

Civic Responsibility

by Ric Stephens

Some time ago I was on a planning commission that was reviewing an application to extend business hours for a small coffee shop. The commission discussed the variations in weekday needs and impacts, on-site employees for preparation and closing, and a myriad of other factors resulting in a complex table of daily opening and closing times.

This small business was located adjacent to a residential development, and there were potential noise and glare impacts from traffic and the outside seating area. The applicant desired to be a good neighbor and was willing to mitigate these with a variety of efforts including “self-policing.” As the commission pointed out, its decision could not be based on the current owner’s behavior because the property could be sold to another, less civic-minded, individual or business.

Can and should we try to regulate everything for the widest range of possible adverse impacts?

I am not so naïve as to advocate replacing development codes with the “golden rule.” But rather than try to proscribe every aspect of human behavior, wouldn’t it be more meaningful to promote civic responsibility?

The Pygmalion Effect: *People behave exactly as we expect them to.*

The Pygmalion Effect occurs when people behave in a manner that reflects how they are treated. For example, if we view the public as though they must be regulated to the nth degree, they will likely behave in a manner that meets that expectation. But if you see the best in people, they will often exceed your expectations.

Eurasian Envy: *Zoning never created an extraordinary place.*

I have said this many times and will

continue to say so. If there were more emphasis on civic responsibility that included aesthetics, I believe we would have a more attractive and livable built environment. Somehow European cities have beautiful, narrow, cobblestone streets despite their “incompatibility” with high-heels, trash trucks, and a host of public works issues. Somehow Asian cities have vibrant, outdoor commerce with neighborhood support, not wrath.

Of course this is a generalization, but my “Eurasian Envy” is strongly related to what can be achieved with more emphasis on civic responsibility.



Litigious Nation: *There is no such thing as a bullet-proof code.*

There never was, nor ever will be, an ordinance so elegantly written that it cannot be legally contested. Is there a correlation between regulation and litigation? The search for never-ending specificity has resulted in ordinances that are more like secret codes than development codes.

Command Performance: *Performance speaks louder than proscription.*

Proscriptive zoning originated in early in the 20th century when conflicting land uses needed to be segregated from each other – in large part because we did not have the technology to mitigate many of their adverse impacts. Yet today, when impacts can often be mitigated, we have, if anything, far more

restrictions. It’s not unusual for a city to have more than one hundred separate zoning districts listing which uses can or cannot be put there.

Fortunately, however, the tide seems to have turned as more communities are recognizing the benefits of mixed-use development, and setting performance standards to address potential adverse impacts.

The Enforcers: *Don’t ask; don’t tell.*

I have over three decades’ experience as a planning consultant, public official, and educator. After all this time, I still read many codes that I do not fully understand and am certain, if understood, could not be implemented or enforced. I cannot imagine, for example, a public works official or police officer studying and monitoring zoning restrictions on the hours of operation for a single small business ... which brings us back to the case of the coffee shop I described at the start of this column.

The commission voted 4-2 to deny its request for expanded open times. Although I was in the minority, I fully understand my fellow commissioners’ concern for the protection of adjacent homeowner rights and values. They are deeply-committed, altruistic volunteers with a high level of civic responsibility.

I do not have the answer for this dilemma of proscriptive regulation vs. civic responsibility, but we may be better communities if we find ways of focusing more on responsible citizenry and less on complex codes. ♦

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