PITTSBURGH'S 1923 ZONING ORDINANCE

ANNE LLOYD

In the early part of the twentieth century, enthusiasm for city planning and zoning flourished among urban reform groups and business interests. Reform groups, such as civic clubs, supported city planning and zoning as a vehicle for improved land use and greater governmental efficiency. Urban homeowners believed zoning would protect their property values. Business interests, such as chambers of commerce, supported planning and zoning in order to promote business growth. An efficient city would promote efficient business.

Other groups within the city did not support reform through planning and zoning. Small businessmen and real-estate speculators viewed reform as a device of the upper classes to buttress their own business and real-estate interests. The lower and lower-middle classes often viewed zoning as a method of class control and discrimination.

This debate over city planning and zoning stemmed from the increased problems of urban land use due to rapid industrialization and urban growth. Skyscrapers and factories dominated central business areas. The overcrowded areas expanded into residential areas and threatened homeowners. Immigrants and new laborers resided in hastily built housing constructed near plants. These people also moved into once “acceptable” neighborhoods abandoned because of the encroachment of business. Cities needed more housing, but they also needed to regulate land use.

Reformers believed zoning to be the most effective means of regulating land use. They focused on zoning for several reasons. The simplicity of understanding and implementing zoning appealed to reformers. They concluded that many business interests would support the stabilization and/or heightened land values through zoning. Homeowners would welcome the protection of their property through zon-

Ms. Lloyd, a candidate for a Doctor of Arts in Urban History at Carnegie-Mellon University, has recently accepted an appointment in the Urban Studies Department at Temple University. She wishes to thank William R. Oliver who introduced her to many interesting and helpful leaders of Pittsburgh, whose comments added an extra dimension to this study. — Editor
ing, and the reformers could point to the success of zoning in European cities.

American reformers, such as Frederick Howe and Edward Bassett, attempted to adapt German zoning practices which had been successful in Frankfurt, Cologne, and Düsseldorf. Unfortunately, these reformers neglected to account for the different attitudes of Europeans and Americans toward the city and land-use control.

German cities traditionally exerted more public control over citizens than did American cities and possessed more independence from higher legislatures than did their American counterparts. For example, Pittsburgh had to ask the Pennsylvania legislature for zoning power. German cities either owned and/or controlled between 40 to 60 percent of municipal land. Germans possessed a long heritage of veneration for the city as the nexus between country and civilization. Most Americans regarded the city as corrupt and cherished the rustic ideal.

The approach to city management varied as well between Germany and the United States. German city officials were selected according to their expertise and training. In America any intelligent citizen thought he was capable of city management. German urban residents viewed city government as paternalistic, whereas Americans desired little government interference. Frederick Howe's comparison between the American and German city was incisive:

The one remains an industrial accident, with the ideals of the successful businessman, able to care for himself and wanting only to be left alone; the other is an organized, living thing with a big and farseeing programme of the needs of humanity, and bending its intelligence and its powers to their satisfaction.¹

Howe and other reformers failed to realize that they could not impose the German idea of zoning on American cities and expect the same results.

The idea of city planning and rudimentary zoning was not an entirely new phenomenon in the United States. City planning dated from William Penn's plan for Philadelphia in 1682. Building covenants in New England cities prohibited certain land uses throughout the nineteenth century. At the beginning of the twentieth century, city ordinances in Boston, Washington, and Baltimore limited the height of buildings. Court cases in California upheld the right of the city's police power to limit certain land uses.² For example, the case of Re

Yick Wo, in California in 1885, upheld the city’s police power to limit laundries to specified areas. This case incorporated an obvious racial prejudice as the courts failed to uphold a nearly identical case in New York, *Lockner* vs. *New York* (1905). The court held that the city of New York could not regulate the location of a slaughterhouse. The New York case involved no member of a minority group as did the California case.

New York was the first city to implement comprehensive zoning under a state enabling act. Business interests and reformers supported zoning for several reasons. Businesses and homeowners on the upper section of Fifth Avenue perceived a threat to their property values from the loft-type structures, with hordes of immigrant workers, on the lower end of Fifth Avenue. Reformers desired to eliminate health hazards resulting from overcrowded businesses, skyscrapers, and unsafe tenement housing. Both business interests and reformers desired to plan the development of Manhattan.

The final zoning ordinance favored the business interests. Instead of a progressive plan for the future of Manhattan, the ordinance maintained the status quo. For example, the size of lot requirements prevented developers from building low-rent housing in certain areas. Building-height limitations excluded certain businesses. The ordinance still allowed tall towers on the tops of buildings but did not allow loft-type structures. Thus, investment interests could build higher and higher, but the garment workers could not. A Board of Amendment provided for easy appeal by large-business interests but not for small businesses or even poorer urban dwellers.

Many cities across the country adopted planning and zoning regulations in the 1920s. By 1930 three-fifths of the urban population lived under some zoning restrictions. The national zoning movement affected Pittsburgh as well.

Pittsburgh in 1920 had a population of 588,343 within an area of forty-two square miles. Much of the industry, commerce, and low-income housing existed in the older, congested downtown area of approximately two square miles. As in New York and Chicago, skyscrapers threatened to cut off light and air in the central downtown commercial district. Between 1892 and 1920 developers erected twenty-one buildings of over ten stories in an area of about two hundred

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and ten acres. Eight of these buildings ranged from nineteen to twenty-six stories. Streets were very narrow and lacked adequate transit facilities.

Citizens' groups, alarmed by the growing congestion, invited national zoning professionals, such as Edward Bassett and Lawson Purdy, to come to Pittsburgh and speak on the merits of zoning. Bassett and Purdy helped to promote a national Planning Conference in Pittsburgh in 1921.

Organizations such as the Pittsburgh Chapter of the American Institute of Architects, the Civic Club, Chamber of Commerce, Allied Board of Trade, and the Citizens Committee for City Planning supported zoning in Pittsburgh. These organizations wanted to model their city after their efficiently managed businesses. Many entrepreneurs supported zoning in order to protect their business and land values and to control city development and government. Many of this group were concerned also about improving the health and beauty of the city through zoning. Reformers, such as architect Fredrick Bigger and engineer Morris Knowles, supported zoning for health and aesthetic reasons as well as for efficient governmental management of city growth.

The Civic Commission, a group of Pittsburgh's leading citizens, advocated in 1909 strict amendments to building ordinances to insure against fire and poor health standards. Members of the Civic Commission included such prominent businessmen as H. J. Heinz, H. D. W. English, and Wm. L. Jones. The Civic Commission employed Frederick Law Olmsted, son of the famous landscape architect and a noted city planner, to make recommendations for the improvement of the city. His recommendations included light and air regulations, building-height limitations, and differentiation-of-use districts.

The Taxation League joined the Civic Commission in support of zoning in Pittsburgh. The Taxation League had supported the restructuring of Pittsburgh's tax system in 1913. In that year Pittsburgh altered its tax structure to curb land speculation and to promote more construction of industry and housing. The new ordinance taxed unused land more heavily than used land. This tax restructure promoted the breakup of large estates which released more land on the market. However, the Taxation League desired an ordered plan for the new construction. They appealed to the Civic Club, city government, and other organizations for "immediate adoption of a comprehensive city

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The Taxation League believed that taxing alone would not limit speculation; only zoning legislation with area, height, and use restrictions could impede the speculators. Zoning would stabilize real-estate values and make property more desirable to the investor who wished to build but less desirable to speculators who preferred a fluid situation. The league argued that since the city gained most of its revenue from property, the government would benefit from stable real-estate values. The citizens of Pittsburgh also would benefit as "taxes may actually diminish the cost of living if the city's money is spent economically in the performance of necessary co-operativeness but taxes are often wasted because improvements are made with no reference to future need as set forth in a comprehensive plan."  

The Civic Club, composed of representatives of the city's various institutions, instigated the zoning movement in Pittsburgh. In 1910 the Civic Club advocated limitations on billboards in the Pittsburgh area. Later, alarmed by the encroachment of industry and commerce in residential areas, the Civic Club called for reports from all members possessing property depreciated because of nuisance and industry. "If you believe that the property owners on an attractive street should be able to prevent the ruthless marring of the street by selfish individual development you will assist . . . in working for restrictions which will really be an agreement to co-operate."  

The Civic Club publicized the fact that without building controls homeowners would lose millions of dollars of residential property values. The major concern of the Civic Club was the preservation of residence districts. The middle and upper-class membership of the club believed that progress meant maintenance of their residence areas. "There must be progress, and if in its march private interests are in the way, they must yield to the good of the community."  "Private interests" meant use for industrial or apartment purposes. High-priced residential interests did not impede "progress."

7 City Planning Commission Annual Report for 1940 (Pittsburgh, 1940), 1.
8 Civic Club, Civic Club Bulletin (June 1916), 8.
9 Ibid. (Feb. 1916), 3.
10 Ibid. (Apr. 1916), 7.
The Civic Club invited national advocates of zoning to come to Pittsburgh to speak. In February 1917, Lawson Purdy, a major figure in the New York zoning movement, spoke in support of zoning to the Civic Club. The Civic Club audience consisted of "owners of fine residence properties, representatives of large manufacturing concerns, Water Street District Improvement Commission, and the Pittsburgh Chapter of the American Institute of Architects." 11 Homeowners were especially interested in Purdy's zoning proposals. Another national advocate of zoning, Herbert Swan, won the support of the club with his description of zoning as "the substitution of an economic-scientific, efficient, community program of city building for wasteful inefficient haphazard growth." 12

The Civic Club introduced legislation for a zoning enabling act in the 1917 Pennsylvania legislature. The bill died in committee, because it was attached to unfavorable tax legislation. Undaunted, the Civic Club launched a concerted drive to win public approval. The club enlisted the aid of engineer Morris Knowles and architect Fredrick Bigger for the club's publicity campaign. Bigger held impromptu sessions on street corners. 13 The club held public forums on the issue and initiated newspaper publicity.

In 1918 the Civic Club published a pamphlet entitled Districting and Zoning: What It Is and Why Pittsburgh Should Do It. The pamphlet portrayed zoning as "a democratic agreement upon part of the citizens to co-operate in establishing order and stability in the city's development." 14 The pamphlet advocated the protection, through zoning, of property values, relief of congestion, greater safety and health, and the assurance of a healthful, convenient, and agreeable Pittsburgh. The Civic Club emphasized to the public the small cost of zoning. Whereas other city improvement programs, such as mass transit, would probably increase the public debt, zoning was cheap to implement.

Confronted with mounting public support, the state legislature in 1919 amended the Act of Government of Cities of the Second Class to include zoning. The legislature allowed for a board of appeal and zoning powers for the council and the city to enforce restrictions. The

11 Ibid. (Feb. 1917), 6.
12 Ibid. (Dec. 1919), 3.
legislation called for the Pittsburgh City Planning Commission to draft a preliminary zoning ordinance to submit to City Council and for public debate.

The planning commission was an agency of the Department of City Planning established in Pittsburgh in 1911. The department engaged in little major work until 1919, when the legislature empowered the department to prepare a zoning ordinance. In 1920 the department, with the approval of council and mayor, appointed a planning commission to coordinate the zoning proposal. The commission included such leaders as Joseph G. Armstrong, E. W. Mudge, J. D. Hailman, John S. Herron, and A. J. Kelly.15

The planning commission drafted several tentative zoning plans prior to the final ordinance in 1923. They considered arguments from various interest groups, such as trust companies, realtors, the Civic Club, and the Citizens Committee on City Planning. The commission, in conjunction with City Council, held public hearings at which the general public could present its opinions. Different interest groups bombarded the commission with amendments. The commission valiantly, but sometimes in vain, strove to remain above political persuasion.

Morris Knowles, engineer and planning-commission member, and Thomas M. Benner, city solicitor, articulated in these public hearings the philosophy of council and commission toward zoning:

Zoning is the application of common sense and fairness to the public regulations governing the use of private real estate. It seeks to differentiate the various activities carried on in municipalities, such as industrial, commercial, and housing from each other, so that each of the several activities can grow logically with a minimum amount of interference with the others and in that way make cities better places to live and work in.16

Both Knowles and Benner cited extensive legal cases which supported the state's responsibility under the police power to prevent nuisance and protect the health and safety of the community. These cases also reiterated the state's responsibility to promote the general welfare, convenience, and property rights of the community. Knowles and Benner repeatedly argued in terms of the sanctity of a person's home

15 National Conference on City Planning, "Figures and Data Compiled for the City of Pittsburgh" (1921).
16 Department of Law and City Planning, "Reply to Senator David Reed's Arguments by Thomas M. Benner First Assistant City Solicitor," Arguments Against the Proposed Zoning Amendment, Submitted to the City Council of Pittsburgh and Replies Thereto (Pittsburgh, 1923), 9 (hereafter cited as Arguments Against Proposed Zoning Amendment).
and the harmful effects of close proximity between industry and residence.

Two other groups supported zoning in the public hearings. The Pittsburgh Chapter of the American Institute of Architects, led by Fredrick Bigger, adamantly supported zoning. However, the chapter differed with Bigger and the planning commission about the scope of the zoning ordinance. The commission and Bigger wanted to limit the height of buildings to 125 feet. The chapter saw these height limitations as a threat to their business and instead advocated building heights twice the width of adjoining streets with unlimited towers not exceeding 25 percent of the lot. (The final zoning ordinance would favor the architects as it allowed for building heights of 265 feet with unlimited towers.)

In 1918, Fredrick Bigger, Charles D. Armstrong, James D. Hailman, Howard Heinz, W. L. Mellon, and other wealthy and influential citizens formed the Citizens Committee on City Planning. Fredrick Bigger had become disenchanted with the Civic Club and its leader Isabel Reed, because he felt that a smaller group of civic leaders could work for quicker action and effect a more rational, broader, and scientific plan for Pittsburgh. The CCCPs major product was the Pittsburgh Plan for playgrounds, streets, transit, railroads, and waterways. The industrial businessmen of the CCCP, such as Heinz and Mellon, were concerned about the lack of housing for workers. However, they were more concerned about the "invasion of single-family residence districts by large apartment houses." Zoning appealed to these industrialists, because "like good industrial management it [zoning] plans for an orderly growth and expansion of the plan." "Rightly understood, zoning means the substitution of an economic, scientific, efficient community program of city building for wasteful, inefficient, haphazard growth." The CCCP also cited the industrial prosperity of other zoned cities, such as New York, Chicago, Boston, Baltimore, Los Angeles, and Washington. These cities implemented zoning with municipal success. "Eight out of the ten largest cities have zoning and if we are to become a major city we must have it as well."

17 Minutes of AIA, Pittsburgh, June 17, 1921.
18 McClain Interview.
19 CCCP, Progress (Jan. 1923), 2.
20 Ibid. (Jan. 1922), 3.
21 Ibid. (Mar. 1921), 3.
22 Ibid. (Jan. 1922), 2.
The CCCP expressed concern about the increased exodus to the suburbs. The committee felt that zoning would help to maintain residential areas within the city. It appealed to the middle-class homeowners in their portrayal of zoning as a "Bulwark to Owners of Small Homes." The CCCP cited the terrible overcrowding of low-income residents as another reason for zoning regulations. Zoning, coupled with stricter building codes, would prohibit the crowding of one-thousand families to a single acre. C. D. Armstrong summed up the philosophy of the CCCP toward zoning: "It is designed to aid in the orderly growth of Pittsburgh."

The Chamber of Commerce was another powerful group supporting zoning. During this period the Chamber of Commerce represented the major businesses of the city. The chamber's only reservation about zoning was the limitation of building heights in the downtown area. The final ordinance, as mentioned above, did not severely limit building heights.

Zoning did not coincide with the financial interests of all business groups. Banking and trusts, realtors, savings and loan associations, local boards of trade, unions, and some individuals protested the implementation of zoning. These groups perceived zoning as a threat to their financial prosperity. Individual citizens argued that zoning would discriminate against lower-income residents and prohibit them from moving into better residential areas. The opponents of zoning presented their arguments in the public hearings before the City Council and the planning commission.

The trust companies enlisted United States Senator David A. Reed to present their arguments against zoning at the public hearings. Senator Reed was one of the most prominent Pittsburgh lawyers of the period. He represented the large opposition among the bar on the constitutionality of zoning. Senator Reed's lengthy argument contains most of the major objections of other opposing groups.

First, Reed held that property owners and the general public thought zoning merely curbed obvious nuisances, and citizens did not understand the far-ranging ramifications of the zoning ordinance. Zoning threatened individual rights. The planning commission had

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23 Ibid. (Jan. 1922), 8.
24 Ibid. (May 1922), 5.
25 Armstrong, before City Council at first zoning hearing, Feb. 8, 1923.
26 Interview with C. F. C. Arensberg, lawyer, Nov. 21, 1972. Mr. Arensberg addressed members of the bar association in Bedford in support of zoning in 1918.
clearly overstepped its legal authority in the adoption of a policy to impress aesthetic standards of the moment on the community. Reed stated: "Unfortunately, however, they [the commission] have gone from protection against distinctive nuisances to protection against things that merely seem to be ugly and undesirable from the standpoint of good taste. And with the best of motives they have ridden roughshod over some well settled principles of individual liberty that are protected by the American Constitution." 27 Reed argued from the American tradition that perceives the disposition of property as an individual right rather than a societal right.

Second, Reed argued that the zoning ordinance with its "B" residential requirement discriminated against the man of moderate means who could not afford to purchase large residential lots. "The state legislature or the City Council cannot undertake to say there are two kinds of citizens and to say one kind can locate in this district, and the other cannot." 28 Moreover, Reed argued that the courts would rule unconstitutional an ordinance which allowed residential districts without duplexes or apartments. 29 Furthermore, the elimination of boardinghouses from industrial districts legislated against the laboring man who desired to live close to his work.

Third, the courts would rule unconstitutional the elimination of small businesses from residential areas. The local boards of trade supported this argument, as they did not desire small-business expansion curtailed. For example, the planning commission proposed to zone residential all of Bigelow Boulevard, Bouquet Street, Forbes Avenue, and Neville Street. The planning commission's purpose was to prevent the encirclement of residential property by "development of inferior or mediocre character." 30

Fourth, Reed rejected the commission's stated health and safety objectives for area-size restrictions. "Otherwise, why require 4,000 square feet per family in the best district . . . and 625 square feet in the last [district]? If 625 square feet is sufficient for health and safety in the slums, it ought to suffice in the East End or Squirrel Hill dis-

27 Arguments Against Proposed Zoning Amendment, 4.
28 Ibid., 5.
29 The 1923 ordinance did not include a separate single-family-home district. In 1927 an amended ordinance designated such single-home districts. The U.S. Supreme Court upheld single-family-home districting in Elucid vs Ambler Realty in 1925.
30 City Planning Dept., Report and Recommendations Upon the Proposed Zoning Ordinance (Pittsburgh, 1923), 55-59.
Clearly, Reed believed the proposed zoning regulations discriminated against the lower classes.

Finally, Reed argued against height limitations in the downtown area. Pittsburgh needed more office space in order for business to grow. Reed implied that the managements of the Oliver, Farmers, and Frick buildings wished to monopolize the downtown office-space market. In Reed's estimation, the downtown was not overly congested.

While Senator Reed argued altruistically for the rights of the individual, he did represent the trust companies which might have suffered from stringent zoning regulations. The trust companies had to consider the estates they held in trust. Zoning controls could limit the rise in land values of estates, especially in the downtown area. The representative of Fidelity Title and Trust Company objected "to height limitations as detrimental to the protection of beneficiaries and an insurmountable objection to the sale of real estate." Fidelity Title and Trust stated that they and their beneficiaries would lose approximately seven-million dollars in the downtown area. The trust companies were major lenders for all types of building. Zoning could limit the amount of new building. In general, the trust companies and other opponents feared the relatively new and untried zoning ordinances and increased governmental control.

The realtors were another major opponent of zoning. The realtors sought to maintain as fluid a situation as possible with the selling and developing of real estate. They argued that proposed height limitations of 125 feet in the downtown area would stifle industrial growth. Height limitations would also discriminate against the downtown real-estate investors who had paid taxes for years and planned to sell their land for a profit.

They argued that natural market constraints would limit the height of buildings. Buildings higher than fifteen to eighteen floors were not profitable. A free market would define its own limits. "To permit conditions [unrestricted heights] to remain that would promote the erection of such buildings [office and hotel] would surely mean

31 Arguments Against Proposed Zoning Amendment, 5.
33 Testimony by representative of Fidelity Title and Trust before City Council, Minutes of City Council, Feb. 15, 1923.
34 Ibid., Mar. 1, 1923.
progress and serve the best interests of the city." 35 The realtors argued, rather unconvincingly, that higher buildings would prevent the spread of fires and would act as vantage points for the fire department. They stated that no evidence existed which definitely linked congestion with ill health. The realtors charged the council and commission with confusing health standards with beauty and aesthetics.

The realtors protested single-family zoning of certain residential districts. They concurred with the trust companies' charges of such zoning discrimination against the lower classes. Such districts made home ownership impossible for "the man of small means to limit the size of his lot and the cost of his home to correspond with his pocket-book." 36 A prominent Squirrel Hill realtor, R. A. Watkins, stated that none of about eight-hundred homes built in Squirrel Hill in the last eight years could have been built under the proposed zoning restrictions. Watkins accused supporters of zoning with discrimination and maintenance of the status quo. 37 Zoning restrictions would prevent the wage earner from living in close proximity to his job. As a compromise the realtors recommended only block zoning. Block-zoning requirements would pertain only to a specific city block and would provide a greater use diversity within areas of the city. Conceivably, one block could be zoned for large residences, the next block for small residences, and the next block for businesses.

Like the trust companies, the realtors were concerned about their own financial interests. The realtors gained much of their revenue from commissions on real-estate sales. They feared zoning would stabilize the real-estate market and prevent rapid turnover, thereby decreasing their commissions. 38 Permanently zoned areas would impede quick speculative gains. Many realtors speculated in the downtown area, and height restrictions would limit the value of their investments. The realtors' charges that buildings over eighteen stories were not profitable were invalid. Between 1892-1920, eight buildings between nineteen and twenty-six stories had been erected in the downtown area and were showing a profit. 39

The planning commission, mayor, and City Council placated the realtors by placing J. W. Cree, a realtor, on the three-man board of

35 Real Estate Board of Pittsburgh, Pittsburgh Realtor (July 3, 1923), 6.
36 Ibid. (June 26, 1923), 3.
37 Ibid. (July 17, 1923), 5.
38 Interviews: William R. Oliver, businessman, Oct. 25, 1972; McClain; Schumman.
appeals; they also made the exemption and appeal process less restrictive. The realtors and other opponents succeeded as well in changing the proposed height limitations from 125 feet to 265 feet. Pittsburgh allowed higher buildings than other cities did during this period. The final ordinance included duplexes in single-family home districts and reduced lot-area requirements.

Building and loan associations, the Oakland Board of Trade, and certain unions agreed with the objections of the realtors and trust companies. The building and loan associations, representing 136,000 stockholders, urged "all persons concerned with the integrity of property values and the protection of the ordinary property" to protest the proposed ordinance. The Oakland Board of Trade desired more commercial space, since the ordinance hampered business expansion.

Unions, such as the Typothetae of Pittsburgh, a printers' union, protested "the attempt to take control of one's property out of the owner's hands. Establishing areas within which residents will be permitted to dwell and work only along certain lines is an attempt to divide individuals into classes that will lead to a breakdown of a fundamental principle that all in this country are on an equality." The union charged that the ordinance was arbitrary and un-American. The Railway Union, representing 3,500 men, protested class discrimination. It argued that workers must live near their work, as they work split shifts and go to work at four and return at eight. "Where this ordinance keeps the men from their particular place of work and forces them out you are going to cause a great hardship on them. I feel that this is a condition that should be taken under consideration — a small home on a small lot."

While both supporters and opponents of zoning in Pittsburgh accepted the regulation of nuisance, the different interest groups clashed over the extent and specifications of the proposed ordinance. Even within interest groups disparities existed between stated and implied motives. The debate remained largely in the hearings before the council and the commission. Press coverage was sparse and mixed. The press initially criticized zoning as socialistic. The major newspapers finally supported zoning with reservations about building-height limi-

40 Pittsburgh Realtor (July 10, 1923), 5.
41 Ibid. (July 3, 1923), 11.
42 Ibid., 12.
43 Representative of Railroad Union, Minutes of City Council, Feb. 8, 1923.
44 Ibid.
tations. The Pittsburgh Sun reported that hearings on zoning were poorly attended and this “may indicate public acquiescence rather than apathy.” 45 Joseph Schumman, Jr., reporter on the Pittsburgh Post-Gazette for over forty years, stated that the public exhibited little concern over zoning, because many of the lower and middle classes did not own their own homes and were not directly affected.46

Public hearings on zoning between February 8 and April 26, 1923, centered around the issues of height limitations, effects on health and morals, individual rights, and class discrimination. The major supporters and opponents presented their arguments. Some individuals from all sectors of the community attended. An interested citizen, Ernest Tenor, cogently summed up the spirit of the remarks to council and commission. “From remarks made by a good many today it seems that they are in favor of a zoning ordinance as long as it is zoned to suit their personal convenience.” 47

W. T. Mossman, representing B. F. Jones properties and in conjunction with the realtors, trust companies, and individual speculators, led the assault on building-height limitations. He accused council and commission of promoting a downtown monopoly, maintaining the status quo, and impeding progress.48

Ministers and social workers appeared in support of the health and moral benefits of zoning. The Reverend Daniel L. Marsh, pastor of the Methodist Church on Smithfield Street, argued that “overcrowding is not square for health or morals.” 49 Sidney Teller, social worker, stated that “the value of this ordinance lies in the fact that you stop congestion which breeds disorder and disease.” 50 The Reverend Thomas F. Coakley, a Catholic priest, spoke in support of zoning:

I approach this problem from a different angle than that from which it is viewed by the average person . . . [who] eloquently tells you he is for the good of the poor. Such persons usually live away out on Squirrel Hill, and they ride about town in a limousine, and they rarely see the districts they discuss. I live twenty-four hours of every day right down in the heart of the most congested district in the city. And I am constantly urging my people to move out of that district. Many of my following between 13th and 28th lower Penn Avenue have left . . . . The lack of a proper zoning ordinance has made it impossible for children and

45 Pittsburgh Sun, Apr. 21, 1923.
46 Schumman Interview. In 1920 about 33% of Pittsburghers owned their own dwellings. In 1970 about 50% in the city and 68% in the Standard Metropolitan Statistical Area of Pittsburgh own their own dwelling.
47 Tenor, Remarks to Council, Feb. 8, 1923.
48 Ibid., Mossman.
49 Ibid., Marsh.
adults in the Penn Avenue district to live normal, healthy, safe lives. Health is being sacrificed; life and limb are in constant jeopardy. Schools are under severe handicap because of the noise and at times the trenches at the front would seem quiet by comparison; sanitation is impossible on account of the perennial dirt and soot, the housing congestion, and the enormous traffic that flows through the district. . . . zoning would protect residential districts from encroachments that would create a slum district out of a high class residential center. . . .

All lower and lower-middle class persons did not agree with Coakley's position. Lower-middle-class persons appeared to protest discrimination, while middle- to upper-class persons appeared to support protection of their property. C. V. Voast represented the upper-middle-class view that a Class B district of only single-family homes with certain lot requirements would "protect his values." 52 Grant Hubly, representing Squirrel Hill, stated that larger lots would protect the "integrity of his neighborhood." 53 B. H. Fermen protested the upper-middle-class viewpoint and said that "it would be class legislation to enact such a law." 54 The final ordinance maintained the large-lot requirements in the better residential districts but did allow for some duplexes and apartments in these districts.

The council passed the zoning ordinance on July 30, 1923. The ordinance established certain use, height, and area districts in Pittsburgh. Use-districts regulated and restricted the location of commerce, business, trade, industries, and housing. The ordinance defined five such districts: Heavy Industrial, Light Industrial, Commercial, "A" Residence, and "B" Residence. Uses ranged from practically any industry, except explosives, in Heavy Industrial to one- and two-family dwellings, churches, and schools in "B" Residence. Height-districts ranged from thirty-five feet to two-hundred and sixty-five feet districts. Area-districts regulated and limited the bulk of buildings, the intensity of the use of lot areas, and the areas of yards, courts, and other open spaces within and surrounding buildings. Five area districts ranged from "A" districts of 40 percent maximum lot usage to "E" districts with 100 percent usage.

Generally, the ordinance maintained the existing industrial, commercial, and residential patterns in Pittsburgh. The ordinance zoned Pittsburgh as heavy industrial along the three rivers, light industrial in back of the heavy industrial, and commercial in back of the light

51 Ibid., Coakley.
52 Ibid., Voast. Apr. 18, 1923.
53 Ibid., Hubly, Feb. 15, 1923.
54 Ibid., Fermen, Mar. 1. 1923.
The ordinance limited practically all industrial areas to the rivers or the transportation spines that ran through the ravines of the city. The Class “B” residential areas encompassed Allegheny Commons, Perrysville, and Federal Street on the North Side; the Hill; Oakland, Squirrel Hill, and Homewood-Brushton in the East End; and around Grandview Avenue and Mt. Washington Park on the South Side.

Pittsburgh’s 1923 zoning ordinance reflected the objectives of both reformers and business interests. Reformers, such as Fredrick Bigger and Morris Knowles, believed zoning was a major step toward a better planned and progressive Pittsburgh. Church workers, social workers, and other reformers thought zoning would raise the health and moral standards of areas of the city. While Bigger and other reformers protested the modifications on height and use-restrictions and amendment procedure, a weakened zoning ordinance was preferable to no ordinance at all.

The Civic Club and CCCP viewed zoning as a scientific and businesslike means of promoting a better Pittsburgh. In their arguments for the preservation of better residential districts, they often confused progress with the maintenance of the status quo. These reformers and business interests could control, as well as plan, the growth of Pittsburgh through zoning.

The ordinance’s height, area, and “B” amendments placated the opponents of zoning. The appointment of a realtor to the Board of Amendment mollified the realtors.

While from our perspective, Pittsburgh’s zoning ordinance of 1923 appears limited in scope and future purpose, it was generally as progressive and farsighted as most ordinances of the period. However, other cities placed more stringent limits on building heights.55 The American tradition that views property use as an individual prerogative and right rather than a societal prerogative and right impeded visionary planning through zoning. The proponents of zoning in Pittsburgh believed that zoning would improve Pittsburgh. They did not consciously seek to maintain the status quo and discriminate against the poor but rather sought to promote the planned growth of Pittsburgh. No overt immigrant bias existed in Pittsburgh as existed

as a basis for zoning in New York against the garment workers or in California against the Chinese and Japanese. The supporters of zoning in Pittsburgh did want to protect the better residential areas, and as a result better residential districts exist today close to Pittsburgh’s downtown areas. Unfortunately, zoning alone could not bring a better Pittsburgh to all her residents.

Pittsburgh did have a lower foreign-born percentage of population in 1920 than did New York or San Francisco. Pittsburgh, 20.4% or 120,266 persons; New York, 35.4% or 1,991,547 persons; San Francisco, 30% or 154,440 persons; from Fourteenth Census of the United States 1920 (Washington, 1922), vol. 3.