

# Tulsa Law Review

---

Volume 4 | Number 1

---

1967

## Bibliography of Materials on the Law of Zoning

John M. Keefer

Bert C. McElroy

Follow this and additional works at: <https://digitalcommons.law.utulsa.edu/tlr>



Part of the [Law Commons](#)

---

### Recommended Citation

John M. Keefer, & Bert C. McElroy, *Bibliography of Materials on the Law of Zoning*, 4 Tulsa L. J. 118 (1967).

Available at: <https://digitalcommons.law.utulsa.edu/tlr/vol4/iss1/11>

This Casenote/Comment is brought to you for free and open access by TU Law Digital Commons. It has been accepted for inclusion in Tulsa Law Review by an authorized editor of TU Law Digital Commons. For more information, please contact [megan-donald@utulsa.edu](mailto:megan-donald@utulsa.edu).

BIBLIOGRAPHY OF MATERIALS ON  
THE LAW OF ZONING

INTRODUCTION

This edition of the *Tulsa Law Journal* is devoted to a consideration of some of the problems encountered in the area of municipal planning. Within this broad topic there are many areas of importance. The subject of zoning regulation is of prime importance in the overall scheme of municipal planning, with the result that the topic of municipal planning cannot be considered without encountering problems in the field of zoning law.

This reference outline is included as a research tool to aid in a study of zoning. The outline has been limited to articles, comments and notes which have been published in various legal periodicals since 1958, covering the subject of zoning. References to specific cases have been omitted for the reason that the pertinent cases dealing with particular zoning problems are cited in the materials contained in the outline.

The attempt has been made to cover the major questions arising under the broad subject of zoning completely but not exhaustively. It should be noted that the topics under which the materials have been arranged are not mutually exclusive, and materials contained within the broad heading of one topic might logically be included within another topic. It is hoped, however, that this organization of the materials on the subject of zoning will facilitate research in the area, by reducing the amount of time required to initially find appropriate materials dealing with a given topic.

The materials have been arranged under the following outline:

- I. Zoning Regulation Generally
  - A. Fundamentals of Zoning Law
  - B. Zoning as Related to Community Planning
  - C. The Power to Zone
    - 1. Balancing of Interests (Public vs. Private)
    - 2. Delegation of Legislative Authority
    - 3. Effect of Eminent Domain
    - 4. Effect of Zoning Regulations on State and Federal Lands.
  - D. Classification of Land Uses
    - 1. Type of Use
    - 2. Intensity of Use
  - E. Alterations in the Zoning Plan
    - 1. General
    - 2. Non-conforming Uses
  - F. Amendment of Zoning Ordinances
    - 1. Spot Zoning
    - 2. Variances
    - 3. Exceptions
    - 4. Floating Zones
    - 5. Contract (or conditional) Zoning
- II. Procedural Aspects of Zoning Law
  - A. General Procedure in Enactment of Zoning Legislation
  - B. Administrative Procedure
    - 1. Boards of Adjustment
    - 2. Appeals
    - 3. Parties
  - C. Judicial Procedure
    - 1. Judicial Review
    - 2. Form of Relief
    - 3. Constitutional Limitations
- III. Land Use Control Through Zoning
  - A. Generally
  - B. Overall Municipal Plan
    - 1. Industrial Zoning
    - 2. Subdivision and Suburban Regulation

3. Extraterritorial Zoning
- C. Preservation of Open Space
- D. Prohibited Uses
- E. Zoning for Aesthetics

1. ZONING REGULATIONS GENERALLY

- A. Fundamentals of Zoning Law

1. de Furia, Zoning — A Review and Suggestions, 31 Penn. B.A.Q. 286 (1960).
2. Kurtz, Effect of Land Use Legislation on the Common Law of Nuisance in Urban Areas, 36 Dicta 414 (1959).
3. Prichard, Fundamentals of Zoning Law, 46 Va. L. Rev. 362 (1960).
4. Wolffe, There is no New Look in Pennsylvania Zoning, 35 Temp. L. Q. 68 (1961).
5. Comment, Connecticut Zoning—A Post-1958 Survey, 35 Conn. B.J. 245 (1961).
6. Comment, What do Zoning Ordinances Mean?, 4 Ariz. L. Rev. 279 (1960).
7. Comment, Zoning and the Law of Nuisance, 29 Fordham L. Rev. 749 (1961).
8. Comment, Zoning Ordinances and Common-Law Nuisance, 16 Syracuse L. Rev. 860 (1965).  
Problems, 109 U. Pa. L. Rev. 992 (1961).
9. Comment, *Ad Hominem* Elements in the Treatment of Zoning
10. Bulcher, Planning and Zoning Principles Validated, 13 Ark. L. Rev. 1 (1958).

- B. Zoning as Related to Community Planning

11. Cunningham, Control of Land Use in New Jersey by Means of Zoning, 14 Rutgers L. Rev. 37 (1959).
12. Frey, Proposed Improvements to Community Planning and Zoning Powers in Illinois, 48 Ill. B.J. 670 (1960).
13. Johnson, Notes on Planning and Zoning at the Annual Massachusetts Lawyers' Institute, 43 Mass. L.Q. 20 (1958).
14. Mellows, Planning and the Egg-Machines, 107 Sol. J. 348 (1963).
15. Muldoon, Practical Background of the Zoning and Planning Problems of the Present and Future, 43 Mass. L.Q. 13 (1958).
16. Phair, Planning and Zoning: Principles and Practice, 29 Tenn. L. Rev. 514 (1962).
17. Pirtle, Municipal Zoning, 10 Kan. L. Rev. 527 (1962).
18. Strong, Planning and Zoning: the Pennsylvania Prospect, 35 Penn. B.A.Q. 218 (1964).

## C. The Power to Zone

## (1) Balancing of Interest (public vs. private)

19. McCarty, Zoning and the Property Rights of Others, 48 *Mass. L.Q.* 473 (1963).
20. Shrubbs, Zoning and the Public Interest, 41 *Mich. S.B.J.* 16 (1962).
21. Comment, Effect of Zoning Ordinances and Violation Upon Marketability of Property, 24 *Albany L. Rev.* 167 (1960).
22. Comment, General Welfare, Welfare Economics, and Zoning Variances, 38 *So. Cal. L. Rev.* 548 (1965).
23. Comment, Zoning and Nonzoning Regulation Under the Police Power, 34 *St. John's L. Rev.* 107 (1959).
24. Note, 71 *Yale L.J.* 720 (1962). (Zoning against the public welfare: Judicial Limitations on Municipal Parochialism.)

## (2) Delegation of Legislative Authority

25. Mandelker, Delegation of Power and Function in Zoning Administration, 1963 *Wash. U.L.Q.* 60.
26. Note, 1 *B.C. Ind. and Com. L.R.* 106 (1959). (Constitutional law—off-street parking provision in municipal zoning ordinance held invalid as a delegation of legislative power).
27. Note, 23 *Mont. L. Rev.* 125 (1961). (Master plan zoning statutes held to be an unconstitutional delegation of legislative authority).

## (3) Effect of Eminent Domain

28. Limerick, Effect of Zoning on Valuation in Eminent Domain, 53 *Ill. B.J.* 956 (1965).
29. Note, 5 *Ariz. L. Rev.* 139 (1963). (Municipal corporations—eminent domain and zoning—relative rights as asserted by two municipalities).

## (4) Effect of Zoning Regulation on State and Federal Lands

30. Comment, Municipal Power to Regulate Building Construction and Land Use by Other State Agencies, 49 *Minn. L. Rev.* 284 (1964).
31. Comment, Missouri Municipality's Power to Zone Public and Quasi-Public Uses, 26 *Mo. L. Rev.* 45 (1961).
32. Comment, Municipal Corporations—Control Over Public Utilities Through Zoning Ordinances, 42 *N.C. L. Rev.* 761 (1964).
33. Comment, Zoning and the Expanding Public Utility, 13 *Syracuse L. Rev.* 581 (1962).
34. Comment, Applicability of Zoning Ordinances to Governmental Land Use, 39 *Tex. L. Rev.* 316 (1961).
35. Comment, Application of Local Zoning Ordinances to State-

Controlled Public Utilities and Licensees: a Study in Pre-emption, 1965 Wash. U.L.Q. 195.

36. Note, 14 Ala. L. Rev. 748 (1962), (Zoning—local control of federally licensed radio transmission facilities through zoning ordinances, *Muskegon Heights v. Wilson* (Mich) 109 N.W.2d 768).
37. Note, 44 Cornell L.Q. 94 (1958), (Administrative law: zoning ordinances: federal versus local control over height and location of amateur radio antennas; aesthetic considerations),

#### (5) Effect of Zoning on Private Covenants

38. Beuscher, Private Zoning on Milwaukee's Metropolitan Fringe—a Preface, 1958 Wis. L. Rev. 610.
39. Consigny, Use of Restrictive Covenants in a Rapidly Urbanizing Area, 1958 Wis. L. Rev. 612.
40. Peterson, Use of Private Land Restrictions in Planned Urban Development, 1960 A.B.A. Sect. Real Prop. L. 4.
41. Comment, Validity of Rule Concerning Public Zoning and Private Covenants: a Corporation and Critique, 39 So. Cal. L. Rev. 409 (1966).
42. Comment, Restrictive Covenants and Zoning Regulations, 31 Tenn. L. Rev. 353 (1964).
43. Comment, Effect of Private Restrictive Covenants on Exercise of the Public Powers of Zoning and Eminent Domain, 1963 Wis. L. Rev. 321.

### D. Classification of Land Uses

#### (1) Type of Land Use

44. Bartelt, Shopping Centers and Land Controls, 35 Notre Dame Law, 184 (1960).
45. Lewy, Home Builders and School Districts, 10 Decalogue J. 14 (1960).
46. Comment, Validity of Airport Zoning Ordinances, 1965 Duke L. J. 792.
47. Comment, Zoning for Churches, 13 Hastings L.J. 367 (1962).
48. Comment, Zoning—the Airport and the Land Surrounding it in the Jet Age, 48 Ky. L.J. 273 (1960).
49. Comment, Religion and the Zoning Laws, 15 N.Y.U. Intra. L. Rev. 194 (1960).
50. Comment, Proximity Regulation of the Modern Service Station, 38 N.Y.S.B.J. 36 (1966).
51. Comment, Church-state: Religious Institutions and Values: a Legal Survey, 1958-59, 35 Notre Dame Law 405 (1960).
52. Comment, Proximity Regulations of the Modern Service Station, 17 Syracuse L. Rev. 1 (1966).
53. Comment, Restrictive Covenants as a Device to Control Religious Uses, 12 Syracuse L. Rev. 347 (1960).

54. Comment, Location Control of Gasoline Stations, 12 Syracuse L. Rev. 66 (1960).
55. Comment, Municipal Regulation of Junk Yards, 12 Syracuse L. Rev. 79 (1960).
56. Comment, Airports Approach Zoning: *Ad Coelum* Rejuvenated, 12 U.C.L.A. L. Rev. 1451 (1965).
57. Comment, Church Zoning in Pennsylvania, 22 U. Pitt. L. Rev. 591 (1961).
58. Note, 47 Calif. L. Rev. 171 (1959). (City planning: location of school sites: conflict with municipal zoning ordinance).
59. Note, 45 Marq. L. Rev. 306 (1961). (Restrictions of church construction in residential districts).
60. Note, 20 Ohio S.L.J. 708 (1959). (Non-cumulative zoning ordinance upheld.)
61. Note, 12 Syracuse L. Rev. 284 (1960). (Eleemosynary use held to include all activities necessary to accomplish its purpose.)
62. Note, 4 Vill. L. Rev. 605 (1959). (Zoning—municipal government—exclusion of churches from area zoned residential.)

#### (2) Intensity of Use

63. Anderson, Architectural Controls, 12 Syracuse L. Rev. 26 (1960).
64. Comment, Snob Zoning—a Look at the Economic and Social Impact of Low Density Zoning, 15 Syracuse L. Rev. 507 (1964).

### E. Alterations in The Zoning Plan

#### (1) Generally

65. Comment, Procedure Followed by Second Class Cities in Granting Changes to Zoning Ordinances as Exemplified by the Lexington-Fayette County Planning Commission, 48 Ky. L.J. 304 (1960).
66. Comment, Zoning Changes: Flexibility v. Stability, 26 Md. L. Rev. 48 (1966).

#### (2) Non-Conforming Uses

67. Anderson, Amortization of Nonconforming Uses—A Preliminary Appraisal of *Harbison v. City of Buffalo*, 10 Syracuse L. Rev. 44 (1958).
68. Anderson, Nonconforming Use—A Product of Euclidian Zoning, 10 Syracuse L. Rev. 214 (1959).
69. Fell, Amortization of Nonconforming Uses, 24 Md. L. Rev. 323 (1964).
70. Graham, Legislative Techniques for the Amortization of the Nonconforming Use: A Suggested Formula, 12 Wayne L. Rev. 435 (1966).

71. Katarincic, Elimination of Non-Conforming Uses, Buildings, and Structures by Amortization—Concept versus Law, 2 *Duquesne L. Rev.* 1, (1963).
72. Mandelker, Prolonging the Nonconforming Use: Judicial Restriction of the Power to Zone in Iowa, 8 *Drake L. Rev.* 23 (1958).
73. Moore, Termination of Nonconforming Uses, 6 *W.&M. L. Rev.* 1 (1965).
74. Young, Regulation and Removal of Nonconforming Uses, 12 *Western Res. L. Rev.* 681 (1961).
75. Comment, Regulation of Urban Non-Conforming Uses in Arkansas: Limitation and Termination, 16 *Ark. L. Rev.* 270 (1962).
76. Comment, Zoning—Abatement of prior Nonconforming Uses: Nuisance Regulations and Amortization Provisions, 31 *Mo. L. Rev.* 280 (1966).
77. Comment, Termination of Nonconforming Uses—Harbison to the Present, 14 *Syracuse L. Rev.* 62 (1962).
78. Comment, Principles of Retroactivity and Amortization of the Non-Conforming Use—A Paradox in Property Law, 4 *Vill. L. Rev.* 416 (1959).
79. Note, 44 *Cornell L.Q.* 450 (1959). (Elimination of nonconforming use by "amortization:" constitutionality of municipal ordinances.)
80. Note, 30 *Miss. L. J.* 210 (1959). (Amortization.)
81. Note, 4 *S.D.L. Rev.* 180 (1959). (Amortization.)
82. Note, 13 *Syracuse L. Rev.* 505 (1962). (Zoning—Bad faith a bar to nonconforming use where construction in progress.)
83. Note, 11 *Syracuse L. Rev.* 136 (1959). (Change in business essence is unlawful extension of nonconforming use.)
84. Note, 35 *Wash. L. Rev.* 213 (1960). (Local government—zoning ordinance—power to require termination of a nonconforming use.)

## F. Amendment of Zoning Ordinances

### (1) Spot Zoning

85. Comment, "Spot Zoning"—A Vicious Practice or a Community Benefit, 29 *Fordham L. Rev.* 740 (1961).
86. Comment, Spot Zoning, 34 *Rocky Mt. L. Rev.* 231 (1962).
87. Comment, Spot Zoning and the Comprehensive Plan, 10 *Syracuse L. Rev.* 303 (1959).
88. Note, 20 *Fac. L. Rev.* 166 (1962). (Spot Zoning under the planning act, *In re North York Township.*)
89. Note, 13 *Hastings L.J.* 390 (1962). (Spot zoning as use control.)



90. Note, 15 Okla. L. Rev. 197 (1962). (Municipal Corporations: zoning ordinances: spot-zoning.)
91. Note, 18 Wash. & Lee L. Rev. 129 (1961). (Spot zoning approved in New York.)

#### (2) Variances

92. Bond, Question and a Warning—Limited Zoning Variances, 44 Mass. L.Q. 11 (1959).
93. Carson, Reclassification, Variances, and Special Exceptions in Maryland, 21 Md. L. Rev. 306 (1961).
94. Hardy, Zoning: Non-conforming Uses, Accessory Uses and Variances, 46 Mass. L.Q. 3 (1961).
95. Comment, Variance Administration in Alameda County, 50 Calif. L. Rev. 101 (1962).
96. Comment, Zoning Variances, 74 Harv. L. Rev. 1396 (1961).
97. Comment, Zoning Variances—the Colorado Position, 34 Rocky Mt. L. Rev. 382 (1962).
98. Comment, "Use" variances: An Attempt to Eliminate Confusion, 17 Rutgers, L. Rev. 789 (1963).
99. Comment, Zoning Amendments and Variances Subject to Conditions, 12 Syracuse L. Rev. 230 (1960).
100. Note, 46 Iowa L. Rev. 479 (1961). (Changes in Zoning restrictions—Validity of the "special use" technique.)
101. Note, 44 Minn. L. Rev. 181 (1959). (Use of consent clauses to amend zoning ordinances.)
102. Note, 21 U. Pitt. L. Rev. 563 (1960). (Granting of use-variance affirmed where no substantial detriment to public good or substantial impairment of zoning plan and ordinance would ensue.)

#### (3) Exceptions

103. Hagman, Zoning—Procedures in Obtaining Exceptions, Variances and Amendments, 33 Wis. B. Bull. 34 (1960).
104. Michie, Special Exception in Zoning in Pennsylvania—1963, 36 Temp. L.Q. 298 (1963).
105. Comment, Immunity of Schools From Zoning, 14 Syracuse L. Rev. 644 (1963).
106. Note, 3 Ariz. L. Rev. 297 (1961). (Municipal Corporations—building codes—not applicable to state university buildings.)
107. Note, Rutgers L. Rev. 775 (1962). Municipal corporations—denial of request for special exception reversed—lack of community need for facility not proper grounds.)

#### (4) Floating Zones

108. Mosher, Floating Zone: Legal Status and Application to Gasoline Stations, 1 Tulsa L.J. 149 (1964).

109. Reno, Non-Euclidian Zoning: The Use of the Floating Zone, 23 Md. L. Rev. 105 (1963).
110. Note, 67 Dick. L. Rev. 185 (1963). (Delayed Zoning or floating zone?)
111. Schaffer, Contract Zoning And Conditional Zoning, 11 Prac. Law. 43 (1965).
112. Strine, Use of Condition in Land-Use Control, 67 Dick. L. Rev. 109 (1963).
113. Trager, Contract Zoning, 23 Md. L. Rev. 121 (1963).
114. Comment, Use and Abuse of Contract Zoning, 12 U.C.L.A. L. Rev. 897 (1965).

## II. PROCEDURAL ASPECTS OF ZONING LAW

### A. General Procedure in Enactment of Zoning Legislation

115. Doebele, Improved State Enabling Legislation for the Nineteen-Sixties: New Proposals for the State of New Mexico, 2 Natural Resources J. 321 (1962).
116. Milner, Introduction to Zoning Enabling Legislation, 40 Can. B. Rev. 1 (1962).
117. Comment, Building permits—Effect of Pending or Subsequently Proposed and Enacted Legislation on Applications for Building Permits, 34 Notre Dame Law 109 (1958).
118. Comment, Procedural Requirements for Enactment, Amendment and Repeal of Zoning Ordinances in New York State, 15 Syracuse L. Rev. 60 (1963).

### B. Administrative

#### (1) Boards of Adjustment

119. Fonoroff, Problems in Zoning Administration, 33 Ohio Bar 763 (1960).
120. Lawton, Procedural Implications of Recent Zoning Decisions, 40 Chi. B. Rec. 15 (1958).
121. McSwain, Zoning Board of Adjustment, 13 Baylor L. Rev. 21 (1961).
122. Meyer, Zoning Procedure: A Suggestion for Revision, 34 N.Y.S.B.J. 350 (1962).
123. Stapleton, Zoning Board of Adjustment: A Case Study in Misrule, 50 Ky. L. J. 273 (1962).
124. Wilcoxon, Procedures Before Zoning Boards of Adjustment, 19 Okla. L. Rev. 29 (1966).
125. Wolfe, How to Present a Zoning Case, 22 Shingle 56 (1959).
126. Comment, Administration of Zoning Flexibility Devices: An Explanation for Recent Judicial Frustration, 49 Minn. L. Rev. 973 (1965).
127. Comment, Zoning Referral Procedure—An Evaluation After

- Three Years, 15 *Syracuse L. Rev.* 522 (1964).
128. Comment, Stoppgap Measures to Preserve the Status Quo Pending Comprehensive Zoning or Urban Redevelopment Legislation, 14 *Western Res. L. Rev.* 135 (1962).
129. Note, 30 *U. Cinn. L. Rev.* 380 (1961). (Municipal corporations—zoning—law at time of application for building permit controlling.)

### (2) Appeals

130. Bond, Proceedings Before Boards of Appeals, 3 *Boston B. J.* 25 (1959).
131. Crollly, Exhaustion of Administrative Remedies Before Attacking a Zoning Ordinance, 35 *N.Y.S.B.J.* 329 (1963).
132. Cunningham, Zoning Appeals and Challenge of Zoning Ordinances, 32 *Wis. B. Bull.* 45 (1959).
133. Fox, Exhaustion of Administrative Remedies in Zoning Disputes, 40 *Chi. B. Rec.* 119 (1958).
134. Souter, Zoning Appeals: How a Board of Zoning Appeals Functions, 40 *Mich. S.B.J.* 26 (1961).
135. Comment, Standing to Appeal Zoning Determinations: The "Aggrieved Person" Requirement, 64 *Mich. L. Rev.* 1070 (1966).
136. Comment, Trial Practice: Procedure for Appealing Decisions of a Municipal Zoning Agency, 18 *Okla. L. Rev.* 111 (1965).
137. Comment, Trial Practice: Procedure of Appeal From a County Zoning Agency, 18 *Okla. L. Rev.* 215 (1965).
138. Comment, Board of Zoning Appeals Procedure—Informality Breeds Contempt, 16 *Syracuse L. Rev.* 568 (1965).
139. Comment, Exhaustion of Remedies in Zoning Cases, 1964 *Wash. U.L.Q.* 368 (1964).

### (3) Parties

140. Foss, Interested Third Parties in Zoning, 12 *U. Fla. L. Rev.* 16 (1959).
141. Note, 57 *Mich. L. Rev.* 423 (1959). (Municipal corporations—zoning—disqualification of councilman for personal interest.)
142. Note, 38 *N.Y.U. L. Rev.* 161 (1963). (Non-residents permitted to protest proposed zoning change.)

## C. JUDICIAL PROCEDURE

### (1) Judicial Review

143. Elias, Rezoning: the End of Judicial Review?, 14 *Baylor L. Rev.* 179 (1962).

144. Frieden, Legal Role in Urban Development, 12 U.C.L.A. L. Rev. 856 (1965).
145. Haar, Hering, Lower Gwynedd Township Case: Too Flexible Zoning or an Inflexible Judiciary?, 74 Harv. L. Rev. 1552 (1961).
146. Johnstone, Judicial Consideration of Moral Doctrine in Government Land Use Control Litigation, 8 Kan. L. Rev. 1 (1959).
147. Mandelker, Role of Law in the Planning Process, 30 Law & Contemp. Prob. 26 (1965).
148. Murphy, Administrative Change and Judicial Relief in Zoning, 46 Ill. B. J. 884 (1958).
149. Ryan, Van Dusen, Reduction of Zoning Litigation: Proposals, 35 Penn. B.A.Q. 25 (1963).
150. Comment, Zoning—Judicial Review of Planning and Zoning Decisions in Kentucky, 48 Ky. L.J. 284 (1960).
151. Comment, Regional Development and the Courts, 16 Syracuse L. Rev. 600 (1965).
152. Comment, Judicial Control Over Zoning Boards of Appeal: Suggestions for Reform, 12 U.C.L.A. L. Rev. 937 (1965).

#### (2) Form of Relief

153. Comment, Mandamus for Zoning Appeals, 11 Cleve-Mar. L. Rev. 323 (1962).
154. Comment, Injunction—A Method of Zoning Enforcement, 15 Syracuse L. Rev. 546 (1964).
155. Comment, Equitable Restrictions and Government Regulation of Private Land Use, 10 Syracuse L. Rev. 78 (1958).
156. Note, 49 Calif. L. Rev. 582 (1961). (Form of Relief in Declaratory Judgment action.)
157. Note, 49 Ill. B. J. 272 (1960). (Zoning procedure—trial court may restrict relief to proposed use in declaratory judgment action on zoning regulation.)
158. Note, 11 Syracuse L. Rev. 323 (1960). (Torts—notwithstanding compliance with zoning regulations, nuisance in fact held enjoined.)

#### (3) Constitutional Limitations

159. Comment, Constitutionality of Minimum Sizes for Buildings and Lots, 15 N.Y.U. Intra. L. Rev. 83 (1960).
160. Note, 23 Albany L. Rev. 181 (1959). (Amortization of non-conforming uses: Constitutionality.)
161. Note, 9 Kan. L. Rev. 72 (1960). (Constitutional Law—municipal corporations—police power.)
162. Note, 58 Mich. L. Rev. 1068 (1960). (Constitutional law—municipal corporations—police power.)

163. Note, 35 Notre Dame Law 477 (1960). (Constitutional law—municipal corporations—police power.)
164. Note, 13 Okla. L. Rev. 464 (1960). (Constitutional law—municipal corporations—police power.)

### III. LAND USE CONTROL THROUGH ZONING

#### A. Generally

165. Crawford, Home Rule and Land Use Control, 13 Western Res. L. Rev. 702 (1962).
166. Cunningham, Land-Use Control—the State and Local Programs, 50 Iowa L. Rev. 367 (1965).
167. Fisher, Land Use Control Through Zoning: the San Francisco Experience, 13 Hastings L. J. 322 (1962).
168. Morris, Toward Effective Municipal Zoning, 35 Wash. L. Rev. 534 (1960).
169. Land Use Planning: A Symposium, 29 Fordham L. Rev. 635 (1961).

#### B. Overall Municipal Plan

##### (1) Industrial Zoning

170. Crawford, Zoning for Large Industrial Properties, 52 A.B.A.J. 646 (1966).
171. Comment, Land Use Planning for Industrial Development, 17 Vand. L. Rev. 1468 (1964).
172. Note, 16 Rutgers L. Rev. 469 (1962). (Rezoning—residential to industry after housing subdivision approved and development commenced.)
173. Note, 11 Western Res. L. Rev. 302 (1960). (Exclusive zoning—a prohibition of residences from industrial and commercial zones.)

##### (2) Subdivision and Suburban Regulation

174. Apartments in Suburbia: Local Responsibility and Judicial Restraint: A Symposium, 59 Nw. U. L. Rev. 344 (1964).
175. Babcock, Bosselman, Suburban Zoning and the Apartment Boom, 111 U. Pa. L. 1040 (1963).
176. Becker, Municipal Boundaries and Zoning: Controlling Regional Land Development, 1966 Wash. U.L.Q. 1.
177. Cutler, Legal and Illegal Methods for Controlling Community Growth on the Urban Fringe, 1961 Wis. L. Rev. 370.
178. Feinberg, Subdivision Regulation: Pitfalls and Aids for the Real Estate Developer, 1962 A.B.A. Sect. Real Prop. L. 13.
179. Goldston, Scheuer, Zoning of Planned Residential Developments, 73 Harv. L. Rev. 241 (1959).

180. Symposium: Planned Unit Development, 14 U. Pa. L. Rev. 3 (1965).
181. Tilden, Improved Administration of Subdivision Control, 46 Mass. L.Q. 201 (1961).
182. Taylor, Current Problems in California Subdivision Control, 13 Hastings L.J. 34 (1962).
183. Zile, Private Restrictions on Residential Subdivisions: Some Drafting Suggestions, 32 Wis. B. Bull. 27 (1959).
184. Comment, County Zoning in Iowa, 45 Iowa L. Rev. 743 (1960).
185. Comment, Money Payment Requirements as Conditions to the Approval of Subdivisions Maps: Analysis and Prognosis, 9 Vill. L. Rev. 294 (1964).

### (3) Extraterritorial Zoning

186. Wershow, Agricultural Zoning in Florida—Its Implications and Problems, 13 U. Fla. L. Rev. 479 (1960).
187. Comment, Zoning: Looking Beyond Municipal Borders, 1965 Wash. U.L.Q. 107.
188. Note, 31 Geo. Wash. L. Rev. 525 (1962). (Municipal Law—city's power of extraterritorial eminent domain for utility undertaking: compliance with other city's zoning.)

### C. PRESERVATION OF OPEN SPACE

189. De Bard, Buying open Space—Or There Are Limits to Zoning Power, 4 Boston B.J. 29 (1960).
190. Waite, Land Use Controls and Recreation in Northern Wisconsin, 42 Marq. L. Rev. 271 (1959).
191. Comment, State Flood-Plain Zoning, 12 DePaul L. Rev. 246 (1963).
192. Comment, Preservation of Open Spaces Through Scenic Easements and Greenbelt Zoning, 12 Stan. L. Rev. 638 (1960).

### D. PROHIBIT USES

194. Comment, Trailer Parks vs. The Municipal Police Power, 34 Conn. B.J. 285 (1960).
195. Note, 61 Mich. L. Rev. 1010 (1963). (Zoning—townships—complete exclusion of trailer camps and parks.)
196. Note, 26 Mo. L. Rev. 371 (1961).
197. Note, 17 Rutgers L. Rev. 659 (1963). (Municipal corporations—protection of property values held sufficient justification for total exclusion of trailer camps.)

## E. ZONING FOR AESTHETICS

198. Anderson, Regulation of Land Use for Aesthetic Purposes—An Appraisal of *People v. Stover*, 15 *Syracuse L. Rev.* 33 (1963).
199. Black, *Odd Sized Lots v. Odd Shaped Opinions*, 47 *Ill. B.J.* 748 (1959).
200. Kelsey, Place of Aesthetics in Comprehensive Zoning in Massachusetts, 43 *Mass. L.Q.* 60 (1958).
201. Comment, Zoning, Aesthetics, and the First Amendment, 64 *Colum. L. Rev.* 81 (1964).
202. Comment, Place of Aesthetics in Zoning, 14 *DePaul L. Rev.* 104 (1964).
203. Comment, Aesthetic Zoning: Preservation of Historic Areas, 29 *Fordham L. Rev.* 729 (1961).
204. Comment, Police Power and the Design of Buildings, 5 *Natural Resources J.* 122 (1965).
205. Comment, Zoning for Aesthetics—A Problem of Definition, 32 *U. Cin. L. Rev.* 367 (1963).
206. Comment Aesthetic Zoning: a Current Evaluation of the Law, 18 *U. Fla. L. Rev.* 430 (1966).
207. Comment, Aesthetics As a Factor Considered in Zoning, 15 *Wyo. L.J.* 77 (1960).

*John M. Keefer*

*Bert C. McElroy*