

A New Zoning Law

New York has learned a great deal about itself since the new zoning law was passed in 1961—so much so that a “new” new zoning ordinance is under consideration now.

What has been gained in the last thirteen years is an immense amount of knowledge about what makes a city work. It has been a time of trial and error in dealing with city change, of realization that a city is a highly differentiated and finely balanced organism.

The original 1916 zoning law was an elementary attempt to protect light and air and to separate incompatible uses. In 1961 the aim was broadened to the idea of improving the city's design by encouraging open space and better buildings. The “wedding cake” rules were exchanged for bonus provisions for plazas and towers.

The problem that soon became apparent was that this mold was imposed uniformly over the city as a whole, and while it worked as anticipated in some places, it was a disaster in many others. This is not bad zoning per se; the deficiency is that it is unresponsive to specific needs of specific areas, and these areas, or neighborhoods, are essential to a city's well-being. The zoning is often destructive of these neighborhoods in terms of their identifying character and desirable features.

In City Planning Commission Chairman John E. Zuccotti's words, the existing ordinance is not “fine-grained” enough to allow the variations essential for retention of the city's diversified virtues. Such flexibility is critical for the proper shaping of growth.

The chief lesson learned is that these special values must be protected during the development process. That has led to new devices—the special zoning district, air-rights transfer, incentive zoning for particular objectives—all progressive interpretations of both planning and law.

In this sense, zoning has become a whole new frontier in urbanism. And because of its increased sensitivity and complexity, it is doubtful whether its vastly enlarged range of interests and intentions can be easily codified.

But certainly the 1961 regulations are both limiting and obsolete in the light of subsequent experience; there have been 1,400 amendments to date. The trend-setting but piecemeal improvements that have radically modified it need to be brought into a coherent and sophisticated body of zoning principle and law. New York has pioneered in practice; it should now put this experience into a comprehensive, truly contemporary ordinance.