



THE ZONE CHANGE AS AN INDICATOR
OF CHANGING URBAN STRUCTURE AND
COMPREHENSIVE PLAN EFFICIENCY

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For most urban geographers zoning, in either its conceptual context or daily application, remains somewhat foreign. While geographers have paid considerable attention to urban land use theory and data gathering activities, surprisingly little work has been done in the area of urban policy implementation such as zoning. This condition is even more startling when one acknowledges the fact that all urban land use activities must conform to regulations prescribed by comprehensive zoning and embodied in the text of the zoning ordinance. Zoning would appear to be the ultimate extension of those urban policies which have been devised to guide the general growth and development of the city - it is, in the urban planner's jargon, a tool for the implementation of the master or comprehensive plan.

Zoning has, however, escaped the eye of most urban

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geographers because of its mundane nature and an expectation that land use activities occur in a manner consistent with normalizing or rational locational behavior. Then too, the piecemeal or incremental changes in the city-scape may appear insignificant when, in the aggregate, such changes actually denote a subtle yet highly dynamic condition. It is precisely on this dynamic aspect of zoning which this paper focuses in an effort to deduce something about the nature of rethinking the assignment of land uses. In this paper attention is devoted to a single aspect of the zoning process, rezoning or the zone change, which as a public policy action and as that mechanism allowing for the land use to take place, reveals information about changes in the internal structure of the city, the attitude underlying these changes, and the efficacy of local plans in creating a more rational allocation of land use. Necessarily, the discussion here deals with the general nature of zoning, the zone change process, and an analysis of data yielded by a case study of Oxnard, California. In a more formal sense, it is maintained that the zone change process accounts for effective changes in the internal arrangement of land uses within a city and simultaneously serves as a measure of comprehensive plan efficiency.

The Purpose and Nature of Zoning

Zoning, in its simplest expression, provides a means for the protection of property values, allows for implementation of land use policies, and serves to protect the general welfare

of citizens.¹ These explicit functions of zoning are well-recognized, unequivocally accepted, legally sanctioned through enabling legislation, and supported by local governmental ordinances. Virtually all local units of government subscribe to some form of zoning, either as a result of the early assumption of police powers made available through enabling legislation or in response to mandates from the Federal government to produce zoning plans as a condition for receiving funding of planning activities. There is also, implicit in the concept of zoning, a commitment to the idea of collective well-being and confidence in its utility as a regulatory land use device. Both of these attributes are boldly displayed in the homogeneous classifications of land use activities which, in their real and spatial expression, have persisted for decades, and in the plethora of official zoning maps which have achieved near doctrinal standing.

In recent years, however, zoning has been severely criticized for failing to achieve its stated objectives and most importantly for the dysfunctions created.² In this regard Siegan has appeared to be the most noteworthy of zoning's detractors commenting that:³

It is not necessary; it is not desirable; it is detrimental. It has no relationship to public health, safety, and welfare except on the whole, an adverse one. It is regulation almost solely for the sake of regulation.

Weaknesses reflected in the zoning process which have contributed to this generally negative image include: the failure to

deal satisfactorily with problems imposed by jurisdictional limits; the matter of sequential timing of development; fiscal or exclusionary land use abuses; a failure to adjust to conditions imposed by urban growth; and, piecemeal application.

Notwithstanding these deficiencies and well-warranted criticisms, it is safe to assume that zoning will continue to be the primary means of allocating land use in American cities. And, for purposes of this paper, it should be noted that the zone change mechanism is, itself, a method of dealing with that characteristic inflexibility stemming from the prior assignment of land uses.

The Zone Change

Zone changes have been traditionally examined from the standpoint of planning law rather than from any concern for their impact on urban structure. Nonetheless, an examination of the legal constraints or justifications for undertaking a change in zoning is required.

Arnebergh, Mandelker, Tsagris and Davis, among others, observe that zone changes are justified when there are substantial changes in the urban environment, when additional rights to the property have been acquired after initial zoning, or when current use of the land is no longer appropriate from a community standpoint.⁴ It can be maintained that zone changes are a method of handling unanticipated social, political and economic variations in city growth. Zone changes should not, then, be unexpected.

In spite of the sound legal-theoretical premises upon which rezoning rests, the process has been open to abuse as Mandelker and others have noted:⁵

Zoning amendments have often been employed to take care of limited changes in use, usually confined to one lot, a technique that has disapprovingly been called "spot zoning". Spot zoning for one parcel, vigorously opposed by adjacent neighbors takes on adversary characteristics that give it a distinctly adjudicative cast.

In those instances where a fragmented pattern of land uses has occurred through "spot zoning" interest generally focuses on legal issues involving a change in conditions surrounding the use of the property⁶ and the impact on the immediate area. Whether or not the proposal to rezone property is sustained depends largely on proving that a change in conditions has occurred and there would be conformity with the general or comprehensive plan.

The extent to which invalid or unjustified rezoning has taken place is reflected in the lack of conformance between zoning and the comprehensive plan. In California, for example, abuses have been so widespread that the State mandated such conformity by 1974, an action which caused considerable alarm and the initiation of hasty land use studies on which to base a "rollback" of extant zoning.⁷ In a related vein, two problems emerge here concerning the perpetuation of current land uses which are inconsistent with zoning and inferences to be

drawn about changing urban structure.

Firstly, any rezoning which resulted from the zoning rollback mandate created additional "non-conforming uses" within each affected zone. Such uses are viewed as being anachronistic and if at all possible to be phased out over time regardless of their viability. In short, some very real hardships are imposed on property owners and on communities where established livelihood patterns may be interrupted. Secondly, the absence of conforming zoning and the need to formally declare "roll-backs" denotes something about decision-making attitudes and urban public policy in general. It can be assumed that past decisions to zone or rezone land in a manner which was inconsistent with planning law and adopted plans is a consequence of a desire to promote urban growth and development rather than a by-product of poor legal advice - awarding of higher density uses is generally regarded as proof of this development orientation.

In summation, the zone change is a multi-faceted land use control device. Its influence on land use may be beneficial or adverse depending on the legal-theoretical framework maintained by the unit of local government.

Oxnard, California: Case Study of Zone Changes, 1960-1965

Background to the Study

Oxnard, California was chosen as a case study site for several reasons including: 1) the City's commitment to

basic tenets of planning and zoning law; 2) the City's experiencing of rapid growth and a recognition, through zoning, of a need to regulate growth; and, 3) the writer's familiarity with the City's zoning process as a result of tenure as a City Planning Staff member and private consultant.

Bordering on the Pacific Ocean (inset map No. 1), Oxnard is located approximately 60 miles north of Los Angeles. Although incorporated in 1904, the greatest urban expansion occurred in the decade 1960-1970 - the city experienced a 43.5% growth rate (from 40,265 to 71,225 population), while the SMSA (designated in 1964) was identified as one of the fastest growing in the nation.⁸

In an attempt to cope with urbanization pressures, the City constantly changed its zoning maps, modified its initial Master Plan (1949), and adopted a new plan in 1962 which was subsequently updated in 1969.⁹ In the aggregate these regulatory land use devices provide the background for analysis.

Note on Methodology

For the purposes of this study a zone change is defined as a proposal to alter the use of land through a formal application to the City, the approval of this request, and the ultimate alteration of land use.¹⁰ In the case study approach used here, all (N=121) successful and implemented zone changes occurring between 1960 and 1965 were examined. Some twenty-eight separate zoning classification and six combinations of these classifications were identified, along with the characteristics

of location, size, associated land use, and initiator of the action.

The Zone Change Process in Oxnard

While the zone change itself may be initiated in either the public or private sector, and involve the Planning Commission, City Council, individual, group, institution, or corporate interest, the process is three-step (Fig. 1) which requires a planning staff analysis of the proposal, Planning Commission and City Council approval.¹¹ Anyone knowledgeable of the process described here must at once recognize that the City Council has the ultimate authority to accept or reject the findings of the planning staff and commission.¹² In addition, appeal of a council decision is guaranteed if time restrictions are observed by the applicant. Moreover, an applicant may continue to re-file an application for a change of zone after an unfavorable decision has been rendered.

Although the rezoning process, as outlined, suggests stringency and rationality, decision-making may often be a subjective matter. Willhelm points out, that indeed zoning decisions are highly subjective in nature and are divorced from technically-based findings.¹³ While this intuitively based aspect of rezoning is beyond the scope of the present study, it should nevertheless be kept in mind.

Types, Distribution and Size of Zone Changes

Table 1 reveals that the prevailing type of zone change during the five year period was residential. In all years

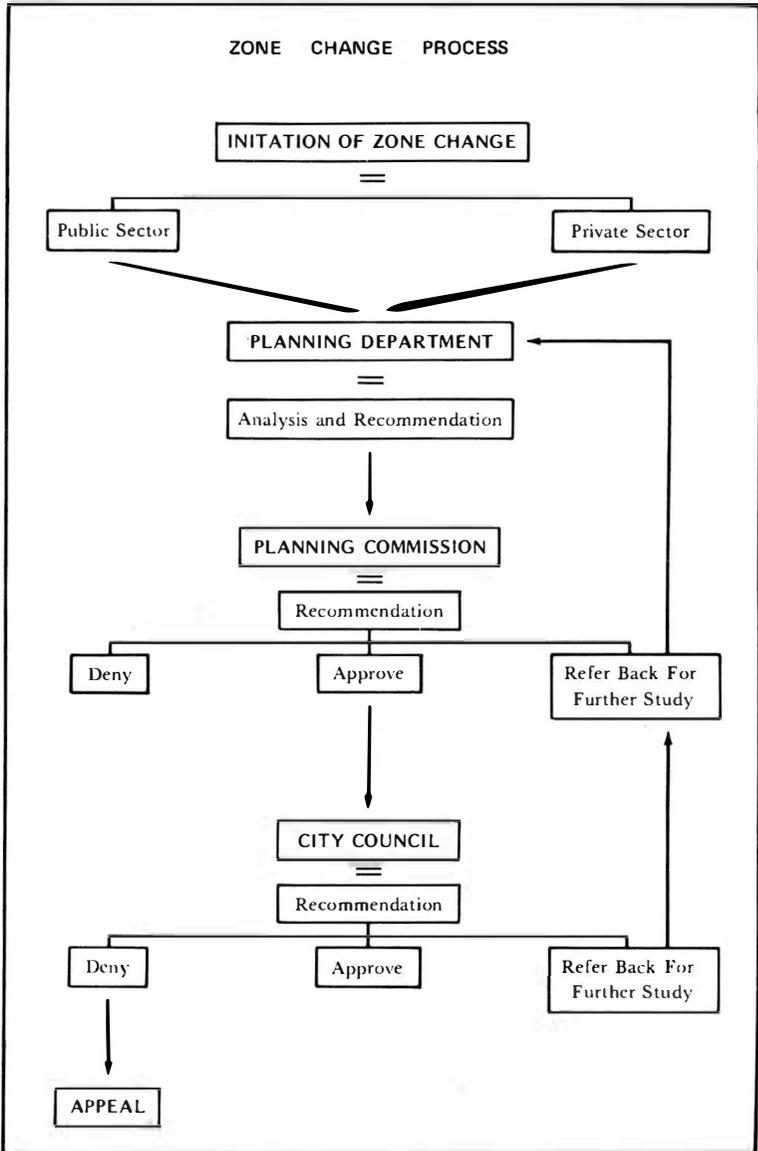


Figure 1

except one, residential rezoning accounted for over 50 percent of the proposals. Commercial, mixed, manufacturing, and agricultural-open space-community reserve rezoning followed, in this sequence, although at much lower frequencies. All but eight of the zone changes involved an increase in land use density, that is, an increase in the level of urban activity. This fact suggests that the comprehensive plan frequently underestimated the need for multi-family housing and commercial or industrial space.

Of the total number of residential zone changes (64), 88.9 percent related to increases in the density of development, especially where apartment complexes or planned unit developments were introduced.¹⁴ The ascendancy of multi-family dwelling unit construction in the southern California region during this period certainly supports this observation (see figure 2).

In the area of commercial rezoning the associated land use requested was either retail or office space. Individual office buildings, district and neighborhood shopping buildings, gas stations, medical centers, and general retail outlets encompassed the variety of activities dependent on the change of zoning. Offices (39.1 percent) were the most frequently cited of these commercially classified land uses.

Mixed land uses were proposed in 9.9 percent of the cases. Examples of the types of activities include: combinations of single-family and multi-family housing, offices and retail, multi-family residences and shopping centers, and retail

Table 1
Zone Changes, 1960-1965 (N=121)

	<u>1960</u>	<u>1961</u>	<u>1962</u>	<u>1963</u>	<u>1964</u>	<u>1965</u>	<u>TOTALS</u>
Residential	9(69.2)	13(59.1)	17(94.4)	13(65.0)	11(32.3)	9(64.3)	72
Commercial	2(15.4)	7(31.8)		3(15.0)	10(29.4)	1(7.1)	23
Manufacturing	1(7.7)			1(5.0)	5(14.7)	2(14.3)	9
Agriculture - Open space - Community reserve				1(5.0)	4(11.8)		5
Mixed (resi- dential, commercial, manufacturing)	1(7.7)	2(9.1)	1(5.5)	2(10.0)	4(11.8)	2(14.3)	12
TOTAL	13	22	18	20	34	14	121

and manufacturing. Here rezoning was closely related to subdivisions or industrial parks which provided for a diversity of uses as part of recent innovations in zoning.

The remaining two categories, manufacturing and agriculture-open space-community reserve, represent a highly diverse grouping of land use activities. Not only are customary heavy and light manufacturing uses noted, but also more exotic ones such as farm labor camps, rights-of-way for industrial drainage facilities, an airport, mobile home facilities, neighborhood and district parks, and churches.

The distribution of all zone changes in the study period are shown on Map 1. Indicated here are the various types of zone changes, a series of concentric line intervals which allow measuring distance from the Central Business District (CBD), and an outline of the current municipal limits. Virtually all, 97.5 percent, of the rezoning occurred within a four mile radius of the city core, a fact which is not surprising since zone changes are premised on a reconsideration of use due to changes in the circumstances of the site in question or in its vicinity.

The emerging distribution pattern corresponds with the cruciform shape of the city, and the north-south, east-west alignment of highways and streets. The concentration of zone changes along both major and minor thoroughfares further suggests that accessibility must be considered as a physical factor influencing rezoning, especially in the case of commercial activities.

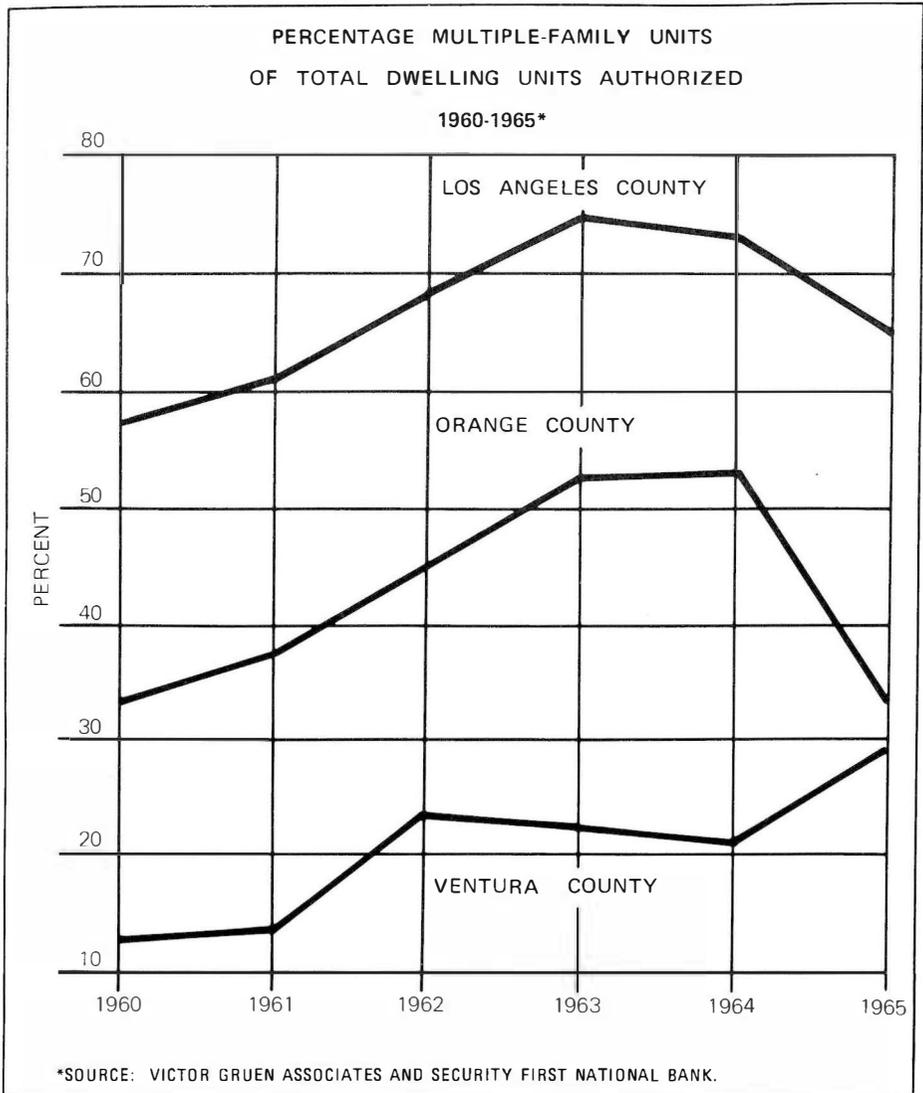
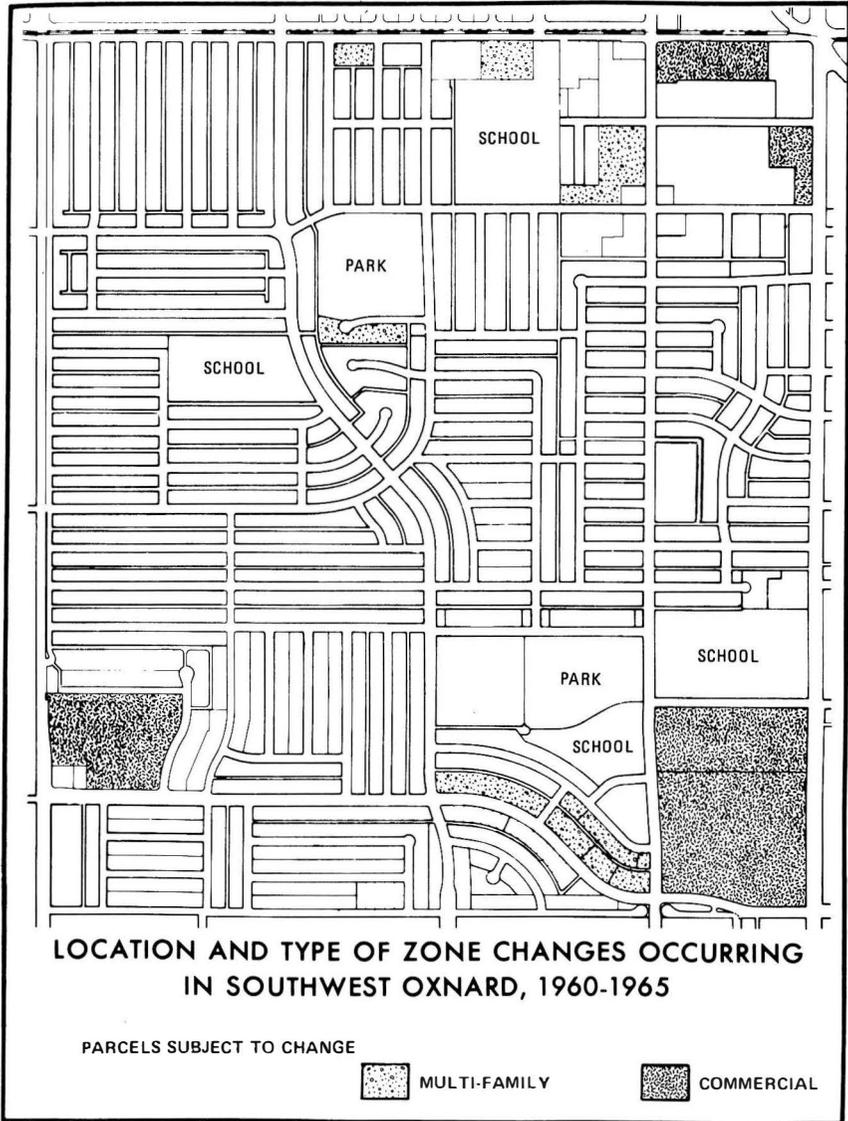


Figure 2

As for more precise characteristics of the rezoning pattern, these can be seen in Map 2, which encompasses an area of 1.2 square miles and is situated within a two mile radius of the CBD. This site contains 10.7 percent of the rezoning cases examined. The pattern displayed here as well as dispersal in the time of rezoning do not represent a cohesive or well-planned effort to reassign land uses. To the contrary, spot and strip-zoning are clearly evident and indicate that the process of change was rather incremental in nature. Moreover, the size of the recorded parcels lends credence to this suggestion.

The impact of rezoning upon the structure of Oxnard can be, perhaps, best measured by reference to the size of the rezoned area and parcels. Approximately 12 percent of the incorporated area was rezoned during the five year period. This figure is somewhat unexpected since relatively small parcels (the mean size of the 121 zoning actions was 11.8 acres) were used to transform urban land uses in an incremental fashion. When even smaller parcels are considered, those under five acres, 71.1 percent of the zone changes are accounted for. As a general comment regarding size, it can be said that rezoning in Oxnard was accomplished by submitting proposals involving small discrete parcels. Nor is this approach without liabilities as Rody and Smith have noted in their enumeration of mistakes most frequently encountered in zoning ordinances:¹⁵



Map 2

Zoning extremely small areas, one or two lots, for a use instead of providing a district of sufficient size to make the zoning ordinance truly comprehensive in scope [is incorrect].

Eventually, the issue must be raised concerning the initiation of the zone changes - were they public or private in origin? In recording data on each zone change only two classes of initiators were distinguished; the city officials and those represented by a composite group of private individuals, builders, developers, and corporate entities such as businesses and partnerships. According to these distinctions, the zone change process can be attributed to the private sector which initiated 82.7 percent of all actions. In short, the zone change process would appear to be a private rather than a public response to urban growth and the ensuing need to adjust comprehensive plan allocations of land use.¹⁶ The presence of so many individual interests and agents helps to explain the fragmented nature of rezoning characterized by a spatial and temporal scattering of small parcels or lots.

Conclusions

In utilizing a case study of Oxnard, California during a period of rapid growth in the early and mid-1960's, several conclusions emerge which support the initial contention that zone changes are an effective influence on the internal arrangement of urban land uses.

Firstly, residential land uses were seen to be the most strongly influenced category of land uses. The majority of

rezoning cases dealt with increases in dwelling unit density, an expected occurrence since any increases in the ratio of multi-family units to the total number of residential units is normally associated with increases in population density. During the study period, Oxnard was apparently undergoing the same growth patterns and pressure witnessed elsewhere in the Southern California region. Consequently, any pressures to rezone property would have been an expression of general market conditions recognized by the private but not the public sector. Since the impetus for rezoning originated in the private sector, little if any of a creative role can be attributed to zoning officials.¹⁷ In this instance, the planning commission and city council must be viewed as reactive agents rather than as vigorous contributors to change.

Secondly, while the resulting land use pattern may be considered as fragmented, and indeed indicative of spot or strip zoning abuses, a more important conclusion concerns the official "rethinking" of land uses. To this end, city officials initiated some zone changes, and in the majority of cases approved privately sponsored rezoning. On the whole, however, the distribution, types and sizes of rezoned parcels invoke some doubt as to the legality or reasonableness of the process and ultimately raise questions concerning the competency of estimates in the original comprehensive plans. Certainly some zone changes were necessary since they serve the public interest, and yet the numerous zoning amendments may be taken clearly as

an accurate measure of inefficiency.¹⁸

Lastly, the effect of rezoning on urban structure must not be underestimated. Although the zone changes individually comprised rather small parcels or lots, a cumulative impact was rendered. Residential rezoning, in particular, affected the distribution of population and influenced the location of supportive services. On the other hand, each zone change which increased the level of land use activity must be viewed as a catalyst for other changes in the vicinity.

NOTES

¹For a general treatment of zoning see: Norman Williams Jr., *The Structure of Urban Zoning* (New York: Bittenheim Publishing Co., 1966); Richard Babcock, *The Zoning Game* (Madison: The University of Wisconsin Press, 1966); Daniel Mandelker, *The Zoning Dilemma* (Indianapolis: Bobbs-Merrill Co., Inc., 1971); Martin J. Rody and Herbert A. Smith, *Zoning Primer* (West Trenton, NJ: Chandler-Davis Pub. Co., 1968); Clan Crawford, *Strategy and Tactics in Municipal Zoning* (Englewood Cliffs, NJ: Prentice-Hall, 1969); Seymour I. Toll, *Zoned American* (New York: Grossman Pub., 1969); Charles M. Haar, *Land Use Planning: A Casebook on the Use, Misuse, and Re-usage of Urban Land* (Boston: Little, Brown, 1971).

²See: A. Dan Tarlock, "Toward a Revised Theory of Zoning," in Frank S. Bangs, Jr., ed., *Land Use Controls Annual, 1972* (Chicago: American Society of Planning Officials, c., 1973), pp. 141-152.

³Bernard Siegan, *Land Use Without Zoning* (Lexington, MA: D.C. Heath and Co., 1972), p. 227.

⁴Roger Arnebergh, "Zoning: When Should It-And When May It Be

Changed", *Proceedings of the Institute of Planning, Zoning and Eminent Domain*, The Southwestern Legal Foundation (New York: Matthew Bender, 1971), p. 90; Rober Arnegergh, "Criteria for Rezoning: Valid Reasons", *Proceedings of the 1964 Institute on Planning and Zoning*, The Southwestern Legal Foundation (New York: Matthew Bender, 1965), p. 146; Daniel Mandelker, *Managing Our Urban Environment: Cases, Text, Problems* (Indianapolis: Bobbs-Merrill Co., Inc., c. 1963), pp. 761-795; B.E. Tsagris and C. Neil Davis, *Strategy Alternatives to Effect a Rezoning of Real Estate* (Fullerton, CA: California State University, Fullerton, School of Business of Administration and Economics, February, 1974), p. 5.

⁵Mandelker, *op. cit.*, p. 761.

⁶See: Donald G. Hagman, *Urban Planning and Land Development Control Law* (St. Paul, Minnesota: West Pub. Co., 1975), pp. 168-169; Haar, *op. cit.*, pp. 355-369.

⁷State of California, Government Code, Section 65862.

⁸U.S. Bureau of the Census, *Census of Population and Housing: 1970 Census Tracts, Final Report, PHC (1)-155 Oxnard-Ventura, California, SMSA*; U.S. Bureau of the Census, *Census of Population: 1960, Vol. 1, Characteristics of the Population Part 6, California*.

⁹See: City of Oxnard, *Master Plan, City of Oxnard and Environs* (May, 1949); City of Oxnard, Planning Department and Victor Gruen Associates, *City of Oxnard, California General Land Use Plan* (May, 1962); Victor Gruen Associates *Oxnard 2000 - General Plan* (1969).

¹⁰Zone Change files made available to the author by the Oxnard City Planning Department.

¹¹Oxnard is a general law city and is empowered to adopt and enforce zoning regulations. See: State of California *Government Code Sec. 65800, et. seq.*

¹²The desirability of city council referral of zoning matters to the planning commission is also noted in: William I. Goodman and Eric C. Freund, *Principles and Practice of Urban Planning* (Washington, D C: International City Managers Association, c. 1968), p. 421.

¹³Sidney Willhelm, *Urban Zoning and Land Use Theory* (New York: Free Press, 1962), p. 84 ff.

¹⁴Four zone changes involving combinations of single and multi-family construction were classified along with other mixed zoning actions.

¹⁵Rody and Smith, *op. cit.*, pp. 23-24.

¹⁶An opposing view has been witnessed in the States of Washington and Oregon where the supreme courts are maintaining that rezoning should be considered an administrative or quasi-judicial act. See: Roger A. Cunningham, "Rezoning by Amendment as an Administrative or Quasi-Judicial Act: The 'New Look' in Michigan Zoning", *Michigan Law Review* 73 (August, 1975), 1341-1360.

¹⁷Clark Wiseman notes that: "In many real cases, probably the vast majority, actual zoning changes are partially anticipated in the sense that buyers and sellers of land attach some subjective probabilities to both the nature and timing of various possible future zoning changes"; See: "Land Zoning and Zoning Changes; and Economic Perspective", *The Rocky Mountain Social Science Journal* 12 (April, 1975), pp. 62-63.

¹⁸Hagman, *op. cit.*, p. 193.