

REPORT OF SUB-COMMITTEE  
ON  
ZONING

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Any proposed development of a roadside should include all that readily meets the eye of the traveler, plus a detailed consideration of abutting land uses. Undue encroachment of buildings and improperly located signs and billboards, high and impenetrable fences, as well as restricted and faulty construction in the right-of-way are all factors that must be taken into consideration in the broad and comprehensive sense.

Highway needs are determined by an estimate of present and anticipated traffic. Right-of-way requirements are directly related to the intensity and type of development of abutting land uses. It is logical to assume that this is true in the country as well as in the city. Safety, convenience, capacity and aesthetic developments are all directly dependent on what is adjacent to the outside of right-of-ways. A lack of adequate or proper control of abutting land must necessarily hamper or restrict a full and complete improvement of roadsides.

Control of Land Use

The control of abutting land use may be accomplished by:

1. Deed Restrictions. This method is too rigid. It frequently defeats its own ends through lack of flexibility, and is wholly a matter of individual action. It would be difficult to obtain cooperative action from a sufficient number of land owners to develop a uniform and adequate deed restriction to be placed on all abutting land. If this could be done it would still be faulty due to the fact that such restrictions, once recorded, are very difficult and sometimes impossible to change. They would become effective only in case of a transfer of title, and a series of private agreements by present owners would appear equally difficult to acquire.



2. Eminent Domain. By this method the public would purchase abutting land to develop for highway use in the public interest. No community possesses sufficient funds of any kind to proceed in this manner, and adjacent unpurchased land would still remain uncontrolled.

3. The Use of the Police Power. This method contemplates both urban and rural zoning and has the following virtues:

a. Zoning has worked successfully in cities for years. Rural zoning is dependent upon exactly the same legal principles and there is a sufficient amount of court comment to indicate that it can be successfully used on a county-wide basis. For example, the police power was used in zoning twenty-four Wisconsin counties, and other States are proceeding along the same lines.

b. Zoning is controlled by the community for the benefit of all property interests.

c. Regulation of the use of land abutting highways can, with public support, be guided by enlightened officials.

d. Zoning is flexible and can be made to meet changing conditions.

e. Through zoning, future highway widths can be controlled by set-back lines. Public funds can be conserved by preventing the necessity of paying improvement damage. Safety can be enhanced through the proper location of buildings, particularly at crossings. If the future use of the land is known, at least some basis is established for determining possible future road use. The appearance of the highway is improved as a natural result, because order is the first requisite of beauty, and zoning produces order.

f. State planning boards cooperating with the State highway departments can set up a unified plan of adequate set-back lines which can then be embodied in county and city plans as they are developed and adopted.

g. Zoning can control the location of billboards, and seems to be the only feasible method for uniform and equitable control. Billboards are uses not contemplated in the construction of the highway and therefore can be made subject to specific regulations. The right of billboards to preempt the use of highways is questioned because it conflicts with the object for which highway funds are spent. Safety is of prime importance in highway building. The purpose of the billboard is to attract the attention of the motorist in some artificial manner, which is in direct conflict with the fundamental requirement of safety --- that all confusing elements be eliminated from the natural landscape of the rural roadside.

h. The use of police power should not be to the exclusion of such advantages as might be acquired in particular circumstances through the use of deed restrictions or the power of eminent domain. It is entirely possible that both of those methods can, in specific instances, be used advantageously to supplement the broad use of police power.

### Highway Hazards

What is true of billboards is also true of temporary roadside buildings, garages and filling stations located promiscuously along the highways. They add to the hazards of normal road use to a degree out of proportion to their business value. If all commercial enterprise in rural areas is concentrated in properly chosen locations and designed to facilitate the safe and unobstructed flow of traffic, the whole problem of roadside development will be greatly improved. Proper county zoning will do this.

### Public Support Needed

The success of this type of legislation depends on public support which can be obtained only when the public is thoroughly and completely informed as to all the factors involved. Such information should be made easy of access.