

Zoning laws must change to meet changing times



Michael
SAHN

Zoning law turns 100 this year: New York City enacted the first comprehensive zoning ordinance to regulate the use of land in 1916. What's the agenda for the next 100 years of zoning and land use law?

The broad purpose of zoning laws is to protect and preserve the public health, safety and welfare. From the time of the earliest enactments, comprehensive zoning meant laws to classify and separate different uses. For instance, zoning laws were designed to keep commercial, industrial and business uses in different districts, zones, away from residential uses. The purpose of these districts was to protect residential uses from the negative impacts of commerce and industry.

Likewise, zoning laws differentiated within use categories. For instance, zoning laws created different residential districts so that multi-family uses would be situated in different geographic areas from single family uses. Further, single family uses were differentiated and separated by lot size and area. This pattern, known as Euclidean zoning, has served as the foundation for zoning as we know it today.

Yet, we now realize that strictly following the Euclidean zoning pattern is not fully serving current economic, social and community needs. Whether we invoke terms such as "Smart Growth", "Transit Oriented Development", "Sustainability", "Mixed-Use Development" or "Work Force Housing", the end result is that we need to re-think how we organize our land use patterns and classifications. The strict separation of uses is not necessarily the best planning for 2016 and the next 100 years of zoning.

With proper safeguards, having different uses in the same vicinity and, indeed, the same location and zoning districts can actually advance important goals, such as conserving resources, making public transpor-



tation more desirable, advancing the use of alternative energy sources, and promoting commerce and economic development.

These goals require new thinking and new laws. We can have discrete communities and also have a mixture of uses to create vibrant downtown areas and promote local businesses. We can have shopping malls and neighborhood stores. We can have industrial and service uses in reasonable proximity to one another. We can have large and small lot residential development. But, we need the legal foundation to make it all work. That will be the job of the zoning bar, land use planners, and municipal officials as we think ahead to zoning 200.

Sahn is the managing partner of Sahn Ward Coschignano, PLLC in Uniondale.