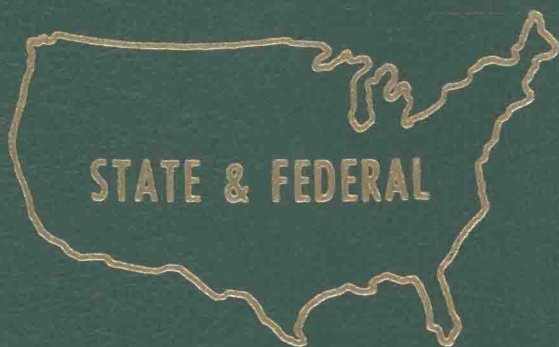


AMERICAN JURISPRUDENCE 2d



ZONING AND PLANNING

AMERICAN JURISPRUDENCE

SECOND EDITION

A MODERN COMPREHENSIVE TEXT STATEMENT
OF AMERICAN LAW

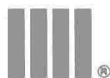
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ZONING AND PLANNING

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FOREWORD

Although the law of zoning and planning has been relatively stable in the 16 years since the prior volume of Am Jur 2d dealing with **Zoning and Planning** was published, the number of cases involving this topic has increased dramatically, mandating that this subject now occupy an entire volume. In particular, coverage related to the regulation of uses of property has been significantly expanded, with additional coverage being given to commercial and industrial uses, recreational uses, agricultural uses, educational and religious uses, and home occupations. Coverage has also been greatly expanded as regards administrative relief from zoning regulations, particularly variances and special permits, and with respect to municipal and regional planning boards and commissions. One area of the law of zoning in which there have been significant changes, and which has resulted in substantial updating and expansion, involves the validity of regulations and ordinances enacted for the purpose of maintaining the aesthetic value of a city or neighborhood. Similarly, the article contains expanded and updated coverage of the development of the law of exclusionary zoning, whereby a community attempts, through its zoning laws, to exclude low income individuals.

The article has been enhanced by the inclusion of *Observations, Cautions, Practice guides, Checklists, Reminders*, and the like, providing detailed advice and procedures, as well as *Research References* to such practice works as Am Jur Proof of Facts, Am Jur Legal Forms 2d, Am Jur Pleading and Practice Forms (Rev), and Am Jur Trials. In addition, references are made in the text to Anderson, Law of Zoning 3d.

A **Table of Statutes and Rules Cited**, a **Table of Parallel References**, and an **Index** covering the topic will be found in this volume.

THE PUBLISHERS

TABLE OF PARALLEL REFERENCES

Use the following tables to find where the subject matter of the various sections of Am Jur and Am Jur 2d are treated in the Am Jur 2d Revised volume.

When a particular subject matter is treated in another topic, the title of the other topic is noted. If a section of the earlier article has become obsolete, the table will show that it has been deleted.

Also consult the index at the end of the volume for detail and for matters not appearing in the earlier edition.

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AMERICAN JURISPRUDENCE

SECOND EDITION

Volume 83

ZONING AND PLANNING

by

Francis M. Dougherty, J.D., Glenn A. Guarino, J.D., David B. Harrison, J.D.

Scope of topic: This article discusses the nature of, and the differences between zoning and planning; state and municipal zoning power and the distribution of that power between state and municipal governments; zoning and planning boards, commissions, and officials; the mode of enacting, amending, or repealing zoning ordinances; the validity, purposes, or objectives, construction, effect, and enforcement or administration of zoning ordinances and regulations; comprehensive or master plans; zoning maps, districts, and boundary lines; structural and lot-area regulations; regulation of uses and accessory uses of property, including residential uses, commercial and industrial uses, agricultural uses, home occupations, government uses, educational uses, religious uses, health care uses, and recreational uses; the establishment, continuation, or extension of nonconforming uses or uses established under illegal permits; planned unit schemes such as planned unit developments, cluster zoning, and floating zones; subdivision controls; administrative relief from zoning ordinances or regulations by means of variances and special permits; and judicial review of zoning regulations.

Federal aspects: Discussed in this article are federal statutes which require the establishment by state governors of agencies that will develop areawide land use plans for the control of sources of water pollution discharge; which authorize grants or the use of federal funds for the development of land and water resources management programs for coastal zones, for community planning, and for the coordination of intergovernmental urban planning activities; which encourage or require coordinating the programs of federal agencies with state, regional, and local planning and zoning; and which require environmental impact statements for certain development. (see "Federal Legislation," *infra* for USCS citations.)

Treated elsewhere:

Animals, government regulation of locations for keeping, see 4 Am Jur 2d, Animals §§ 21,22

Auction sales, government regulation of locations of, see 7 Am Jur 2d, Auctions and Auctioneers § 5

Airports, zoning regulations limiting height of structures or objects near, see 8 Am Jur 2d, Aviation §§ 58, 59

Building regulations and codes, generally, see 13 Am Jur 2d, Buildings

- Cemeteries, government regulation of location of, see 14 Am Jur 2d, Cemeteries §§ 9-11
- Racial segregation in residential areas, zoning ordinances designed to effect, see 15 Am Jur 2d, Civil Rights § 253
- Restrictive covenants in deeds, see 20 Am Jur 2d, Covenants, Conditions, and Restrictions §§ 165 et seq.
- Declaratory judgment actions with respect to zoning regulations, see 22A Am Jur 2d, Declaratory Judgments §§ 81-84
- Dedication of land for public use, and abandonment of dedicated lands, generally, see 23 Am Jur 2d, Dedication
- Compensation in eminent domain cases, effect of zoning regulations upon, see 27 Am Jur 2d Eminent Domain §§ 277, 442
- Urban redevelopment, see 40 Am Jur 2d, Housing and Urban Redevelopment
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- Laundries, dyeing, and drycleaning establishments, zoning regulation of, see 50 Am Jur 2d, Laundries, Dyers, and Drycleaners §§ 10, 11, 18
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- Party walls, zoning restrictions with respect to, see 59A Am Jur 2d, Party Walls § 23
- Environmental impact, requirement that state or local agency assess before granting application for zoning or rezoning, see 61A Am Jur 2d Pollution Control § 49

Research References

Text References:

Anderson, American Law of Zoning 3d

Annotation References:

ALR Digests: Municipal Corporations § 53; Zoning and Land Controls

Index to Annotations: Administrative Law; Aesthetic Considerations; Agriculture; Amendment; Boundaries; Building Permit; Delegation of Powers; Exemptions and Exclusions; Frontage; Funerals and Funeral Directors; Garages and Service Stations; Hospitals; Hotels and Motels; Junkdealers and Junkyards; Mandamus; Mobile Homes, Trailer Parks, and Tourist Camps; Multiple Dwellings; Nonconforming Use; Presumptions and Burden of Proof; Public Officers and Employees; Religion and Religious Societies; Restaurants and Other Eating Places; Schools and Education; Setback Requirements; Shopping Centers; Special Exception; Special Permit; Subdivisions; Variances; Zoning

Practice References:

25 Am Jur Pl & Pr Forms (Rev), Zoning and Planning

20 Am Jur Legal Forms 2d, Zoning and Planning

8 Am Jur POF2d 53, Unreasonableness of Zoning Restriction; 13 Am Jur POF2d 373, Vested Right in Continuation of Zoning; 14 Am Jur POF2d 117, Zoning—Nonconforming Use; 41 Am Jur POF2d 729, Change in Character of Residential Neighborhood

16 Am Jur Trials 99, Relief from Zoning Ordinance

Federal Legislation:

16 USCS §§ 1451 et seq. (grants for development of coastal zones)

33 USCS § 1288 (development of land use plans for control of sources of water pollution discharge)

40 USCS § 461(a) (underwriting cost of preparing development plans and capital improvement programs)

42 USCS §§ 531—535 (coordination of federal programs with local planning and zoning)

42 USCS §§ 1857—1858a (environmental impact statements)

42 USCS §§ 3305, 3335 (grants for community development and planning)

42 USCS § 3604 (prohibits discrimination in housing based on handicap)

42 USCS §§ 4201 et seq. (coordination of federal programs with local planning and zoning)

Auto-Cite®: Cases and annotations referred to herein can be further researched through the Auto-Cite® computer-assisted research service. Use Auto-Cite to check citations for form, parallel references, prior and later history, and annotation references.

Table of Parallel References

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