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Bibliography of Materials on the Law of Zoning

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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
   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

9. Comment, Ad Hominem Elements in the Treatment of Zoning

B. Zoning as Related to Community Planning

C. The Power to Zone

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

(2) Delegation of Legislative Authority
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

(4) Effect of Zoning Regulation on State and Federal Lands
35. Comment, Application of Local Zoning Ordinances to State-


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 Convenants


D. Classification of Land Uses

(1) Type of Land Use

44. Bartelt, Shopping Centers and Land Controls, 35 Notre Dame Law, 184 (1960).


NOTES AND COMMENTS

61. Note, 12 Syracuse L. Rev. 284 (1960). (Eleemosynary use held to include all activities necessary to accomplish its purpose.)

(2) Intensity of Use

E. Alterations in The Zoning Plan

(1) Generally

(2) Non-Conforming Uses
72. Mandelker, Prolonging the Nonconforming Use: Judicial Restriction of the Power to Zone in Iowa, 8 Drake L. Rev. 23 (1958).
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

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.)
NOTES AND COMMENTS

91. Note, 18 Wash. & Lee L. Rev. 129 (1961). (Spot zoning approved in New York.)

(2) Variances

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

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

II. PROCEDURAL ASPECTS OF ZONING LAW

A. General Procedure in Enactment of Zoning Legislation


B. Administrative

(1) Boards of Adjustment


127. Comment, Zoning Referral Procedure—An Evaluation After
NOTES AND COMMENTS

Three Years, 15 Syracuse L. Rev. 522 (1964).

128. Comment, Stopgap Measures to Preserve the Status Quo Pending Comprehensive Zoning or Urban Redevelopment Legislation, 14 Western Res. L. Rev. 135 (1962).


(2) Appeals


(3) Parties


C. JUDICIAL PROCEDURE

(1) Judicial Review


(2) Form of Relief

156. Note, 49 Calif. L. Rev. 582 (1961). (Form of Relief in Declaratory Judgment action.)
158. Note, 11 Syracuse L. Rev. 323 (1960). (Torts—notwithstanding compliance with zoning regulations, nuisance in fact held enjoined.)

(3) Constitutional Limitations

III. Land Use Control Through Zoning

A. Generally


166. Cunningham, Land-Use Control—the State and Local Programs, 50 Iowa L. Rev. 367 (1965).


B. Overall Municipal Plan

(1) Industrial Zoning


172. Note, 16 Rutgers L. Rev. 469 (1962). (Rezoning—residential to industry after housing subdivision approved and development commenced.)


(2) Subdivision and Suburban Regulation


C. PRESERVATION OF OPEN SPACE


D. PROHIBIT USES

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


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