

## Appendix

# A Brief History of Planning

- 1189 England; required stone party walls 1½ feet thick each side, 16-feet tall on houses.
- 1214 Magna Carta; King John of England, prevented the seizure of land by the King without compensation. First land use regulation, restricting forests for hunting.
- 1297 England- Front yards to be cleared and maintained.
- 1400s England- all roofs in urban areas to be stone, lead or tile (fire protection).
- 1565 St. Augustine, Florida, first American planned city, Spanish Law of the Indies.
- 1666 Great fire of London, England - An Act for the Rebuilding of the City of London, divided city housing into 4 classes, required uniform roof lines and balconies, established front setbacks, mandated 3 year reconstruction or seizure by the city for the public good.
- 1690 Annapolis, Maryland, Sir Francis Nicholson, designed it as a new town, with radial spokes.
- 1692 Philadelphia, first major city built on land speculation, used grid pattern for the layout. 1<sup>st</sup> neighborhood park system.
- 1692 Boston ordinance restricted slaughter, still, curriers and tallow chandler houses to areas of the city less populous and offensive to the public.
- 1699 Williamsburg, Virginia, Sir Francis Nicholson, designed grid with green mall, central avenue.
- 1733 Savannah, Georgia, General James Ogelthorpe, 24 squares, 40 families per square, grid.
- 1777 Vermont, 1780 Massachusetts, 1789 North Carolina Constitutions prevent taking of land without compensation.
- 1785 Land Act of 1785- Established survey grid 36 square mile townships, North West territories, (includes Ohio).
- 1787 United States Constitution, Article V of the Amendments- “no person shall...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”
- 1789 Washington D.C. plan, Pierre Charles L’Enfant combined the radial spokes of Annapolis and the green mall of Williamsburg.
- 1811 25 x 100 standard New York City lot.
- 1856 Central Park, New York City, public green space, parks movement. Frederick Law Olmstead, Sr.
- 1860s Public health movement- New York, San Francisco, regulating tenements and slaughterhouses.
- 1869 Riverside, Illinois, English garden style city by Frederick Law Olmstead Sr. Used curving, tree-lined streets, deep setbacks, single family detached houses, exclusively residential neighborhoods. Became the standard for FHA in the 1930s, thus copied in virtually every major city and community in the US. Still the standard suburban style of land plan used today.
- 1871 *Pumpelly V. Green Bay* (1871) - Established a taking by flooding of private property.
- 1890 Jacob Riss writes *How the Other Half Lives*, depicts slum conditions in New York.
- 1893 Chicago, Colombian Exposition, “White City”, Daniel Hudson Burnham, beginning of City Beautiful movement.
- 1898 Ebenezer Howard writes *Tomorrow, a Peaceful Path to Real Reform*, beginning of Garden City movement.
- 1903 Cleveland Plan, Daniel Burnham, civic center, first master plan for an American city to be realized.
- 1904 San Francisco Plan, Daniel Burnham, based on City Beautiful principles.
- 1909 Chicago, first regional plan in US, by Daniel Burnham.

- 1909 Wisconsin passed first state enabling legislation permitting cities to plan.
- 1909 Los Angeles, first zoning ordinance.
- 1909 Harvard, first course in city planning.
- 1915 *Hadacheck V. Sebastian*- 239 US 394 (1915) Determined that a local government can prohibit land uses in certain areas it deems inappropriate, even though this significantly reduces land value.
- 1916 New York adopts first comprehensive zoning ordinance, no mention of master plan.
- 1917 ACPI established, Kansas City.
- 1919 Ohio Planning Conference, precursor of APA established, first citizen based planning organization in US.
- 1920s City Beautiful gives way to legalistic, “city efficient” emphasis on administration, lawyers, and engineers.
- 1922 Standard State Zoning Enabling Act issued by the US Department of Commerce. Mentions a plan as a separate study, but most communities do not realize its importance. Zoning seen as planning. Flawed.
- 1922 *Pennsylvania Coal v. Mahon*, 260 US 393 (1922) Supreme Court rules that if a regulation goes too far, it will be recognized as a taking. The determination as to whether a taking has occurred rests on the facts of the case. Still the basic taking case today.
- 1925 Cincinnati, Ohio, first comprehensive city land use plan in America. Not the New York model. Alfred Bettman.
- 1926 First capital budget, Cincinnati, Ohio.
- 1927 *Village of Euclid (Ohio) v. Ambler Realty* (1926) – upheld zoning as constitutional under the United States Constitution, as a police power of the state. If zoning classifications are reasonable, they will be upheld.
- 1928 Standard City Planning Enabling Act issued by the US Department of Commerce. Enter the modern planning age, where a comprehensive plan is the intended basis of zoning, the implementing tool. Act flawed, not largely followed; most major cities already regulating land use under standard zoning act.
- 1930s Greenbelt cities, including Greenhills, Ohio, Greenbelt, Maryland, Greendale, Wisconsin.
- 1935 Frank Lloyd Wright’s *Broadacre City, A New Community Plan*, lot size varied with family. Did not consider the broad economic spectrum, elitist.
- 1941 Ladislav Segoe, Cincinnati, Ohio writes *Local Planning Administration*, (the “Green” book). The Planning “bible” still used and updated today as the basic manual for planners.
- 1961 Jane Jacobs writes *The Death and Life of Great American Cities*.
- 1964 T.J. Kent writes *The Urban General Plan*. Noted standard City Planning Act of 1928 was faulty: said plan should be:
- 1.) long range and general
  - 2.) one comprehensive document adopted at one time with all elements integrated
  - 3.) focused on the physical development implications of socio-economic policies
  - 4.) be identified as the city council’s (elected official’s) plan
- 1969 *Design with Nature*, Ian McHarg, brings environmental sensitivity to planning movement with overlay of land capability and critical resources.
- 1970s Citizen participation and advocacy planning movements bring power back to the people from the inception of the plan.
- 1970s-90s Land use law cases; Appellate and Supreme Court decisions regarding
- Growth management (*Golden v. Planning Bd. of Town of Ramapo*; also *Construction Industry Association of Sonoma County, California v. City of Petaluma*);
  - Affordable Housing and the fair share analysis (*Southern Burlington County NAACP v. Township of Mount Laurel*, 67 N.J. 151, 336 A. 2d 713, 1975);
  - Takings and exactions;

1. *Penn Central Transportation Company et al v. City of New York, 1978*. No taking occurred as a result of the Grand Central Station being placed in a Landmark Preservation District. The use of the terminal was unimpeded, and useful governmental purpose (landmark preservation) was vindicated. The fact that the landmark Preservation commission recommended denial of a 53 story tower over Grand Central Station did not in itself assure that the tower would be denied zoning, nor was it a taking.
  - a.) *First English Evangelical Lutheran Church v County of Los Angeles 482 US 304 (1987)*. The court rejected as a full remedy the declaration of invalidity of the zoning ordinance. Plaintiff could be compensated for time the use of the land was lost due to zoning.
  - b.) *Nollan v. California Coastal Commission 483 US 825 (1987)* Court held that development exaction's are valid so long as there is a reasonable relationship between the imposed exaction and the impact on property. The requirement of an easement for public walkway along the beach was not related to the issuance of a building permit on private property.
  - c.) *Lucas v. South Carolina Coastal Council 505 US 1003 112 S. Ct. 2886 (1992)* Court held that when a regulation goes too far to deny all economic use of a property, it will be considered a taking.
  - d.) *Dolan v. Tigard 114 S. Ct. 2309, 2315 (1994)* City requirement to dedicate land in a floodplain for a bike path as a condition to approval of expansion of an existing hardware store was not reasonable. Must be an essential nexus between the exaction and the use. The benefit to the landowner must be roughly proportional to the impact of the development. The burden is on the community to create this nexus.

**1990s** Desktop geographic information systems (GIS) allow for inexpensive sophisticated land capability and land use analysis, court decisions relate to reasonableness of environmental preservation (aquifers, endangered species, floodplains, wetlands).

**1990s** New Urbanist Movement. Return to grid pattern of cities and mixed uses, high densities, mostly centered in the south and west. Making in-roads into central USA as a design alternative. Conservation subdivisions gain momentum in rural areas as an environmentally sensitive replacement for nondescript cluster subdivisions.