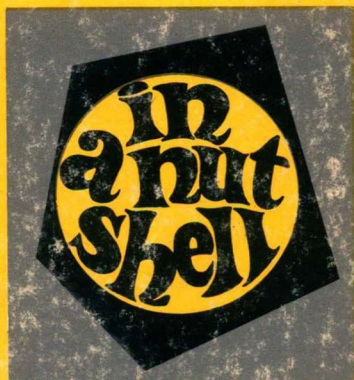


Land Use



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ROBERT R. WRIGHT

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LAND USE IN A NUTSHELL

By

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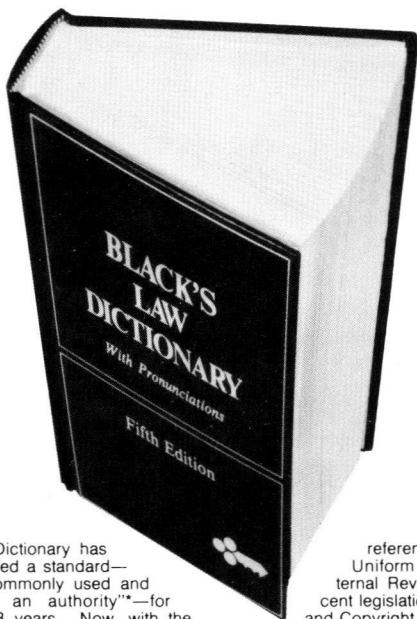
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**To
our parents**

*

PREFACE

This series of "nutshell" books was instituted by West primarily to serve the needs of law students, and this book on Land Use is written with that in mind. It is intended to be a succinct expression of the salient points to be found in this subject matter. The difficulty with being succinct, or for that matter in writing a book of this type, is that there is a tendency toward oversimplification and the avoidance of some of the more intricate and interesting aspects of the material under consideration. We feel compelled to make the same qualifying observation that Professor W. Barton Leach made in his article, *Perpetuities in a Nutshell*, 51 *Harv.L.Rev.* 638 (1938): "If this paper fails of its purpose it has, at least, eminent company. Lord Thurlow undertook to put the Rule in Shelley's Case in a nutshell. 'But,' said Lord Macnaghten, 'it is one thing to put a case like Shelley's in a nutshell and another thing to keep it there.' *Van Grutten v. Foxwell* [1897] A.C. 658, 671." Nonetheless, as an overview and as something of a summary of the material, this book should prove helpful not only to law students but also to lawyers and judges.

A caveat is essential in that regard. The subject of land use controls and urban planning is

PREFACE

approached in different ways by editors of different casebooks. The emphasis of some varies considerably from others depending upon the subject. While this book probably bears greater relationship to the Beuscher, Wright and Gitelman casebook and approach than to those of others, an effort has been made to discuss practically all of the subject matter contained in the leading casebooks. Therefore, even though the casebook used and the emphasis placed upon the material may vary, students utilizing this book should find coverage of most, if not all, of the material discussed in class.

Student use of this or any other text should be on a periodic basis as different topics are considered. In this manner class discussion and the understanding of the material can be supplemented by the observations contained in this book. It will also prove helpful to re-read portions of the book for review purposes at the end of the course.

The field of land use is so rapidly developing, so diverse and so much affected by various fields of law and by new trends that viewpoints or approaches to the subject will vary depending upon the professor. In developing areas of the law, it is also not unusual to find differing interpretations. This should be kept in mind in considering this material in conjunction with a particular professor's approach to the subject.

Another comment is worthwhile in regard to the somewhat summary treatment accorded the