

# Toward a Sound Urban Land Policy

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## V.

After twenty-one years of zoning experience most of the zoning ordinances still permit building bulk developments so greatly in excess of any that are likely ever to occur, and so much more area has been zoned for business than will ever be used for such purposes that in the aggregate they do not control or limit congestion, they encourage more congestion. As a result miles of street frontage zoned for business lie fallow. Business will probably never have need of it. Homes are not likely to be built there while the business zoning stands. Only filling stations, garages and hot dog stands develop in these areas blighted by such improper zoning.

If zoning is to develop to its full utility as a tool in the shaping of our cities, legal sanctions must be found for the limitation of areas zoned for business to something reasonably approximate to their probable future development.

The constitution of the State of New York says in Article I, Section 10:

"The people of this state in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the state; \* \* \*"

In furtherance of that solemn declaration, too often forgotten, it is submitted that a sound urban land policy, conceived in the spirit of conserving those constitutional rights for all the people, while at the same time dealing justly with those to whom under our present laws and practice the management of such lands has been temporarily entrusted, might conceivably include the following:

### I. Preparation of Plans

1. In every municipality and county an official planning board competently manned and adequately financed, a master plan, an official map and a zoning ordinance.

(The fifth section of the notable paper, "A Suggested Municipal Land Policy for the State of New York," concludes Mr. Heydecker's summary of personal views. The paper was presented here through the courtesy of William P. Capes, editor, "Proceedings of the New York State Conference of Mayors and Other Municipal Officials." Comment and criticism is welcomed.—The Editors.)

2. The development of plans for self-contained neighborhoods, with some appropriate form of legalized neighborhood organization, to work with the local planning board in the development of such neighborhood plans.

3. Master plans for the development of each county as already provided by statute, such master plans in turn to be harmonized with state plans.

4. Local planning laws, so amended as to permit local governing bodies to appoint the county planning board as their agent in all local planning matters.

### II. Regulation of Private Property

1. The modernization of all zoning maps and ordinances to provide more effective limitations as to permissible bulk of buildings, and to reduce the excessive areas now allocated to business, apartments and other intensive uses.

2. Legal sanctions to permit the zoning of land in open areas for specialized uses not now included within enabling acts, such as agriculture, recreation, foresting, watershed purposes, flood control and the like.

3. County zoning ordinances for unincorporated territory.

4. A requirement that before adopting or amending local zoning ordinances the governing body of

each municipality should be required to procure thereon an advisory opinion from the county planning board.

### III. Subdivision Control

1. Authority to county planning boards to pass upon plats (townsite development plans) in unincorporated territory.

2. Authority to cities and villages, where they so desire, to designate county planning boards to act for them in passing upon subdivisions.

3. A requirement that other city and village planning boards should procure an advisory report from the county planning board before passing finally upon a plat with perhaps a three-fourths vote of the local planning board required to over-ride an adverse report by the county planning board.

4. Authority to all planning boards to require that as a condition precedent to the final approval of a plat, the developer at his own expense should install or give bond to install the physical street improvements deemed by the planning board to be necessary in the interest of the public health, safety and general welfare as recommended by the Joint Planning Committee.

### IV. Improvements in Legal Procedure, with Respect to Land

1. Simplification and strengthening present law for registering land titles in the so-called Torrens System as recommended by the Governor.

2. Amendments to the present cumbersome system of foreclosing tax liens as recommended by the Special Committee of the Conference.

3. Immediate repeal of the present provisions in the tax law by which, outside of Westchester County, town supervisors may compel county treasurers to pay over in cash the amount of all uncollectible town taxes in exchange for tax liens so as to make each unit of government solely responsible for its own errors of judgment in making expenditures for improvements far in advance of need.

### VI. Land Acquisition and Management for Public Purposes

#### Acquisition

1. Authority to all counties and

municipalities by improvements in tax foreclosure procedure to secure promptly and inexpensively title to all land that has been tax delinquent for more than two years, in order to clear the tax base of these fictitious assets.

2. Appropriate amendments to procedure for acquiring land to enable counties and municipalities to purchase land on a businesslike basis, efficiently, quickly and at fair prices.

3. The acquisition under both these processes by counties and municipalities as rapidly as funds permit of so much of the land as may be necessary to secure reasonable control of the market for vacant land for housing enterprises, industrial sites, sites for slum clearances or the rehabilitation of blighted districts and such other public purposes as may be necessary to the realization of their master plans.

#### Management

4. Enabling legislation to permit each county and municipality at its option to establish under civil service a real estate bureau to purchase and manage in the public interest all lands however acquired by the county or municipality.

5. Such real estate bureaus upon the recommendation of the official planning board to set aside such lands as may be suitable and necessary for the fulfillment of the master plan, and pending their ultimate utilization for such purposes to lease such lands at public bidding on a temporary basis subject to appropriate conditions and for uses not incompatible with such master plan and zoning ordinance so that the public may enjoy a revenue therefrom.

#### Sale or Exchange of Lands

6. Such bureau to have the power to sell or exchange such publicly owned lands whenever in its opinion and that of the official planning board, such sale or transfer will contribute to the realization of the master plan, the former owner of record of any improved parcel to have cer-

tain priorities in any such sale or lease.

#### VII. Federal Assistance for Such a Program

1. Loans or grants by the Federal government subject to appropriate conditions to assist the local governments to purchase land for two purposes.

- a. To provide low rent housing for families unable to afford shelter of minimum standards.
- b. To stabilize the value of residential neighborhoods whenever protection by zoning regulations is incomplete.

#### VIII. Possible Corollary Changes in Assessment and Taxation of Land

1. A change in current assessment practice to lay greater weight upon true values, i.e., capitalized earning power, actual and potential, and less upon the fiction that a sale price ar-

rived at between a free and willing buyer and a free and willing seller is the determining index of real value.

2. Serious consideration of legislation to permit municipalities, at their option, to provide for a partial exemption of buildings as has been done in the second class cities law in Pennsylvania, under which the reputedly successful Pittsburgh Graded Tax Plan has been operating since 1913.

Because of the importance and complexity of all these problems and because of the growing interest of both citizen and official in them, I respectfully suggest that the New York State Mayors' Conference appoint a representative committee on urban land policies to study this whole matter, to report recommendations as to broad policy and specific suggestions as to appropriate enabling legislation to carry out the policies such committee finally recommends.