

Swiss voters reject plan to freeze building zones

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Introduction

Unrestrained urban sprawl is having a major impact on Switzerland's natural environment and destroying its agricultural land.

On 10 February 2019 a 63% majority of Swiss voters rejected an initiative that aimed to stop urban sprawl by freezing the overall size of building zones and strictly limiting exceptions that allow building activities to take place outside building zones. While supporters of the initiative considered the current legal regime to be insufficient, opponents argued that the initiative was:

- overly strict;
- unable to accommodate cantonal and regional differences; and
- inadequate to address population and economic growth.

The initiative had sought to preserve the Swiss landscape and improve citizens' quality of life. It had also claimed to compensate for certain omissions in earlier amendments to the Federal Act on Spatial Planning (SR 700) and provide for economical soil management.

Proposed amendments

The initiative proposed the following amendments to the Federal Constitution:

- The federation, cantons and municipalities should promote favourable conditions for sustainable living and working models in local structures to improve quality of life and reduce traffic.
- Inward settlement development should be pursued.
- For an unlimited period, the creation of new building zones should be permitted only if another area of at least the same size and agricultural quality, which is not overbuilt, is zoned out from a building zone.
- The current building land reserves should be used and green areas and the landscape should be preserved.
- Outside building zones, only site-dependent buildings for soil-dependent farming and those of public interest would be permitted; however, the law may provide some exceptions. The preservation of existing buildings would be guaranteed and such buildings could be enlarged and converted to a limited degree.

Current legal regime

As a result of the vote, the current legal regime will not be changed. However, a previous revision of the Federal Act on Spatial Planning entered into force in 2014 and pursued similar goals as the rejected initiative.

In particular, the current law:

- limits urban sprawl and improves the protection of agricultural land;
- strictly separates building and non-building areas and promotes inward settlement and compact settlement structures;
- improves the use of unused building land;
- limits building zones to a size that meets the anticipated needs for the next 15 years and reduces excessively large building zones; and
- allocates new land to be designated as a building zone only if certain requirements are met.

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Moreover, in 2018 the federal government proposed further substantial amendments to the law concerning buildings outside building zones. These proposals are currently before Parliament.

Comment

The latest initiative has addressed an important topic. In a small country such as Switzerland, which has vast areas of forests and mountains that are unavailable for building use, urban sprawl and the loss of agricultural land are serious threats.

Nevertheless, the current legal regime and plans for its redevelopment are adequate responses to the threat of urban sprawl. Additional amendments in this regard are expected in the near future.

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