

**The Highest Law?
The Individual vs. the Community in Property Issues**

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"The highest law gives a thing to him who can use it." Thoreau

Houston is a city of sprawling dimensions, with a variety of architectural styles and land use choices. Boundaries between the personal and professional are often nonexistent. What makes Houston unusual is the fact that in many parts of town, homes and schools are next door to factories and refineries. Zoning is not a welcome concept to the general population and ordinances have been repeatedly rejected by the voters. In general, a homeowner or a business owner can do as he or she pleases with their property, following, as Thoreau stated, the "highest law." Isn't that as it should be?

The right to own property and do with it as one pleases appears, on the surface, to be a totally, 100% American right, consistent with the fundamental principles in the Constitution. Yet in most cities in this country, there are laws that limit land use, even to determining what color a front door can be painted or how tall a building can be built.

This unit will have students examine their own neighborhoods in order to discover what restrictions do and do not apply in their areas, and provide them with an opportunity to explore the advantages and disadvantages of zoning and city planning or land use ordinances. Students will design neighborhoods, map their own, conduct interviews, research local laws, and argue positions. Background information about Houston's history and development is included for teachers who would like to use the city to contrast to the zoning or other restrictions in their local area.

Introduction

Why do we put things where we put them? Why do we decide that socks go into a drawer and that shirts hang on a hanger in the closet? Why do we put sinks in kitchens and televisions in every room of the house - except, possibly, the bathroom? And why do we live in the places we live, and how was it decided that this place would be a city and that one a small town, and that other one far out in the country away from other people? This unit will have secondary school students in geography classes asking the latter questions and finding the answers in their own community's development. This unit will also provide some background information about Houston, Texas for the teacher to use for comparison purposes.

Fundamental Themes - Goals and Objectives

Students will develop a spatial understanding of their community and will discover the why behind the where. Students will use existing community history resources, interview

residents, business owners and community leaders, and map locations of different types of economic activities and other identifying factors that affect that location. They will analyze how the character of a place is related to its political, social, and cultural characteristics. They will discuss the costs and benefits of city or land use planning and regulation. They will identify and give examples of different points of view that influence the development of public policies and decision-making processes on local, state, national, and international levels.

Purpose

The purpose of this lesson is to help students focus on their immediate neighborhood communities in order to better understand other places. They will review the geography of the terrain, understand the decisions that were made in the past concerning placement of businesses and residences, and be better able to make decisions about the future of the neighborhood. They will ask geographic questions and answer those questions after acquiring, organizing, and analyzing geographic information.

Texas Essential Knowledge and Skills*

The student is expected to:

- 1 (A) identify and give examples of different points of view that influence the development of public policies and decision-making processes on local, state, national, and international levels.
- 1 (C) compare different points of view on geographic issues
- 3 (A) map the locations of different types of economic activities
- 3 (B) identify factors affecting the location of different types of economic activities
- 7 (A) analyze how the character of a place is related to its political, economic, social, and cultural characteristics
- 8 (A) locate settlements and observe patterns in the size and distribution of cities using maps, graphics, and other information
- 8 (B) explain the processes that have caused cities to grow
- 19 (A) use historical, geographic, and statistical information from a variety of sources
- 19 (C) construct and interpret maps to answer geographic questions, infer geographic relationships and analyze geographic change
- 20 (A) design and draw appropriate maps and other graphics such as sketch maps, diagrams, tables, and graphs to present geographic information including geographic features, geographic distributions, and geographic relationships
- 21 (B) apply appropriate vocabulary, geographic models, generalizations, theories, and skills to recent geographic information
- 21 (C) use geographic terminology correctly
- 21 (D) use standard grammar, sentence structure, and punctuation
- 22 (C) use a problem-solving process to identify a problem, gather information, list and consider options, consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution

*Objective numbers correspond to those assigned to the objectives under the Texas Essential Knowledge and Skills for World Geography

Connection to National Geography Standards*

1. How to use maps and other geographic representations, tools, and technologies to acquire, process, and report information from a spatial perspective
3. How to analyze the spatial organization of people, places, and environments on Earth's surface
12. The processes, patterns, and functions of human settlement
13. How the forces of cooperation and conflict among people influence the division and control of Earth's surface
14. How human actions modify the physical environment
17. How to apply geography to interpret the past
18. How to apply geography to interpret the present and plan for the future

*Numbers correspond to the objectives listed in Geography for Life, National Geography Standards, 1994

Teacher Background Information - Houston

Houston is a very large city. There is a downtown and several satellite areas with the requisite number of skyscrapers, including the "tallest building west of the Mississippi", but most of the city is flat, containing one and two story structures that are industrial, commercial, or residential. Like most southwestern cities, people must drive to get anywhere. Like many cities in the northeast, there are distinct neighborhoods with well-defined boundaries. What makes Houston unusual is the fact that in many parts of town, homes and schools are next door to factories and refineries. Zoning is not a welcome concept to the general population. Zoning ordinances have been repeatedly rejected by the voters. Running a business out of the home is not illegal, or even frowned upon in many parts of town. While there are certain neighborhoods that have developed and enforced certain deed restrictions, these are only effective in those neighborhoods where the neighbors continue to enforce them. The city retains some powers over the placement of certain businesses; for example, no bars within so many feet of a church or school - but in general, a homeowner or a business owner can do as he or she pleases with their property

Houston began as a real estate venture by two enterprising New Yorkers, Augustus and John Allen. Soon after the Battle of San Jacinto which won Texas' independence from Mexico in April, 1836, the brothers bought a parcel of land near the conjunction of two bayous near the battle site, and immediately started advertising in US newspapers about the wonderful benefits of a city that did not yet exist. They named the city Houston

after Sam Houston, the general who had commanded the army, in the hopes that this would draw favor from potential customers and the Texas government. This was a successful strategy. The leaders of the new nation to establish the capitol there. With this governmental authority, and with Sam Houston the first elected president of Texas, people began to flock to this location.

But what was there? Two bayous of uncertain navigability but with access to the Gulf of Mexico, plenty of fresh water underground, flat land covered with trees ready to be felled and made into buildings. These advantages were balanced by a summer climate that was often intolerably hot and wet, (and which lasted 9 months of the year), mosquitoes that made leaving the window open to catch a breeze a difficult choice, and a hard clay soil that was difficult to plow and sow. It was no wonder that this part of Texas was generally unoccupied by Native Americans or the Spanish and Mexicans who later claimed it. The first permanent settlers came to make some money. Those who could afford to often left the city in the summer

Those enterprising settlers did make money. Even after the capital was moved away, Houston continued to attract settlers from the surrounding countryside. Houston became a center for trade, with goods from outlying local farms and imports from other parts of the world coming in through the bayou or the port of Galveston. The bayous were dredged, the nearby Brazos and San Jacinto rivers brought more goods from central and north Texas, and seventeen railroads came into the city. When Galveston was destroyed by a hurricane in 1901, its future as a major port was seriously compromised. Houston, 50 miles inland, was relatively sheltered from such disasters, and city leaders used this disaster to secure monies to create the Houston Ship Channel, widening and deepening the Buffalo Bayou so that port facilities could be located in a town that is not "on the water." The discovery of oil at nearby Spindletop in 1901 was another happy coincidence for the entrepreneurs. People began looking for oil in all sorts of unexpected - up to that time - places, and Houston provided wildcatters with a central location to do business.

Doing business and making money was what Houstonians wanted from their city. They created a city government with limited powers. City council and the mayor served only two year terms, and met infrequently. After trying different types of city government over the years, Houston has a strong mayor system, giving that office many powers limited only by the personality of the mayor rather than a council or other oversight mechanism. Serving on the city council is considered a part time job. For many years, and still today in many respects, the only real political power belongs to business leaders, not politicians.

These business leaders also pressed the Texas state legislature to write laws that favored Houston's growth through annexation of surrounding territories, making it difficult for other small settlements to retain their own identity. The Allen brothers had first thought to buy land further south in the town of Harrisburg, but were denied access. Harrisburg was later swallowed up by the city, the only remaining evidence of it's

existence one street name. Small communities, like Bellaire, that managed to incorporate before Houston swallowed them were soon surrounded by it, unable to increase their own boundaries due to special state laws.

One power that was denied the city government and continues to be denied is the power to regulate private property through zoning. Zoning is a city planning concept, in which certain lands are set aside for certain use and no other. For example, factories are located in industrial areas, shopping centers are located in commercial areas. In Houston, the separation between the money making enterprises and the living areas are often blurred. In older neighborhoods, factories are located next to schools and homes. Grocery stores are next door to small and large manufacturers. Homes and farms are across the street from oil refineries and chemical processing plants. It is not hard to find a barbershop next to a retooling plant next to a small apartment building next to a restaurant/club. Newer neighborhoods - those built since the 1950's - may often have some regulations about land use and what kinds of businesses will be allowed, but those deed restrictions are more dependent upon the willingness of the neighborhood to enforce them than upon action by the city government. When neighborhoods choose to enforce the restrictions, the penalties can be severe and result in loss of property. However, enforcement remains piecemeal, and the general attitude of *laisse faire* seems to prevail. See the resource list for resources to obtain more detailed information.

Strategies/Activities

Activity 1. Begin by asking students to describe the function of the school and the tools used to meet that function. (Schools deliver education: Tools include textbooks, paper, classrooms, cafeterias, gyms, etc.) List the student answers on the board. Explain that in this geography class they will focus on the geography of the school and how this affects the students as they learn. Use a map of the school to facilitate the next discussion. Students may work in small groups, large group, or take a tour of the building in order to label the map accurately. Where are math classes located? Where is the cafeteria? What two points on campus are the farthest apart? Have students label the classrooms with the type of class taught there. Ask students to identify any patterns they see. Are all the math classes together? Are all the ninth grade classes together? Is there no discernible pattern at all? Ask students to speculate, then provide them with the answer relevant to your school.

Extension: Are there any problems with the way the school is currently utilized? Have students redo the school plan in a manner that they see as more efficient and logical. Allow them to work with a partner or in groups and present their findings to the class.

Activity 2. Ask students to identify the function(s) of the surrounding neighborhood or community. (Provide housing, government services, employment, recreation). Ask them what tools are available. (Homes, supermarkets, factories, post office, streets, etc.). Students may work in small groups or as a class. List their answers on a chalkboard or large butcher paper so students can use these answers as a resource in the next activity.

Activity 3. Distribute to students the grid map showing streets in a neighborhood. Let them get into groups and give half the groups handout A and half handout B. Have students design a neighborhood based on the instructions in the handout, and make a list of reasons why they designed the neighborhood in that way. When this is finished, have students report their reasons to the class, and list these on the chalkboard or overhead projector, a different list for those who had handout A and those who had Handout B. When these lists are completed, allow the students to walk around the room and look at the neighborhood designs of the other groups. Remind them that they know WHY the other groups place their buildings in a certain configuration, and their current task is to see WHAT that design is. Allow students to write their comments about the other designs as they view them, so the student groups receive feedback from their peers. Have them form new groups with at least one student from each previous group and share their neighborhood information.

Activity 4. Take students outside the classroom to observe the buildings and areas that surround the school. Contact your local community's election authorities and obtain a precinct map for the area surrounding the school, then have students use this map to create individual maps showing land use in the area. Label buildings with the name of the businesses, if any, or land owners, if possible. Have students hypothesize or speculate about the reasons for the placement of those buildings, and list their suggestions on the chalkboard or overhead projector. Keep a master list so you can refer back to these after they have gathered more data. Ask students if they can tell if their neighborhood most resembles Handout A or B.

Activity 5. Have students draw maps showing the route they take from home to go to school. If possible, provide students with local maps such as a precinct map, to use as a reference. Divide the students into groups according to who lives close to each other and assign them a specific portion of a large, butcher paper, neighborhood map to complete. The teacher can also provide students with smaller pieces of paper and tape those together later to form a larger map.

Activity 6. Have students add the names and locations of local businesses to their maps, using letters or numbers and a map legend or key. Ask students if they see any patterns to settlement and business location or type. Use this information to test the hypotheses or speculations formed in Activity 4. Do any seem to be confirmed? Are there some ideas that might be incorrect? Ask students what other information they would need to gather in order to discover the correct hypothesis. Answers should include doing library research and interviewing the owners and others in the community.

Activity 7. Assign students to do the research, such as interviews, library work, or use the Internet. Have students list the questions they would like community leaders, residents, and business owners to answer. For example, an interview with a business owner might include the following: Why did you choose this location? How long have

you been here? Was there another business in the same building before? What was the land used for before buildings were placed there? Why did you choose this type of business? When the reports are completed, have students share their information with the rest of the class. As students report, ask them to look for any similarities in the answers given: i.e. location was chosen because it was near the school, land was inexpensive, this was the only type of business allowed by the local government, etc.

Activity 8. Provide the students with information about city planning in their community. This can be done by inviting a guest speaker from the city government, have the students do the research by contacting the city or local government for information, or through handouts written by the teacher. Include vocabulary terms such as zoning, deed restrictions, local ordinances, and state laws, if such pertain to your locality . The students should then use this final information to finish testing their hypotheses from Activity 4 and make revisions or a final generalization about the geographic decisions that shaped their neighborhoods.

Activity 9. Explain to students that the largest city in Texas, Houston, has no general zoning plan, unlike Dallas, New York City, Chicago, or other large metropolitan areas. Deed restrictions do exist in some neighborhoods which limits the home and business owners to certain areas and functions. Some city ordinances also restrict land use, one banning hogs and pigs inside the city limits, and another limiting certain businesses from locations near schools and churches. Have students in small groups generate a list of costs and benefits, or advantages and disadvantages, of this type of system. Students may need prompts such as "if you own the land, why should you let someone else tell you what to do with it?", or "Businesses can make more money if allowed more choices for locations, increasing competition, and lowering prices to consumers," or "Do you want to live next door to a liquor store?"

Activity 10. Have students write a persuasive essay, expressing their opinion about city planning and zoning. They should use the information gathered from their experience and research as evidence for their opinions. Students may do further research about the city of Houston's prosperity without citywide zoning in order to better understand the reasoning there. Sample essay question: "Since 1929, there have been three major attempts to introduce zoning in the city of Houston, and each has been defeated, both by the city council and in a general election. If this topic were under consideration at the present time, what would you say to city council? Write a persuasive essay stating your opinion about zoning in Houston." If there is time, allow students to debate zoning, or hold a panel discussion with students taking sides and speaking at a citizens meeting about a proposed change in the zoning laws or city ordinances.

Activity 11. Assign students to locate maps and information about different cities and communities around the world, then share this information with the rest of the class. Students should point out what economic, political, and cultural factors have influenced the growth of the city and the placement of certain activities in certain parts of the city.

Classroom Time

The first three activities can take up to 5 days depending upon the ability of the students and the complexity of the neighborhood. The remaining activities can take 10-15 minutes over several class periods, or be completed within another 4 class periods.

Evaluation (Assessment)

1. Completion of student individual maps to school
2. Completion of larger group neighborhood map (in groups)
3. Completion of research and report to class - did students find answers to all the questions they were supposed to answer? Are the answers accurate? Is the information complete?
4. Completion of persuasive essay.

Note: the teacher may design a list of evaluation criteria and give this to the students OR allow the students to create their own criteria lists. Below are suggestions for evaluation instruments.

Maps Checklist -suggestions

1. TODALSIGs: Title, Orientation, Date Author, Legend, Scale Index, Grid, source
2. Street names
3. Landmarks, if any
4. Building type or name: K-Mart, home, Greentree Apartments, Stop N Go, etc.
5. Green areas, if any
6. Other geographic features: rivers, railroad tracks, highways, lakes, etc.
7. Neatness and accuracy

Determine what weight should be given to each category.

Persuasive Essay Rubric

Note: Check with your school administrators or English teachers to obtain a copy of the format used for persuasive essays.

Level 1. The essay does not address the question. The essay has no or few supports for the opinion stated. The essay contains errors in reasoning and/or fact. The essay does not follow the persuasive essay format.

Level 2. The essay states an opinion but it is inadequately supported by facts. There are some errors in reasoning and/or fact. The persuasive essay format is used inappropriately or incompletely.

Level 3: The essay states an opinion which is often supported by facts. There are few errors in reasoning or fact. The persuasive essay format is used appropriately.

Level 4: The essay states an opinion strongly supported by facts. There are no factual errors, and reasoning is clearly explained. The persuasive essay format is used appropriately.

Resource List

De Blij, H. J. and Murphy, A. B. Human Geography: Culture, Society, and Space. 6th ed. New York: John Wiley and Sons, Inc. 1999. A college level general information geography textbook.

Feagin, J. R. Free Enterprise City: Houston in Political-Economic Perspective. New Brunswick: Rutgers University Press. 1988. Houston economic history.

Geography for Life, National Geography Standards, 1994. Washington, D.C.: National Geographic. 1994 Goals and objectives for geographic education, K-12

Harmin, M. Inspiring Active Learning: A Handbook for Teachers. Alexandria, VA: Association for Supervision and Curriculum Development. 1994. Teaching strategies to encourage student involvement and research

McComb, D. Houston: A History. Austin: University of Texas Press. 1981. General Houston history information.

Salter, C. L. "So You Want to Read a Landscape." In Spaces and Places: A Geography Manual for Teachers, ed. W. Kimball. Washington, D.C. Geographic Education National Implementation Project. 1995. 73-78 Guide to urban geography concepts and activities

Texas Essential Knowledge and Skills, Austin: Texas Education Agency, 1998

Thomas, R. D. & Murray, R. W. Progrowth Politics: Change and Governance in Houston. Berkeley: IGS Press 1991. Houston political history

Houston Metropolitan Study, 1998. Recent statistical data about the city
Houston Chronicle articles at www.houstonchronicle.com. Search for articles about zoning, neighborhood deed restrictions, etc.

Handout A

This Land is Mine!

You are going to create a neighborhood. You are going to create 3 types of buildings using the clay, place those buildings on your maps, and explain to the class why you put those buildings in those locations. Follow these steps

1. Decide what color will represent each type of building. You will have 3 types of buildings - Single Family residences, Businesses, which can include apartment buildings, and Government offices. You decide how large or small each should be, and you can have different sizes in the same color.
2. Place the buildings on your grid map anywhere you want. You may leave space for parks or farm areas.
3. Make a list of the buildings on your map naming the type of building, using the grid marks as reference points. For example: A-1 small single family residence, B-1 SF Austin Elementary school, C-1 Franklin Supermarket.. If you left blank spaces for parks or farm areas, include those on your list
4. List your reasons for placing those buildings where you placed them. Be ready to explain to the class what you did and why you did it.

Handout B

This Land is Mine!

You are going to create a neighborhood. You are going to create 3 types of buildings using the clay, place those buildings on your maps, and explain to the class why you put those buildings in those locations. Follow these steps.

1. Decide what color will represent each type of building. You will have 3 types of buildings - Single Family residences, Businesses, which can include apartment buildings, and Government offices. You decide how large or small each should be, and you can have different sizes in the same color. You may leave space for parks or farm areas.
2. Place the buildings on your grid map. You have the following restrictions
 - A) No single family residence can be within 1/2 inch of a business that is 1 inch long
 - B) No government building can be within 1/2 inch of a single family residence
 - C) No apartment building businesses can be within 1 inch of a single family residence
 - D) If you have more than 4 single family residences, you must include space for a park
 - E) No factories can be located next to single family residences
 - F) Factories can be located next to farm areas
3. Make a list of the buildings on your map naming the type of building, using the grid marks as reference points. For example: A-1 small single family residence, B-1 SF Austin Elementary school, C-1 Franklin Supermarket.
4. List your reasons for placing those buildings where you placed them. Be ready to explain to the class what you did and why you did it.