

Zoning: Historical Perspective

The exact beginning of zoning laws in the United States is not known. Much of current states' zoning legislation is based on the law called A Standard State Zoning Enabling Act,¹ which was drafted by the U.S. Department of Commerce in the mid-1920s and which ultimately became the Standard Planning Act.²

Zoning roots are easier to trace in Europe. Zoning appeared in Europe as early as 1853 when Napoleon III appointed George C. Hausmann as prefect of the Seine River District and Hausmann began the task of laying out the modern Parisian boulevards of today. Zoning existed in Germany as early as 1884. As early as 1790, Congress had directed President George Washington to approve a plan for the capital.³

The first United States Supreme Court test of zoning laws came in 1926 in the case of *Village of Euclid v. Ambler Realty Co.*⁴ A writ was brought by the Amber Realty Company against the Village of Euclid, Ohio, to enjoin the enforcement of the village zoning ordinance. The Court upheld the right of the Village to zone as residential a strip of land along a railroad right-of-way that had been purchased for industrial development. In upholding the ordinance, the Court cited with approval and quoted from the Illinois case *City of Aurora v. Burns*:⁵

The Supreme Court of Illinois, in *City of Aurora v. Burns*,⁶ in sustaining a comprehensive building zoning ordinance dividing the city into eight districts,

1. The first A Standard State Zoning Enabling Act (SZEA) was developed by an advisory committee on zoning appointed by Secretary of Commerce (and later president) Herbert Hoover in 1921. After several years, the government printing office published the first printed edition of the law in May 1924, and a revised edition in 1926, available at <http://www.planning.org/growingsmart/enablingacts.htm>. See Ruth Knack, AICP, Sutart Meck, FAICP, and Israel Stollman, *The Real Story Behind the Standard Planning and Zoning Acts of 1920s*, LAND USE LAW & ZONING DIGEST (Feb. 19, 1996).

2. DANIEL R. MANDELKER, LAND USE LAW (5th ed. 2003).

3. The Residence Act of 1790, 1 Stat. 130; see also *Respublica v. Philip Urbin Duquet*, 2 Yeats 492 (Pa. 1799).

4. *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 47 S. Ct. 114, 71 L. Ed. 303 (1926).

5. *City of Aurora v. Burns*, 319 Ill. 84–93, 149 N.E. 784 (1925).

6. *Id.* at 93–95.