

THE RACIAL ORIGINS OF ZONING IN AMERICAN CITIES

By Christopher Silver

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The introduction of zoning in the early 1900s launched a revolution in American land use regulation and planning. Beginning with height regulations in Washington, D.C., in 1899, efforts to control the type and intensity of land use spread to many cities. In 1908, Los Angeles adopted the nation's first citywide "use" zoning ordinance to protect its expanding residential areas from industrial nuisances. Over the next two decades, state legislatures nationwide granted to cities the power "to regulate the height, area, location, and use of buildings in any designated part or parts of their corporation limits." The U.S. Supreme Court's sanction of this exercise of a city's police power over land use came first in *Hadacheck v. Sebastian* (1915), which involved the Los Angeles ordinance, and culminated in the definitive *Village of Euclid v. Ambler Realty Corporation* case in 1926 (see planning-related documents, Part 5A)

The tendency of planning historians to focus on land use regulations principally as a way to shape the built environment and to stabilize land values obscures equally important (and less publicized) social objectives in America's early planning movement. In *Zoning and the American Dream*, Charles Haar points to the diverse interests that coalesced in the early 1900s to create the "remarkable socio-legislative phenomenon" of zoning. Haar contends that a "ragtag grouping of idealists and special interest groups of the most diverse origins" looked to zoning as a tool for social reform as well as land use control.² These social reformers believed that zoning offered a way not only to exclude incompatible uses from residential areas but also to slow the spread of slums into better neighborhoods.

Reformer/planner Benjamin Marsh championed zoning in the early 1900s in an effort to combat urban congestion and thereby improve the quality of working-class neighborhoods. Despite the obvious social implications of early zoning initiatives, however, the noblest intention of reformers like Marsh soon gave way to political pressures from those less inclined toward broad civic improvement. "What began as a means of improving the blighted physical environment in which people lived and worked," writes Yale Rabin, became "a mechanism for protecting property values and excluding the undesirables." The two interest groups that were regarded as the undesirables were immigrants and African Americans.³

Rabin's study emphasizes the "social origins" of zoning and planning in the United States. He notes, as have other scholars, that Southern cities in the early twentieth century used zoning to enforce the newly created system of racial segregation. "While northern Progressives were enacting zoning as a mechanism for protecting and enhancing property values," Rabin observes, "southern Progressives were testing its effectiveness as a means of enforcing racial segregation."⁴ Baltimore enacted the first racial zoning ordinance in 1910; within several years the practice was widespread in the region. The racial zoning movement received a sharp reversal in 1917, when the U.S. Supreme Court declared a Louisville, Kentucky racial zoning ordinance unconstitutional. Despite the Court's ruling

in *Buchanan v. Warley*, Southern cities persisted in seeking a legally defensible way to use zoning to control Black residential change. In the place of race zoning per se, Rabin contends, many cities turned to "expulsive zoning," which permitted "the intrusion into Black neighborhoods of disruptive incompatible uses that have diminished the quality and undermined the stability of those neighborhoods." The concept of "expulsive zoning" helps to explain how American cities made the transition from racial zoning to recent zoning that has a decidedly discriminatory impact on Black neighborhoods.⁵

RACIAL OBJECTIVES OF ZONING

The purpose of this chapter is to examine the "racial" roots of the U.S. zoning movement by examining Southern cities both prior to and immediately following *Buchanan v. Warley*. The racial zoning movement in the urban South demonstrates clearly how certain social objectives were central to the early planning movement. While scholars have examined the racial zoning movement leading up to *Buchanan v. Warley*,⁶ they have given relatively little attention to important racial zoning initiatives after 1917. It is in this post-1917 period especially that cities hired prominent planning professionals to fashion legally defensible racial zoning plans.⁷ Throughout the early 1900s, and well beyond 1917, racial zoning and its objectives remained a mainstay of many American planners. Racial zoning was not just a manifestation of the backward South out of touch with the mainstream of urban reform. Although the South invented and made wide use of racial zoning, the region relied on Northern planning consultants to devise legally defensible ways to segregate Black residential areas.

Racial zoning practices also transcended the South. Select Northern and Western cities, especially those where the Black population increased rapidly, also experimented with racial zoning. The nation's planning movement, not just its Southern branch, regarded land use controls as an effective social control mechanism for Blacks and other "undesirables." According to H. L. Pollard, a prominent Los Angeles land use attorney, "racial hatred played no small part in bringing to the front some of the early districting ordinances that were sustained by the United States Supreme Court, thus giving us our first important zoning decisions."⁸ Chicago, too, was a bastion of racial zoning enthusiasts.⁹ Despite evidence that the racial zoning movement was national in scope, it initially concentrated in Southern cities owing to the relative size of the Black community (which ranged between 30 and 50 percent of the population in many places), and it then spread northward and later westward in response to the migration of Southern Blacks.¹⁰

It is also important to note that Southern cities experimented with racial zoning and comprehensive zoning in tandem with, and not merely in the wake of, land use regulation efforts elsewhere. The 1908 ordinance of Richmond, Virginia, to regulate the height and arrangement of buildings, which was upheld by the Virginia Supreme Court of Appeals in 1910, "was used by proponents of zoning in New York City as a precedent for persuading the city and state legislatures to act favorably on their recommendation," and led to the landmark 1916 zoning ordinance. Also on the basis of the 1910 decision, Richmond drafted and enacted a racial zoning scheme early in 1911.¹¹ Racial zoning in Southern cities was as much a foundation for overall land use regulations as were regulation of the garment

industry in New York City or encroaching industrial uses in Los Angeles.¹²

The experience in Southern cities suggests that zoning, land use regulations, and comprehensive planning proved to be effective tools to reshape the urban social landscape. Racial zoning persistently failed to withstand legal challenges. Nevertheless, planning that regulated urban development through implementation of master plans and capital improvement programs, as well as through a more subtle sort of "racially informed zoning," helped to create the racially bifurcated social geography of most contemporary American cities. In Southern cities, racial concerns infused a wide array of public initiatives beyond zoning, which explains why urban planning represented such an important component of Jim Crowism in the region. Existing historical scholarship fails to give sufficient attention to the way that planning, in concert with legal prohibitions against racial intermingling, influenced the social development of the New South. At the same time, the social impact of zoning and planning in the urban South has been obscured by the mythology of reform and progress that surrounds the early planning movement in the United States.¹³

Of course, other factors such as income, age and type of housing, real estate practices, and culture contributed to the highly segregated residential patterns of contemporary Southern cities. Yet the racial zoning movement launched what became a comprehensive set of public policies to contain Black residential expansion. Despite the short legal life of racial zoning, it continued to shadow public initiatives in community development as late as the 1960s. In Atlanta, for example, public officials went to great lengths to prove that their efforts to guide the expansion of the Black community in the 1950s were not illegal racial zoning, even though their brand of neighborhood planning effectively defined Black and White areas. By the time Atlanta's leaders ceased to support regulation of Black neighborhood change, the city was almost completely divided spatially between two separate worlds, one Black and one White. In this sense, the racial zoning movement is not just an historical aberration of the pre-civil rights era, but a central feature of American planning history throughout the twentieth century.¹⁴

EARLY RACIAL ZONING LAWS

The first comprehensive racial zoning ordinance in the United States appeared in the quasi-Southern metropolis of Baltimore in December 1910, although several California cities had for decades employed the "police power" to control the spread of Chinese laundries outside Chinese neighborhoods. Local attorney Milton Dashiel fashioned Baltimore's racial zoning plan immediately following the momentous decision of another attorney, George W. F. McMechen, to move into the fashionable Eutaw Place. With the support of Councilman Samuel L. West, Dashiel's plan to contain Black residents worked its way slowly, but methodically, through both branches of city council, despite immediate protests from Black residents.¹⁵

Mayor J. Barry Mahool, a nationally recognized member of the "social justice" wing of the Progressive movement, gave unequivocal support to the city's pioneering racial zoning ordinance and signed it into law on December 20, 1910. Like many reformers in Baltimore, Mahool subscribed to the position that "Blacks should be quarantined in isolated slums in

order to reduce the incidents of civil disturbance, to prevent the spread of communicable disease into the nearby White neighborhoods, and to protect property values among the White majority."¹⁶

Passage of the Baltimore ordinance, which came years before New York City's Fifth Avenue garment retailers even began to organize their pioneering zoning initiative, unleashed a flood of similar laws in Southern cities. Over the next few years, several Virginia cities, including Richmond, Norfolk, Portsmouth, Roanoke, and the town of Ashland, enacted modified versions of the Baltimore plan. Atlanta, Georgia; Greenville, South Carolina; Asheville and Winston-Salem, North Carolina; Birmingham, Alabama; and Madisonville and Louisville, Kentucky also embraced the idea of racial zoning.¹⁷ Others, such as Charlotte, North Carolina; Charleston, South Carolina; Meridian, Mississippi; and New Orleans considered, but did not immediately enact, racial zoning ordinances prior to 1914.¹⁸

Virginia's racial zoning movement got underway in 1910 as soon as the Virginia Supreme Court of Appeals upheld the constitutionality of Richmond's 1908 act to regulate the height and arrangement of buildings.¹⁹ Virginia's enabling legislation allowed cities to zone their entire area according to race, whereas the Baltimore plan applied only to all-White or all-Black blocks and not to mixed blocks. Richmond's 1911 ordinance, passed just twelve days after enactment of Baltimore's second racial zoning law, stipulated that "a block is White where a majority of the residents are White and colored where a majority ... are colored."²⁰

Richmond's residential segregation ordinance received the blessing of the state's highest court in *Hopkins v. City of Richmond* in 1915.²¹ The *Hopkins* case became a widely cited defense of racial zoning both prior to and following the Supreme Court's landmark *Buchanan v. Warley*. The *Hopkins* case involved a White and a Black who moved into a house together in a designated "White zone" after enactment of the racial zoning ordinance. The court maintained that Richmond's ordinance did not deny property rights since the complainants moved in following passage of the law. In particular, to counter "taking" objections to racial zoning, it cited the grandfather provisions of the Richmond and Atlanta laws, which allowed property ownership and right to access that property by both races in "mixed neighborhoods." As late as 1927, ten years after the *Buchanan v. Warley* ruling, proponents of racial zoning still pointed to the *Hopkins* case, as well as to a favorable lower court decision involving the constitutionality of Atlanta's 1915 racial zoning law, as proof that at least two state courts placed racial zoning within the legal limits of the police powers of cities.²²

The courts paid little attention to the social implications of racial zoning, however. The practice of allowing ownership of property by Whites in Black neighborhoods (and, in theory, by Blacks in White neighborhoods) fostered absentee ownership and reduced the incidence of Black home ownership. Even as the Black population of Richmond moved out of its scattered residential enclaves in the early 1900s, and thereby changed the racial composition of other neighborhoods from White to Black, out-migrating Whites tended to rent rather than sell their houses to Blacks. In the absence of new housing construction, the

perpetual shortage of Black housing enabled absentee landlords to profit handsomely from neighborhood turnover. In Richmond, at least, one effect of the short-lived racial zoning law and subsequent controls over Black residential migration was a reduction in home ownership in the Black community.²³

Both the Baltimore and Richmond racial zoning campaigns drew critical support from local housing reformers. In the case of Baltimore, middle-class reformers paid particular attention to blighted housing conditions in the predominantly Black Seventeenth Ward. A 1907 report illuminated "the horrors of the slums and the plight of the slum-dwellers" and offered various improvement strategies, such as model housing, enactment of housing codes and building regulations, and removal of alley dwellings. Although the city took no formal action on the 1907 report, interest in controlling the spread of blighted housing logically translated into support for racial zoning as Blacks crossed the color line after 1910 in search of better housing. Like their leader in the mayor's office, Baltimore's housing reformers offered no resistance to Dashiell's plan for regulating neighborhood change.²⁴

Richmond's reform movement produced its own catalog of housing horrors when the Society for the Betterment of Housing Conditions published an equally graphic depiction of the city's dilapidated Black neighborhoods. Released in 1913, the Society's report made no direct reference to racial zoning as a remedial action but, instead, concentrated on housing codes, building regulations, removal of alley dwellings and, especially, the need for new model housing. The 1913 report, which appeared while the city's racial zoning law was still in force, did note the importance of determining appropriate areas for new Black residential development to eliminate the demand for substandard housing in deteriorated areas. If nothing else, its silence on the matter of racial zoning served as a tacit endorsement.²⁵

A third factor, besides concern over housing blight and Black encroachment in existing White neighborhoods, explains the sudden widespread interest in racial zoning among Southern cities. One assessment of the origins of neighborhood associations in Baltimore suggests that the quest for a permanently restructured city, with neighborhoods functioning as separate "urban islands," increased the appeal of the legal sanctions afforded by zoning. At a 1911 Citywide Congress of Neighborhoods in Baltimore, attended by delegates from forty-one improvement and protective associations, participants debated the merits of improving housing through either cooperation or barriers to social interaction.

While a handful of delegates believed that "social problems" could be corrected through cooperation, especially by clearing and rebuilding "undesirable neighborhoods/" the Congress officially rejected cooperation in "favor of the more 'practical' segregationist policies advocated by the city planner."²⁶

In Atlanta, the objective of racial zoning was legalized separation of the city into separate racial worlds. The city's racial zoning ordinance, enacted on June 16, 1913, followed the Baltimore formula except that, like Richmond, it assigned a racial designation to every city block based on the existing majority of the residents, not just to those that were already all-

White or all-Black. While Baltimore reformers were engaged in a study of blighted housing conditions in 1906, Atlantans were caught up in a violent race riot. Instigated, in part, by the "reckless anti-Negro agitation" of gubernatorial candidate Hoke Smith and his journalistic supporter, Tom Watson, the Atlanta race riot resulted in the deaths of twenty-five Blacks as White mobs assailed the city's Black residents.²⁷

Ever the exponent of moderation and conciliation, Booker T. Washington rejected the view that the Atlanta riot represented a step backward in race relations. Rather, he contended, it provided an opportunity for "reconstruction." E. Franklin Frazier lent support to this view. Writing from Atlanta in 1923, he noted that the city's Black community began to organize itself following the 1906 riot. Not only was "segregation shutting out colored people from the wider community of Atlanta" but the Black community shifted from the eastside to the westside and separated from the White neighborhoods. As demographic factors propelled shifts in Black settlement, the prospect of controlling residential change through zoning gained widespread support among White Atlantans.²⁸

Atlanta's racial zoning ordinance failed its initial court test in 1915, when the Georgia Supreme Court ruled that the law violated state and federal protection of "rights in property acquired previous to its enactment."²⁹ When Atlanta revised its ordinance to exempt residences acquired before passage of the ordinance, the Georgia high court sustained the city's racial zoning plan in 1917.³⁰

The euphoria of Georgia's segregationists faded quickly, however, when the United States Supreme Court unanimously struck down a Louisville, Kentucky racial zoning ordinance later that year. In the landmark decision, *Buchanan v. Warley*, the Court ruled unanimously that the denial of the full use of property "from a feeling of race hostility" constituted inadequate grounds to uphold the Louisville racial zoning ordinance.³¹ With such an unequivocal ruling from the nation's highest court, lower courts fell into line and overturned existing and subsequent racial zoning schemes. *Buchanan* did not end the racial zoning movement, however, but merely shifted it to new ground, as will be noted later.

Nonetheless, long after the 1917 decision, racial zoning proponents lamented the restrictions imposed by the *Buchanan* case. As late as 1926, in a study of the housing conditions of Blacks in several Virginia cities, Charles Knight lamented the inability of state and local governments "to keep separate Negro and White residential sections" through the use of zoning. "The results of this course," he maintained, were "to increase friction between the White race and the Black" and to exacerbate already deplorable housing conditions in existing neighborhoods.³² In the concluding section of an analysis of various municipal zoning and segregation ordinances in 1927, George D. Hott warned that the commingling of the homes and places of abode of White men and Black men gives unnecessary provocation for miscegenation, race riots, lynching, and other forms of social malaise, existent when a childlike, undisciplined, inferior race is living in close contact with a people of more mature civilization.

He hoped that public opinion may come to preponderate so strongly in favor of sustaining municipal race segregation ordinances, drafted so as to be reasonable and not to deprive of

previously acquired property, that they will ultimately be held constitutional.³³

The *Virginia Municipal Review* contended that "a gradual and natural encroachment of the colored population into White neighborhoods" was the obvious consequence of an unregulated residential market. Given that Richmond's racial zoning ordinance fell under the authority of the *Buchanan* decision, the editor noted that the city found itself "face to face with a problem of increasing significance whose solution deserves the thought and discussion of leaders of both races."³⁴

RACIAL ZONING AFTER BUCHANAN V. WARLEY

The decade following the *Buchanan* decision saw numerous efforts to fashion a legally defensible racial zoning system in Southern cities and in scattered areas outside the region. Atlanta, Indianapolis, Norfolk, Richmond, New Orleans, Winston-Salem, Dallas, Charleston, Dade County (Florida), and Birmingham, to name only the most prominent places, passed new racial zoning legislation after 1917. Many others discussed the topic seriously and looked to consultants to find a workable approach to planned apartheid.

This new movement to legalize residential segregation was different in several ways, however. Most of the residential zoning laws fashioned prior to 1917 were the work of non-planners who recognized the potential of land use regulation to achieve social objectives. After 1917, cities preferred to engage professional planners to prepare racial zoning plans and to marshal the entire planning process to create the completely separate Black community. The *Buchanan* decision undermined the use of zoning to segregate explicitly by race but not the use of the planning process in the service of apartheid. Charles Knight noted in the case of Virginia that cities employed sections "designated as Negro residential areas." Even if they did not legally enforce land use, these designations guided public and private developments. Data supplied by planners made it possible to monitor and influence land use trends based on social criteria.

In this way, racial zoning still operated in practice if not in law, reinforced by a planning process that supported the creation of a racially bifurcated society. In Knight's view, this was not necessarily detrimental to Blacks, however. He contended that planning was not an impediment to Black community development but rather an essential ingredient in the full realization of a segregated metropolis. Rather than thwarting Black social development, "zoning laws should preserve the residential character of the (Black) areas." Black neighborhoods "should be desirably located with respect to topography, industry, and convenience as the White areas," and should be large enough to accommodate future population growth. Finally, he observed, Black neighborhoods should benefit from "all necessary municipal services-paving, city water, sewers, electricity, fire and police protection," as well as sufficient parks and playgrounds and laws "to prevent housing and land crowding."³⁶

The community development strategy outlined by Knight required far more than zoning laws to prevent cohabitation in neighborhoods on the basis of race. To bring about a totally separate Black community necessitated a comprehensive planning effort. This is what

happened in a number of Southern cities. In the wake of the *Buchanan* decision, racial zoning gave way to the broader notion of a race-based comprehensive planning process. Its ideal form, as Knight suggested, implied fundamental community improvements previously denied Blacks. In practice, however, race-based planning proved to be an ineffectual strategy for Black community improvement, although it did help create the segregated city.

The 1920s brought continued efforts to fashion a legally defensible racial zoning system in tandem with comprehensive city planning. Also, race-based planning spread into new places. Birmingham, Alabama, was one of the new converts to racial zoning as well as the broader version of race-based planning. Although the city lacked an official planning body, it hired Warren Manning, a Boston landscape architect, as its planning consultant and released the "City Plan of Birmingham" in 1919. The Manning plan offered a series of general recommendations about land use, transportation, and civic improvements for a city that during the previous decade increased its land area sevenfold and its population by 150,000 persons.³⁷

Although slow to embrace the full range of planning proposals, especially the expensive items such as a new civic center, parks, and new roadways, city commissioners quickly recognized the need to control land uses in the midst of hectic development. In 1925, the city enacted a modified racial zoning ordinance "to protect the property holders against manufacturing plants and corner grocery stores which tend to spring up promiscuously about the city and to restrict the negroes to certain districts."³⁸ As late as 1926, Birmingham's zoning system provided for the rigid racial separation of residential areas, although it permitted property ownership by one race in districts allocated to members of the other race. The city commission used its power to issue or revoke building permits to prevent "construction of Negro housing contiguous to White neighborhoods." Racial zones dictated Birmingham's residential development patterns from 1926 to 1949.³⁹

Robert Whitten's Atlanta Zoning Plan of 1922 was a prominent post-*Buchanan* attempt to link legalized residential segregation to comprehensive planning. Actually, what Whitten proposed differed little from the City's original "unconstitutional" racial zoning scheme, except that it employed the nomenclature of conventional zoning along with racial designations such as: R1-White district; R2-colored district; and R-3-undetermined. Whitten defended racial zoning on the grounds that the Atlanta plan allowed "adequate areas for the growth of the colored population," that residential separation would instill in Blacks "a more intelligent and responsible citizenship," and that racially homogeneous neighborhoods promoted social stability. Even in its new guise, Atlanta's racial zoning plan failed to survive its initial court challenge.⁴⁰

This renewed attempt to institute racial zoning took place within the context of a major metropolitan planning initiative, under the guidance of planning consultant Warren Manning, to make Atlanta "a beautiful, orderly place, the wonder city of the southeast."⁴¹ Even though the explicit racial designations in the city's zoning ordinance had to be excised, Atlanta still pursued the "controlled segregation" objective of race-based planning over the ensuing decades. According to the 1922 plan, Atlanta's Black residential

expansion was to be confined to the west and southwest sections of the city. That was, in fact, exactly the direction of Black residential expansion from the 1920s onward, even though the traditional heart of the Black community was in east Atlanta.⁴²

Another newcomer to the racial zoning movement in the 1920s was New Orleans. Although the Crescent City discussed the implementation of racial zoning prior to *Buchanan*, not until the city secured zoning authority in 1921 did it attempt to frame an ordinance “to evade the ruling of the Supreme Court.”⁴³ In 1923, New Orleans created an official city planning commission—being the first Southern city to do so—and quickly drafted a preliminary zoning ordinance. Two years later, the city created another advisory group, the Vieux Carre Commission, to suggest to city council ways “to protect the old colonial city from ‘the encroachment of modern business.’”⁴⁴ In 1927, the city hired Harland Bartholomew to begin work on a master plan.⁴⁵

Entwined within this sweeping set of planning initiatives was a racial zoning scheme. The New Orleans ordinance stipulated that Blacks could not occupy a house in a White block or a White person in a Black block unless the prospective occupant obtained written permission of a majority of the residents already in the block. Although sustained by a lower court, the Louisiana Supreme Court reversed the decision. The New Orleans race-based occupancy-by-permission-slip zoning arrangement proceeded to the nation's highest court for review. It was debated on March 8, 1927, virtually in the shadow of the landmark *Euclid* decision that sanctioned zoning. A week later, the court rejected the New Orleans ordinance, citing *Buchanan v. Warley* as the guiding precedent in its decision. While the decision was not unexpected, it is interesting to note how New Orleans attempted to frame its defense in terms of planning to achieve social rearrangement, not just property protection. The New Orleans city attorney contended that racial zoning was not merely an exercise of the authority recently upheld by the Court in the *Euclid* decision but also a corollary to an earlier court decision in *Plessy v. Ferguson* (1896). New Orleans argued that zoning and comprehensive planning should join the host of legal Jim Crow strategies being employed to transform the racially integrated Southern city into a bifurcated racial world.⁴⁶

In Charleston, South Carolina, another city that hopped onto the planning bandwagon in the 1920s, racial zoning took a backseat to historic zoning but it was, nonetheless, integral to the city's comprehensive plan. At the urging of the Society for the Preservation of Old Dwellings in Charleston, the city hired a planning consultant, Morris Knowles of Pittsburgh, to prepare a zoning ordinance “sensitive to the unique heritage of Charleston.” In conjunction with the zoning ordinance, which was the first in the nation to contain explicit protection for a designated historic district, Knowles prepared a general plan that included recommendations for street widenings and new thoroughfares, new schools and parks, and the creation of different land use districts. The plan also delineated separate residential districts for Blacks and Whites, although explicit racial labels were left out of the official zoning nomenclature.⁴⁷

It is significant not only that Charleston still experimented with racial zoning as late as 1931 but also that it was one of the first cities to link racial exclusion to neighborhood

preservation. According to the Knowles general city plan, the area embraced by the newly created Old and Historic District, which in 1931 still contained several thousand Black residents, was to become White. The testimony of local preservationists indicates that displacement of Blacks from the historic area was one of the implicit goals of the plan and a desired outcome of neighborhood revitalization.⁴⁸

John Nolen's 1928 comprehensive city plan for Roanoke, Virginia, provides another example of how Southern cities, with the assistance of their planning consultants, dealt with zoning as a social control device in the aftermath of the U.S. Supreme Court's strictures against racial zoning. Nolen's 1928 plan constituted an expanded version of his 1907 "beautification" plan for Roanoke. Nolen acknowledged in his update that "Roanoke has shown inclination to include negroes of the city when making improvements for the betterment of the city as a whole."⁴⁹ Unlike Whitten in Atlanta, however, Nolen did not recommend explicit racial zoning, not simply because it would fail legally but also because its intent seemed to be a *fait accompli* by the late 1920s. Blacks in Roanoke were already segregated. As indicated in his Map of Existing Conditions, "negro residences" were concentrated south of Washington Park, with only a small pocket of Black households congregated adjacent to the Norfolk and Western railroad tracks to the west of the downtown.

Nolen dealt with the rationale behind residential segregation in a separate, one-page (two-paragraph) section of the plan titled "Areas for Colored Population." Here he noted that "zoning will protect their homes from the encroachment of business and industry in the same manner as in all other sections of the city."⁵⁰ As to what land uses would be allowed in existing Black neighborhoods, the 1928 plan remained silent. The "Existing Conditions" map treated Black neighborhoods as "special" areas without reference to the sort of land use classification scheme employed in White areas. Rather than establishing explicit racial residential zones, Nolen noted only that "general expansion (of Black residences) coordinating with that of the whole city will be an important part of the city planning program."⁵¹

One further example of the initial *post-Buchanan* approach to racial zoning can be seen in another Nolen project, the planning of the resort city of Venice, Florida, in the mid-1920s. While the impetus for Venice was the Florida coastland boom of the 1920s, and the desire to market property to the state's affluent new migrants, as a Southern new town, Nolen had to make a place for Black residents. As Nolen noted,

In all Southern developments adequate provision for the negro working population is of great importance....The only satisfactory answer is the setting aside of a tract large enough (and yet not too large), and planning it completely for negro village life.⁵²

Nolen first outlined his rationale for a separate "village" in his plan for Kingsport, Tennessee, a decade earlier. The Kingsport plan included: a negro village of a high order with their own schools, churches, lodges, etc., providing the same grade of housing and general development as is furnished the White population of the same economic

condition.⁵³

Nolen regarded Kingsport's Armstrong Village as an alternative, as he put it, "to the squalid 'Nigger-districts' so common in Southern communities."⁵⁴

Nolen resurrected the village scheme for his work in Venice, proposing a community of substantial house lots (50 by 200 feet) and space for other amenities of community life, including a small park, a village square for stores and community buildings, four church sites, a community school, and a swimming lake. Although the developers of Venice had Nolen reduce the size of the house lots and increase their number, the village was never built. The fate of the Negro Village for Venice may be explained by the general condition of many plans prepared by Nolen and others involved in the Florida land boom. As John Hancock put it so aptly, "City planning in Florida typified the twenties dilemma of not wanting to be without a plan and not wanting to do anything about it once made."⁵⁵

When it came to implementing plans for model Black communities in Southern cities, the dilemma was not quite so profound. As an alternative to merely segregating Blacks in the least attractive sections of existing towns and cities, the Negro village or new community approach seemed too grandiose and, hence, unnecessary.

BEYOND RACIAL ZONING: PLANNING IN THE 1930s AND 1940s

By the 1930s, the racial zoning movement had run its course. This is not to suggest that the racial imperatives of zoning disappeared, however. The 1930s and 1940s constituted an important period in local planning since many cities had just recently devised plans that called for separate Black sections regulated in various ways. Federal initiatives in public housing and slum clearance provided additional resources for reconstructing the social landscape, and Southern and non-Southern cities eagerly participated in these efforts. With these new tools for social engineering, Southern cities ceased to confront head-on the legal objections outlined in the *Buchanan* decision. In Virginia, for example, the final court test of Richmond's racial zoning plan occurred in 1929 when a Black property owner brought suit after being denied access to a house he owned in a "White" neighborhood. Resting squarely on the 1917 Supreme Court decision, a federal circuit court of appeals upheld a lower court ruling that the city's ordinance was intended to restrict property use on the basis of race and declared the city zoning law unconstitutional.⁵⁶ A state court struck down a general zoning ordinance in Winston-Salem, North Carolina, which provided for racial districts. Birmingham continued illegally to enforce a racial zoning code until 1951.⁵⁷

The substitute for racial zoning was a race-based planning process that marshaled a wide array of planning interventions in the service of creating separate communities. Street and highway planning served as a means to erect racial barriers as early as the 1920s.⁵⁸ The siting of public housing projects explicitly (and legally) for Black occupancy proved particularly effective in furthering residential segregation. Slum clearance, neighborhood planning, private deed restrictions, and racially charged real estate practices all served the cause of segregation as effectively as racial zoning. As the planning movement abandoned efforts to create a legally defensible system of racial zoning, support for race-based planning

moved outside the Southern region.

All of the nation's major cities, especially those outside the South, experienced huge increases in Black population after 1940. The ensuing battle between Blacks and numerically declining Whites for space in the center city produced "powerful social consequences." While it may be too much to argue that the national urban planning movement was consumed by racial issues beginning in the 1920s, it is fair to suggest that a widely shared underlying premise of planning was the need to pursue community improvements within the context of separate racial worlds. Planners such as Nolen proposed opportunities to realize substantive community improvements under the aegis of apartheid, but rarely were these ideals realized. Indeed, as the planning movement expanded beyond racial zoning to "racially informed comprehensive planning," it became more difficult to distinguish between planning for general community improvement and planning merely to reinforce and sharpen "the color line." The widespread practice of communities seeking to exclude "undesirables" through exclusionary zoning had its greatest impact on African Americans (see Ritzdorf, Chapter 3).⁵⁹

Both public housing and urban renewal exemplified the difficulty of positively addressing the problems of the Black community within the murky context of race-based planning. Black leaders and citizens were wary of, and in some cases openly hostile toward, low-income housing projects as early as the 1930s, even though reformers and planners maintained that an impoverished group was being offered substantially improved housing and community facilities. Of course, some opposition by African Americans stemmed from expropriation of land from some Blacks to build public housing or carry out the slum clearance. Still, the land expropriation cannot explain the depth of the hostility to an otherwise legitimate community improvement effort.⁶⁰

The explanation may lie in the experiences of the previous two decades, in which the motives for planning, not only in the urban South but also in the inner-city communities of the North, became clearly associated with the prerogatives of race-based planning. The legacy of the racial zoning movement had an enduring influence on how Blacks perceived the methods and intentions of city planning. In urban communities throughout the South, beginning in the 1930s, Blacks quietly but decidedly launched a tradition of challenging the ideas of their supposed benefactors, the city planners. At times, the planning legacy of racial zoning may have blinded Blacks to the benefits of certain community projects and planning approaches. As African Americans emerged as a dominant social and political force in American cities in the 1960s, planners quickly discovered that they had cultivated some rather strident opponents. Among their Black clients, in particular, the social legacy of the early zoning movement lived on in the politics of urban America, and challenged planners to adopt a more inclusionary approach to urban development.