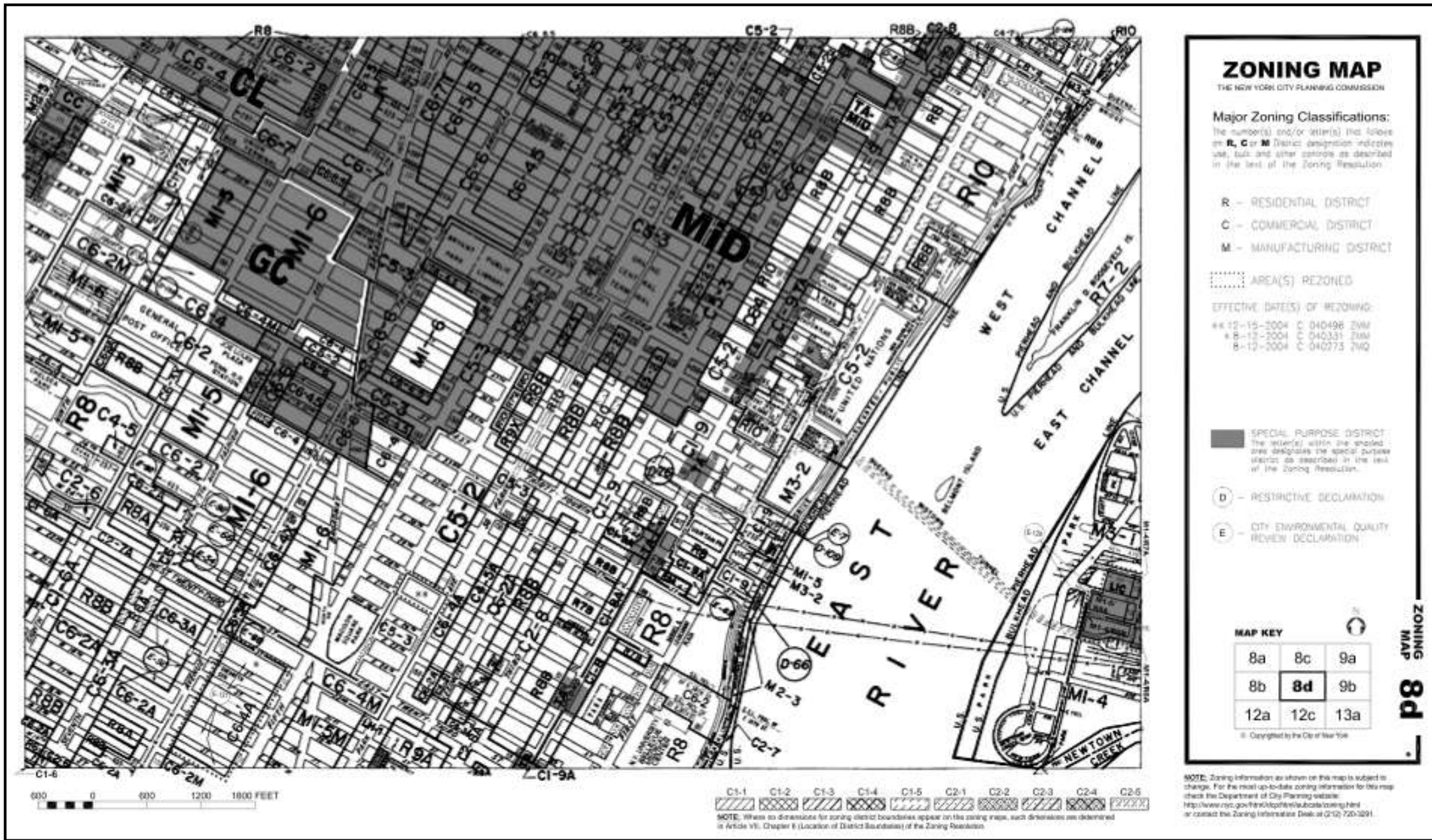


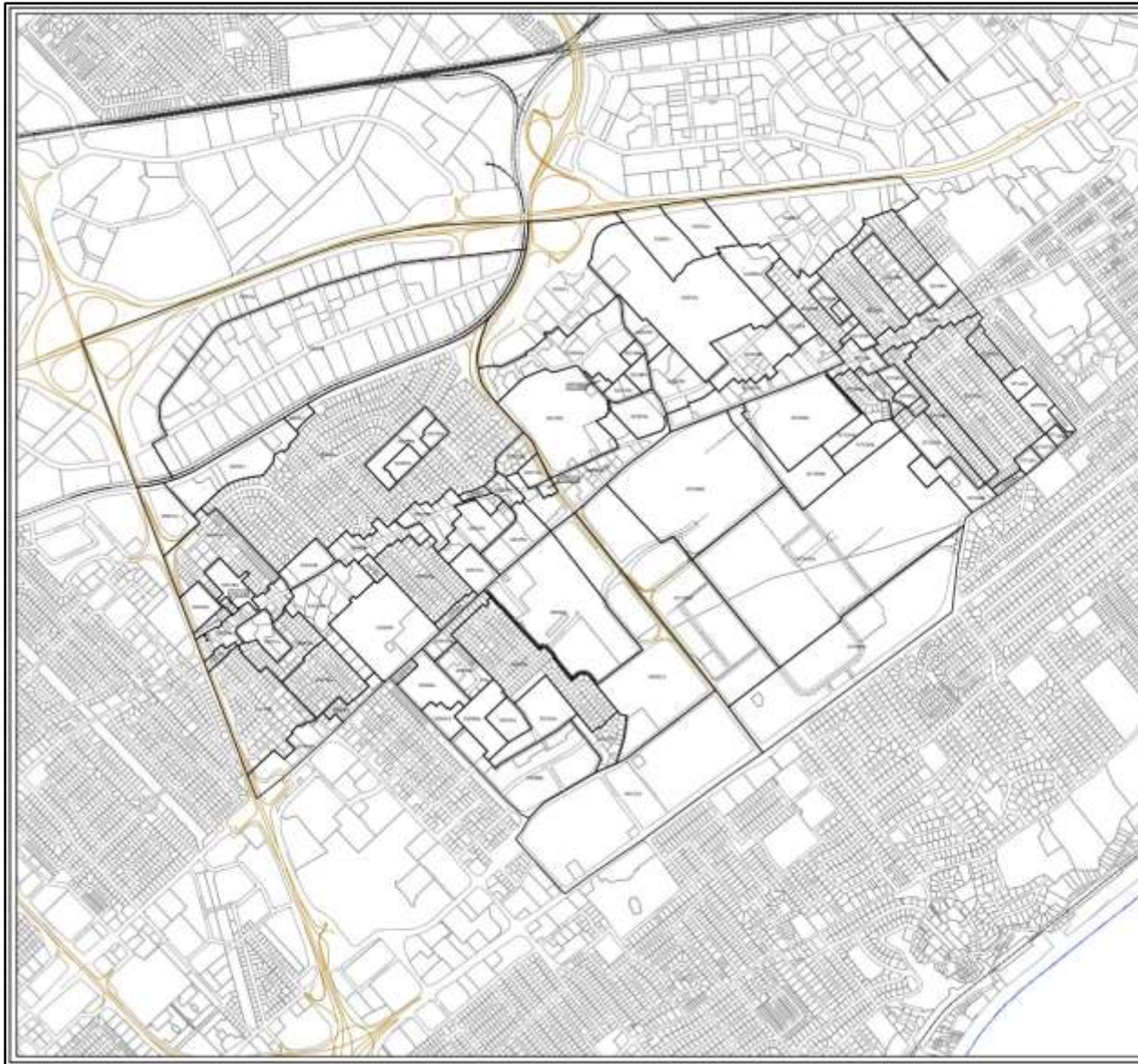
WHAT IS ZONING

- **Land use planning instrument**
 - Enforcement of urban policies and by-laws, towards existing or foreseen situations to manage and control within zones, on private land (at the parcel-lot level), building, usage, and business development.
- **Procedures, methods, and practices in municipal administration**
 - Delineation of precise perimeters of zones
 - Distribution of functions and uses
 - Management of land owners' exercise of specifically local rights and obligations
- Most cities have enforced **huge zoning and construction by-laws**, with thousand pages of rules and norms that detail what is obligatory, permitted, or prohibited to do by land owners and project promoters, with procedures to get permits.
- They apply to **numerous small zones**, ruling any aspects from parcel lot subdivision at minimal/maximal dimensions to the height and colour of the walls and roofs.



Source: <http://www.cityofeuclid.com/community/development/PlanningandZoningDivision/EuclideanZoningHistoricDocuments>





VILLE DE QUÉBEC
 SERVICE DE L'AMÉNAGEMENT
 DE TERRITOIRE
 DÉPARTEMENT DE L'URBANISME

PROJET DE RÉGLEMENTATION
 COMMERCIAL, INDUSTRIEL
 LOCAL
 2016-17

RELA
 CITE-AMÉNAGEMENT

Quebec City Zoning Map Sheet and Specifications Table

VILLE DE QUÉBEC
 RÉGLEMENT DE L'ARRONDISSEMENT SAINTE-FOY-SILLERY SUR L'URBANISME
GRILLE DE SPÉCIFICATIONS

En vigueur le **R.A.3V.Q.86** 32717Md

USAGES AUTORISÉS	Superficie maximale de plancher		Localisation	Projet d'ensemble				
	par établissement	par bâtiment						
COMMERCÉ DE CONSOMMATION ET DE SERVICES								
C1 Services administratifs								
C2 Vente au détail et services								
COMMERCÉ D'HÉBERGEMENT TOURISTIQUE	Nombre maximal d'unités		Localisation	Projet d'ensemble				
	par établissement	par bâtiment						
C10 Établissement hôtelier								
PUBLICQUE	Superficie maximale de plancher		Localisation	Projet d'ensemble				
	par établissement	par bâtiment						
P3 Établissement d'éducation et de formation								
P4 Établissement d'éducation post-secondaire								
P5 Établissement de santé sans hébergement								
INDUSTRIE	Superficie maximale de plancher		Localisation	Projet d'ensemble				
	par établissement	par bâtiment						
I1 Industrie de haute technologie								
RECRÉATION EXTÉRIEURE								
R1 Parc								
BÂTIMENT PRINCIPAL								
DIMENSIONS DU BÂTIMENT PRINCIPAL	Largeur maximale		Hauteur		Nombre d'étages		Pourcentage maximal de grande hauteur	
	mètre	ft	intermédiaire	maximale	minimal	maximal	1, 2, 3, 4, 5 ou 6 étages ou +	10, 15, 20 ou +
DIMENSIONS GÉNÉRALES					4	8		
NORMES D'IMPLANTATION	Marge avant	Marge latérale	Longueur minimale des cours latérales		Marge arrière	PCN minimal	Pourcentage d'une rue minimale	Superficie d'une église
NORMES D'IMPLANTATION GÉNÉRALES								
MARGE DE RECUL À L'AXE	Quatre-Bourgeois, Chemin des / Sainte-Foy						22,5 mètres	
	Robert-Bourgeois, Aréoparque / Sainte-Foy						20 mètres	
NORMES DE DENSITÉ	Superficie maximale de plancher				Nombre de logements à l'étage			
	Vente au détail		Administration		Maximal		Maximal	
CMA 1 A 4	Par établissement	Par bâtiment	Par bâtiment		65 kg/m ²			
DISPOSITIONS PARTICULIÈRES								
Calcul de la hauteur maximale d'un bâtiment sur un terrain en pente - article 340								
STATIONNEMENT HORS RUE, CHARGEMENT OU DÉCHARGEMENT DES VÉHICULES								
TYPE								
Axe structurant A								
DISPOSITIONS PARTICULIÈRES								
L'aménagement d'un site de stationnement devant une façade d'un bâtiment principal est possible - article 633								
Le pourcentage minimal de la superficie des cases de stationnement aménagées sur un lot qui doit être soustrait est de 80 % - article 506								
ENSEIGNE								
TYPE								
Type 9 Public ou statutaire								
AUTRES DISPOSITIONS PARTICULIÈRES								
Protection des arbres en milieux urbains - article 702								

RATIONAL PRINCIPLES

- **Conserve** urban trends at the ward or the street corner scales, within the city core.
- Cut-off strict zones with detailed limits adjusted to existing collateral situations.
- **Respect** of owners' vested interests, with intention to gradually reduce constraints.
- **Promote** large (sub-)urban differentiated zones with sharp **functional** separation (*e.g.* residential sectors, industrial parks, shopping centers, public institutions, CBD, ports, stations, and airports, parks and playgrounds, agricultural,...).
- **Install** projects at “the best place for the best (profitable) use”, in order to reduce usage conflicts and constraints, with respect to road structures for good access.
- **Inform** all citizens about zoning regulation based on participative decision making or acceptation, what impedes discretionary decisions on derogations or permits.

CONCERNS, ACTORS, APPROACHES

- Politician, local/city or regional/metropolitan
- Municipal administrator and the Bureaucracy: permits, taxation
- Assessor (market value within the area)
- Architect, Urban planner
- Geographer, Cartographer
- Local citizen, small individual owner (residential, commercial), taxpayer
- Urban or environmental Activist, association for tenants' rights
- Promoter, developer, investor, speculator, project manager
- Construction industrialist

REASONS FOR ZONING, OR NOT

- **Control**, permit, obligate, forbid, or impose procedures on the territory.
- **Set apart** zones with distinct dominant urban **functions**, possibly conflicting each other, or causing nuisances, traffic, etc.
- **Freeze**, protect, consolidate, comfort, complete existing **built areas**, thus fix norms to adapt changes, improvements, or new buildings or usages with respect to the real situation to perpetuate.
- **Prevent**, protect, or **reserve** identified hazardous, natural, or cultural sites from intensification or development due to new buildings and usages.
- **Identify** fallow or waste lands, brownfields, greenfields, or wild sectors, without clear actual purpose, to be prepared to receive later projects of investment that will enhance, exploit, or develop their best **potential**.

HOW AND WHY ZONING PLAN CHANGES?

- Authorities call **public consultation** and participation regarding their proposal designed by planners, before adoption of the whole zoning plans, maps, by-laws (specifications).
- So, zoning is perceived as stable and **permanent**, engaging all citizens to get **informed** of the same rules applied on their places. Formal revision process will come by decades.
- Demands accepted for little **derogations** on very specific situations, with respect to plan.
- **Newcomers** in the block buy parcel-lots (built or not) as an opportunity to make profits.
- They ask for **changing norms** as constraints to a more profitable project than permitted, then engage in trade-offs about counter-part amenities, compensation, and future taxes.
- Local citizens perceive such demands as **offensive** from outside their zone, then fear consequences on land value or **taxes**. If change accepted, lost confidence and **credibility** on the zoning plan and municipal administration, without any visible advantage locally.
- Important change in a zone can raise or decrease **value** and **potential** of neighbours.

FUNCTIONAL PLANNING AND DEVELOPMENT OF LAND

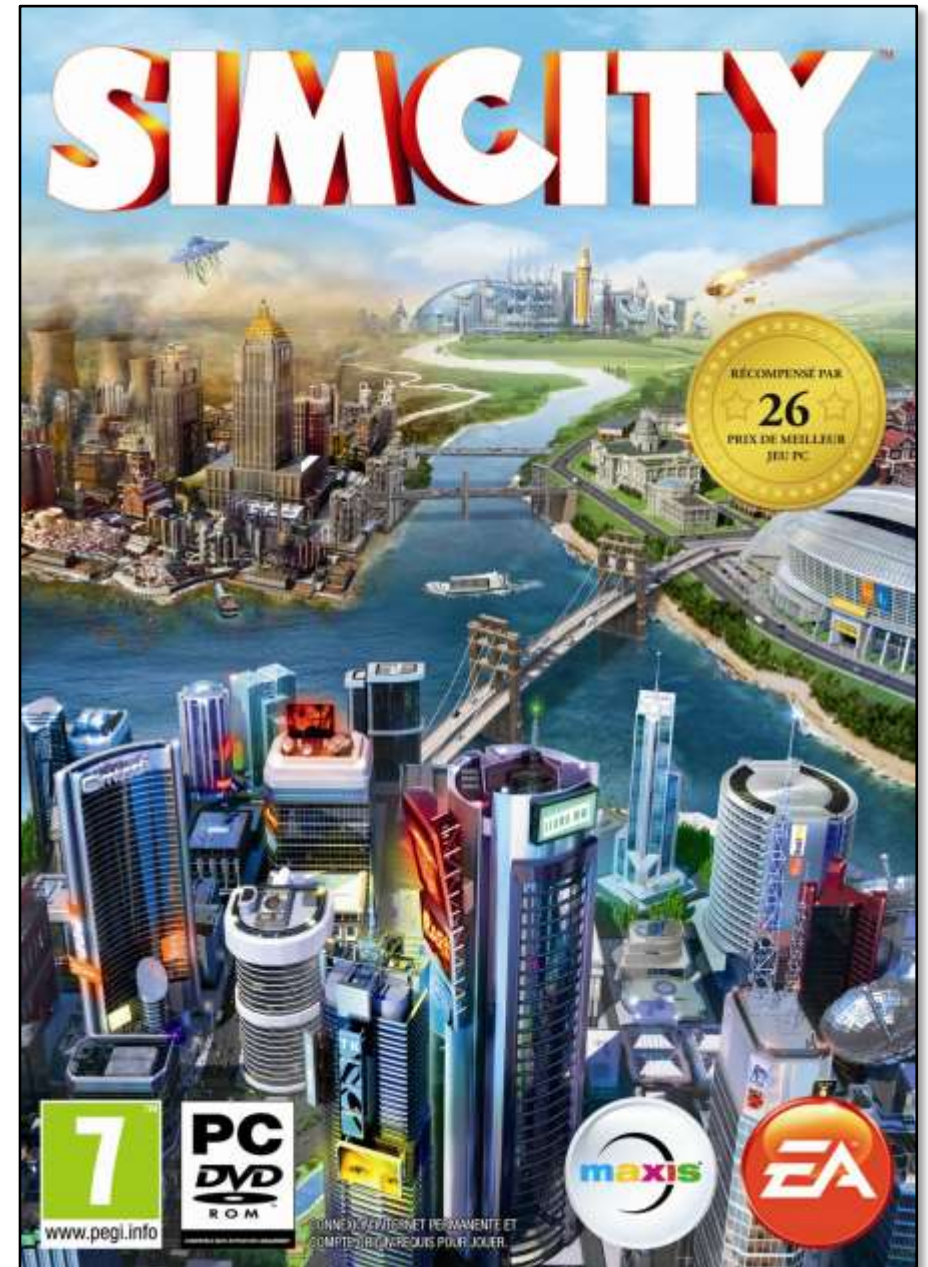
- Spatially discriminates economic functions (about 5 to 7, plus some hybrid ones).
- Imposes strict norms specifically to each zone (or type of zones).
- Favours any investment, seen as improvement to the functional area.
- Plans infrastructures, access roads, and urban services consequently.
- Consolidates wide zones with large development projects.
- Considers incentives and relocation for reducing nuisances, prejudices.
- Justifies detailed constraints with fair competition and uniform justice.
- Views urban planning and zoning as technical policies, not politics.
- Changes willingly zoning norms or limits to accommodate new interest development.
- That led to dormitory suburbs, large industrial or protection parks, urban sprawl.

CONSERVATIVE CONTROL OVER DEVELOPED AREAS

- **Freezes the urban situation** within larger city perimeters, instead of zones
- Prefers uniformity or harmony character of the place
- Reduces to eliminate sources of harm, prejudice, nuisance, pollution, heavy traffic
- Reduces to vanish derogative vested interests, but accepts little derogations
- Minimizes opportunities of new activities, usages, developments
- Opposes to densification, gentrification, disharmonious renovation or renewal
- Resists to large external investments that should rise taxes around
- Claims for local social and urban services (schools, kindergarten, parks, libraries)
- Insists on democratic power and control of local citizens over neighbourhood
- Takes part to public meetings and trade-offs to fix the plan and by-laws, locally

**Functional distribution over
a non-developed land area
= Zoning**

**When it is time to redevelop:
You turn off the game.**



Source: www.simcity.com/en_US/free-trial

EVOLUTION OF ZONING TRENDS ALONG THE CENTURY

- Sector restrictions or interdictions on harmful activities
- Protection of historical, heritage, cultural, natural sites
- Euclidian zoning on determined districts
- Spot zoning (and some kind of *gerrymandering* in zone design)
- Flexible zoning on floating area
- Postponed zoning (land reserve, brownfields)
- *New Urbanism*, convenient derogations compensated by public amenities
- Form-based codes, more consistent, predictable patterns of development
- Sector Planning Program for re-development above zoning plan

CONSEQUENCES OF ZONING, RE-ZONING, DE-ZONING

- Complexity of detailed normative zoning and piecemeal changes on it challenges the **struggle over the land for site improvement and return on investments.**
- **If more and more rules and norms, then more and more demands for derogation.**
- Too small (one spot parcel-lot) or too wide (a complete district) zones are critical.
- Bureaucratic procedures harass against small owner's initiatives and requests.
- Density ratio (building/ground surfaces) considers access and traffic capacity; demand for densification should too (not just architectural design, height, shadow)
- Intensive demand for permits, derogations, and changes: **fees as a kind of taxation!**

URBAN DENSIFICATION

Quebec City
Densification into Low Density Residential Zone



CRITIQUES OF ZONING

- Today, usefulness of even “soft” zoning is criticized as promoters’ demands for derogations and changes increase.
- Who absorbs or endures the univocal changes in zone characteristics and the parcel-lot values there? Who captures the increase in value, the “plus-value”?
- Political authorities are willing to make discretionary decisions based on business and taxation reasons, whereas local public acceptance is weak or opposed.
- Norms appear actually no more than indications or references for settling (re)development plans larger than the zones; they are no more strictly essential.
- Restrictions impede individual construction initiatives that would meet emerging societal needs, like multi-generational housing or urban agriculture on roofs.
- Many do question the decline of public interest in zoning and the justification to maintain it as the main instrument of control over land, building, and usage.

CONCLUSIONS

- The rise of the functional Euclidian zoning led to generalisation of this municipal control and planning instrument which, after normative consolidation and bureaucratic operation, distances citizens from comprehension and just usage.
- **The decline of zoning through more flexible and adaptive plans and procedures, with derogations and higher level plans, questions its usefulness in the future.**
- The impact of small-size but heavily-regulated zones on land and building values, thus on municipal tax revenue, seems contradictory in context, and cannot be correlated with any clear links between cadastral, zoning, and tax maps.
- If zoning cannot provide sustainable urban development, one should look to an integrative and evolutionary 3D multipurpose cadastre that would help to harmonize land management with ownership and new societal demands.



THE LAW CREATES THE CRIME!

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