

Index

ABANDONED SHIPWRECK ACT

Generally, **19:45**

ABANDONMENT

Nonconforming Uses and Structures (this index)
Substandard lots, **49:28**

ABATEMENT OF ACTIONS

Hazardous waste and protection of groundwater, **8:35**

ABATEMENT OF VIOLATION

Mandamus actions, **64:17**

ABORTION CLINICS

Exclusionary zoning, **22:13**

ABSENCE OR PRESENCE

Passage of zoning measures, absence of member, **32:4**

ABSTENTION DOCTRINE

Choice of forum: federal or state, **67:2**

Enforcement of zoning laws, **65:35**

Wrongful land use regulation, remedies for, **66:42**

ABUSE OF DISCRETION

Judicial review, **62:34**

ABUSE OF ZONING TECHNIQUE

Specially permitted and conditional uses, **61:16 to 61:18**

ACCESSORY USES AND ZONING

Generally, **33:1 et seq.**

Accountant, **33:52**

Advertising signs, **33:77**

Airplanes and helicopters, **33:9**

Airports and adjacent lands, **85:14**

Amusements and arcades, **26:15**

Animals and pets, **33:48; 33:67**

Apartment buildings, uses accessory to, **33:10**

Antennae, radio and television, **33:79**

ACCESSORY USES AND ZONING

—Cont'd

Auto rental, **33:11**

Banquet rooms, **33:12**

Barber shop, **33:13**

Beauty shop, **33:14**

Boarders, **33:15**

Boats and marinas, **33:16**

Broadcasting and communications towers, antennae and related facilities, **79:5**

Car sales, used cars, **33:65**

Car wash, **33:17**

Cocktail lounge, **33:18**

Coffee shop, **33:18**

Commerical vehicles, parking or storage of, **33:19**

Convenience store, uses accessory to, **33:20**

Crematorium, **33:21**

Dance studio, **33:22**

Day care centers, **33:23**

Dental office, **33:24**

Different in character or integral part of principal use, **33:4**

Dress shop, **33:25**

Employment agency, **33:26**

Engineer, **33:27**

Farming, uses accessory to, **33:28**

Financial advisor, **33:52**

Funeral homes and morticians, **33:44**

Gasoline station, use accessory to, **33:29; 33:30**

Gun repair shop, **33:31**

Helicopters and airplanes, **33:9**

Historic preservation law, **19:21**

Home occupations

Employees, restrictions on, **33:35**

Incidental to primary use, **33:32**

Miscellaneous restrictions, **33:36**

Physical character and use of premises, **33:33**

ACCESSORY USES AND ZONING

—Cont'd

- Home occupations—Cont'd
 - Professional uses
 - Defining, **33:39**
 - Expressly or implicitly allowed, **33:37**
 - Restrictions on, **33:38**
 - Same person, use by, **33:34**
 - Horses, stables, **33:57**
 - Insurance brokers, **33:40**
 - Judicial decision, allowed by, **33:3**
 - Karate school, **33:41**
 - Law, allowed or prohibited by, **33:2**
 - Life insurance agent, **33:42**
 - Living quarters accessory to principal structure
 - Generally, **33:73**
 - Minimum area restrictions, compliance with, **33:74; 33:75**
 - Nonconforming use, **33:76**
 - Location on same lot as principal use, **33:6**
 - Marinas and boats, **33:16**
 - Mining, uses accessory to, **33:43**
 - Mobile homes, **28:21**
 - Mobile homes and trailers, **33:78**
 - Morticians and funeral homes, **33:44**
 - Music festivals, **33:45**
 - Nonconforming use problems, **33:5**
 - Ordinances, generally, **33:2 to 33:7**
 - Outdoor storage, **33:46**
 - Parking of vehicles, **33:19; 33:47; 33:62; 33:65**
 - Pets and animals, **33:48; 33:67**
 - Pharmacy, **33:49**
 - Power plant, **33:50**
 - Psychotherapist or counselor, **33:51**
 - Public accountant, **33:52**
 - Real estate business, **33:53**
 - Religious structures, uses, and displays, local control of, **29:29**
 - Renewable energy structures, **33:80**
 - Residential care facility, **33:54**
 - Restaurant, **33:55**
 - Retail store, uses accessory to, **33:56**
 - Riding horses, stables, **33:57**

ACCESSORY USES AND ZONING

—Cont'd

- Roomers, **33:15**
 - Satellite dishes, **33:81**
 - Sawmills, **33:69**
 - Schools, Educational Facilities and Accessory Uses, Local Control of (this index)**
 - Shooting range, **33:58**
 - Short-term rentals, **33:15**
 - Skateboard facilities, **33:59**
 - Skydiving, **33:60**
 - Specific accessory uses, **33:8 et seq.**
 - Sports facilities, **33:83**
 - Stables, riding horses, **33:57**
 - Storage, uses accessory to, **33:61**
 - Structures
 - Generally, **33:70 et seq.**
 - Allowed or prohibited by law, **33:70**
 - Incidental to principal building, **33:71**
 - Swimming pools, **33:82**
 - Tennis courts, **33:83**
 - Towers, radio and television, **33:79**
 - Trailers
 - Parking or storage, **33:62**
 - Rental or sale of, **33:63**
 - Travel agency, **33:64**
 - Unreasonableness of prohibiting specific accessory uses, **33:7**
 - Used car lots, **33:65**
 - Vehicles, parking of, **33:19; 33:47; 33:62; 33:65**
 - Vending machines, **33:66**
 - Veterinarian, **33:67**
 - Video games, **33:68**
- ACCOUNTANT**
- Accessory uses and zoning, **33:52**
- ACQUISITION PROGRAMS**
- Wildlife protection, **21:38; 21:81**
- ADEQUACY OR INADEQUACY**
- Comprehensive plan requirements and consistency doctrine, **14:10 to 14:13**
 - Declaratory judgments, **55:13**

INDEX

ADEQUACY OR INADEQUACY —Cont'd

- Enactment of Zoning Ordinances**
(this index)
- Subdivision control, **90:4**

ADJACENT OR ADJOINING LAND

- Enactment of zoning ordinances,
adjoining municipalities, **12:28**
- Enforcement of zoning laws, **65:32**
- Subdivision control, **90:10**

ADJOURNMENT

- Enactment of zoning ordinances,
12:24

ADMINISTRATION, POWERS OF

- Constitutional and legislative limita-
tions on zoning, **2:14**

ADMINISTRATIVE MATTERS

- Board of appeals, **57:10**
- Clubs and service organizations, zon-
ing for, **27:19**
- Judicial Review** (this index)
- Parking and parking lots, **83:9**
- Res judicata and finality of zoning
decisions, **68:29; 68:30**
- Subdivision control, **91:17 to 91:19**
- Taking claims, **6:49**
- Zoning regulation, **1:6**

ADULT BUSINESSES

- Clubs and service organizations, zon-
ing for, **27:17**
- Exclusionary zoning, **22:9**
- Sex Businesses, Bars, and Cabarets**
(this index)

ADULTS ONLY REGULATIONS

- Mobile homes and manufactured
housing, local control of, **28:24;**
28:25

ADVERTISING

- Signs and Billboards, Regulation of**
(this index)

ADVISORY BODY OR COUNCIL

- Rezoning, **39:18**

AESTHETICS AND LAND USE REGULATION

- Generally, **16:1 to 16:20**
- Architectural design, **16:17**
- Art impact fees, **16:12**
- Associated dissonance rationale, **16:7**
- Balancing of interests, unreasonable
on, **16:15**
- Cars, **16:19**
- Design review, **16:10**
- Development of aesthetic doctrine,
16:2
- Early-period doctrine, **16:3**
- Fees, **16:12**
- Fences, **16:20**
- Harm prevention rationale, **16:7**
- Judicial review, **16:8**
- Junkyards, **16:18**
- Landscape requirements, **16:11**
- Limitations and restrictions, **16:6 to**
16:8
- Middle-period doctrine, **16:4**
- Mobile homes and manufactured
housing, local control of, **28:6**
- Modern-period doctrine, **16:5**
- Overview, **16:1**
- Public art impact fees, **16:12**
- Purpose, unreasonable in view of,
16:15
- Recreational vehicles, **16:19**
- Signs and billboards, regulation of,
17:2
- Site-specific zoning conditions, valid-
ity and enforcement of, **60:30**
- Specific subjects of regulation, **16:17**
to 16:20
- Standing to sue, **63:21**
- Taking, unreasonable as, **16:14**
- Trailers, **16:19**
- Tree and vegetation protection, **20:4**
to 20:6
- Unreasonable application, **16:13 to**
16:16
- Vegetation, **16:11**
- Vehicles, **16:19**
- Visual beauty, promotion of, **16:9**
- Wildlife protection, **21:13**

AFFIDAVITS

Judicial review, **62:23**

AFFORDABLE HOUSING

Low Income Housing (this index)

Transfer of development rights, **59:11**

AFFORESTATION

Tree and vegetation protection, **20:32**

AGENTS AND AGENCY

Board of appeals, **57:29**

AGE RESTRICTIONS

Amusements and arcades, **26:13**

Single-family zoning and alternative residential uses, **23:30 to 23:33**

AGINS SUBSTANTIALLY

ADVANCE TEST

Occupancy, ownership, rental housing, and conversions, regulation of, **81:27**

AGRICULTURE AND FARMING

Accessory uses and zoning, **33:28**

Constitutional taking claims, **6:42**

Preemption, **48:22**

Transfer of development rights, **59:8**

Tree and vegetation protection, **20:52**

Wildlife protection, **21:66**

AIRPLANES AND AVIATION

Airports and Adjacent Lands (this index)

AIR POLLUTION

Tree and vegetation protection, **20:9**

AIRPORTS AND ADJACENT LANDS

Generally, **85:1 to 85:15**

Accessory uses, **33:9; 85:14**

Conditional uses, **85:11**

Federal preemption, **85:4**

Intermunicipal disputes, **85:5**

Inverse condemnation claims, **85:9; 85:10**

Mechanisms and techniques, generally, **85:11 to 85:15**

Nearby land, zoning of, generally, **85:6 to 85:10**

Nonconforming uses, **85:13**

AIRPORTS AND ADJACENT LANDS—Cont'd

Overview, **85:1**

Precondemnation zoning, **85:10**

Preemption, **48:11**

Preemption by state, **85:3**

Public utility, **85:15**

Reasonableness, **85:2; 85:6**

Regulatory taking claims, **85:9**

Special airport zoning, **85:7**

Specially permitted uses, **85:11**

Statutory authority, **85:3**

Variances, **85:12**

AIR RIGHTS

Height of buildings and structures, zoning controls on, **52:8**

Leases and land use restrictions, **80:13**

ALCOHOLIC BEVERAGES

Sign and billboard regulation, **17:24**

ALTERATION OR MODIFICATION

Amendments (this index)

Board of appeals, **57:6 to 57:8**

Building permits, **69:26; 69:27**

Declaratory judgments, **55:15**

Enactment of Zoning Ordinances (this index)

Historic preservation law, **19:18**

Nonconforming Uses and Structures (this index)

Parking and parking lots, **83:11**

Rezonings (this index)

Subdivision control, **91:28 to 91:30**

ALTERNATIVE DISPUTE RESOLUTION

Land use dispute resolution, **31:4; 31:5**

ALTERNATIVE RESIDENTIAL USES AND LIVING ARRANGEMENTS

Single-Family Zoning and Alternative Residential Uses (this index)

INDEX

AMATEUR RADIO ANTENNAE

Local regulation of, **79:25; 79:26**

AMENDMENTS

Planning commissions and planning boards, powers of, **47:4**

Presumptions affecting ordinances, **5:7; 5:21**

Rezoning (this index)

Specially permitted and conditional uses, **61:12**

AMENITIES

Transfer of development rights, **59:11**

AMERICANS WITH DISABILITIES ACT

Fair housing legislation, **25:20**

AMORTIZATION

Broadcasting and communications towers, antennae and related facilities, **79:10**

Nonconforming Uses and Structures (this index)

Sex businesses, bars, and cabarets, **24:23**

Signs and billboards, regulation of, **17:23**

AMOUNT OF HARDSHIP

Variances, **58:8; 58:10**

AMUSEMENTS AND ARCADES

Generally, **26:1 to 26:26**

Accessory or principal use, **26:15**

Age restrictions, **26:13**

Arbitrary action against, **26:8**

Association, freedom of, **26:18**

Augmented reality, **26:30**

Bungee jumping, **26:26**

Cardrooms & casinos, **26:31**

Children or minors, protection of, **26:4**

Conditional uses, **26:22**

Consent of parents, **26:14**

Definitions, **26:9**

Equal protection claims, **26:19**

Fees, **26:16**

First amendment issues, **26:17; 26:18**

AMUSEMENTS AND ARCADES

—**Cont'd**

Fortunetelling, clairvoyance, and astrology, **26:24**

Gambling, suppression of, **26:6**

Golf courses, **26:28**

Headshops, **26:32; 26:33**

Juvenile delinquency, **26:7**

Licenses and permits, **26:16**

Location restrictions, **26:11**

Loitering and idleness, **26:5**

Marijuana and cannabis, **26:34**

Minors, protection of, **26:4**

Music Festivals (this index)

Operating restrictions, **26:12**

Overview, **26:1**

Parental consent, **26:14**

Planning, generally, **26:2 to 26:8**

Preemption by state, **26:20**

Protected speech, **26:17**

Public purpose, **26:3**

Racetracks, **26:29**

Regulatory approaches, **26:10 to 26:16**

Shooting ranges, **26:27**

Specially permitted or conditional uses, **26:22**

Standards and validity, **26:3 to 26:7**

Total ban, **26:10**

Vested rights and nonconforming uses, **26:21**

ANATOMY OF ZONING LITIGATION

Generally, **67:1 to 67:21**

Choice of Forum (this index)

Expert Witnesses (this index)

Inquiry into motives, **67:20**

Minutes, **67:19**

Municipal officials as witnesses, **67:18 to 67:21**

On-site inspection by courts, **67:21**

Planners and plans, **67:18**

Purpose of chapter, **67:1**

Reports, **67:19**

Resolutions, **67:19**

ANIMALS

- Accessory uses and zoning, **33:48; 33:67**
- Due process and zoning, **3:12**
- Horse stables, accessory uses and zoning, **33:57**
- Veterinarians, accessory use and zoning, **33:67**

ANNEXATION

- Development agreements, **71:10**
- Incorporation and Annexation Zoning Issues** (this index)
- Nonconforming uses and structures, **72:19**
- Rezoning, **44:21**

ANSWER

- Judicial review, **62:24**

ANTIQUÉ GUN REPAIR

- Accessory uses and zoning, **33:31**

ANTIQUITIES ACT

- Generally, **19:34**

ANTI-SPRAWL

- Growth management, **15:14**

ANTITRUST LAWS

- Transfer of development rights, **59:26**
- Wrongful land use regulation, remedies for, **66:54 to 66:61**

APARTMENT BUILDINGS

- Uses accessory to, **33:10**

APPEAL AND REVIEW

- Board of Appeals** (this index)
- Judicial Review** (this index)
- Site Plan Review and Approval** (this index)
- Statewide and regional land use controls, **36:19**
- Subdivision Control** (this index)

APPEARANCE

- Enactment of zoning ordinances, **12:30**

APPLICATIONS

- Board of appeals, **57:35; 57:45 to 57:47**

APPLICATIONS—Cont'd

- Building Permits** (this index)
- Cellular Towers and Personal Wireless Facilities** (this index)
- Mandamus actions, **64:16**
- Planned unit developments, **88:4**

APPROPRIATIONS

- State environmental impact review, **9:26**

APPROVAL

- Consent or Approval** (this index)

AQUIFER PROTECTION ZONING

- Hazardous waste and protection of groundwater, **8:56; 8:57**

ARBITRARY ACTIONS

- Amusements and arcades, **26:8**
- Due process and zoning, **3:2**
- Specially permitted and conditional uses, **61:16**

ARBITRATION

- Mediation in a Land Use Context** (this index)
- Taking claims, **6:5**

ARCADES

- Amusements and Arcades** (this index)

ARCHAEOLOGICAL RESOURCES PROTECTION ACT

- Generally, **19:34**

ARCHITECTURAL DESIGN

- Aesthetics and land use regulation, **16:17**

ARCHITECTURAL RESTRICTIONS

- Due process and zoning, **3:10**

AREA VARIANCES

- Parking and parking lots, **83:33**
- Variations, **58:14 to 58:17**

ART IMPACT FEES

- Aesthetics and land use regulation, **16:12**

INDEX

ASSOCIATED DISSONANCE RATIONALE

Aesthetics and land use regulation,
16:7

ASSOCIATION, FREEDOM OF

Amusements and arcades, **26:18**

ASSOCIATIONAL TIES

Passage of zoning measures, **32:22**

ASSUMPTION OF RISK

Leases and land use restrictions,
80:4; 80:5

ASTROLOGY

General discussion, **26:24**

ATTORNEYS' FEES

Wrongful land use regulation, remedies for, **66:52**

AUGMENTED REALITY

Amusements and arcades, **26:30**

AUTHORITY AND AUTHORIZATION

Bulk, building area, and floor size,
control of, **54:3**

Enactment of zoning ordinances,
12:4

Floating zones, **45:5; 45:6**

Initiative and referendum, zoning and
planning by, **46:8; 46:9**

Interim zoning and building
moratoria, **13:10 to 13:16**

Judicial review, **62:2**

Planned unit developments, **88:2**

Police power and zoning regulation,
1:12

Rezoning, **39:3 to 39:8**

Special zoning districts and
discretionary development
review, **11:14**

Transfer of development rights, **59:3;
59:4**

AUTOMOBILES

Vehicles and Automobiles (this
index)

AVIATION

Airplanes and Aviation (this index)

BACK-TO-BACK LOTS

Substandard lots, **49:19**

BALANCING OF INTERESTS

Aesthetics and land use regulation,
16:15

Due process and zoning, **3:20**

Governmental uses and zoning, **76:6;
76:20; 76:21**

Rezoning, **40:17**

Taking claims, **6:14; 6:18 to 6:22**

BANKING

State preemption, **48:28**

BANQUET ROOMS

Accessory uses and zoning, **33:12**

BARBER SHOPS

Accessory uses and zoning, **33:13**

BARS AND BAR FACILITIES

Accessory uses and zoning, cocktail
lounge, **33:18**

Clubs and service organizations, zon-
ing for, **27:21**

Sex Businesses, Bars, and Cabarets
(this index)

BASIC REGULATORY TAKING TEST

Taking claims, **6:23**

BEAUTY SHOPS

Accessory uses and zoning, **33:14**

BENEFIT-EXTRACTION ANALYSIS

Occupancy, ownership, rental hous-
ing, and conversions, regulation
of, **81:24**

Taking claims, **6:8; 6:17**

B-1 GUIDELINES

Floodplain and wetland regulation,
7:33

BIAS AND PREJUDICE

Passage of Zoning Measures (this
index)

BICYCLES

Parking, **83:5**

BILLBOARDS

Signs and Billboards, Regulation of
(this index)

BIODIVERSITY

Wildlife protection, 21:8

BIOLOGICAL RELATIONSHIP

Single-family zoning and alternative
residential uses, 23:18 to 23:23

BOARDERS

Accessory uses and zoning, 33:15

BOARD OF APPEALS

Generally, 57:1 to 57:73

Administrative decision, sufficiency
of, 57:10

Agent as party, 57:29

Appealable decision, what consti-
tutes, 57:44

Applications, 57:35; 57:45 to 57:47

Attitudinal conduct of chairman or
members, 57:69

Burden of proof, 57:56 to 57:58

Challenges, time limits for, 57:42

Compelling action by, 57:3

Conduct of hearing before Board,
57:66 to 57:71

Conflicts of interest, 57:67

Co-owners as parties, 57:27

Court power over boards, 57:4

Cross-examination, 57:65

Decision of officer, time to appeal
after, 57:39 to 57:44

Defects in notice of hearing before
Board of Appeals, 57:49 to
57:52

Delay in decision, effect of, 57:5

Dissolution of corporation after
appeal, 57:33

Due process, 57:68; 57:69

Enabling acts, 57:14; 57:53

Evidence before Board of Appeals,
generally, 57:56 to 57:65

Exceptional condition, finding of,
57:16

Executive sessions of Board,
determinations made at, 57:71

Ex parte receipt of information,
57:68

BOARD OF APPEALS—Cont'd

Fairness of hearing, 57:66

Form of notice of hearing before
Board of Appeals, 57:48

Functions, generally, 57:1 to 57:12

Hardship, 57:13; 57:19

Hearing before Board

Conduct of hearing, generally,
57:66 to 57:71

Evidence, generally, 57:56 to
57:65

Notice of, generally, 57:48 to
57:55

Hearsay, 57:59; 57:60

Intention to gain possessory interest,
57:32

Jurisdiction of, 57:9 to 57:12

Limitations and restrictions

Statutory powers, generally, 57:6
to 57:8

Variances, limitations in grant of,
57:13 to 57:23

Manner of notice of hearing before
Board of Appeals, 57:55

Misleading notice of hearing before
Board of Appeals, 57:52

Modification of statutory power, 57:6
to 57:8

Municipal board or bodies as parties,
57:36

New application for relief, 57:73

New Jersey type of limitations, 57:18

Non-owner joined by owner as par-
ties, 57:26

Notice

Application or notice of appeal,
requirements for, 57:45 to
57:47

Hearing before Board of Appeals,
notice of, 57:48 to 57:55

Opinion and fact, distinction
between, 57:57

Options, 57:31

Parties, generally, 57:12; 57:24 to
57:38

Personal knowledge of members of
board, utilization of, 57:61;
57:62

Persons aggrieved, 57:24

INDEX

BOARD OF APPEALS—Cont'd

- Planning board, information received from, **57:64**
- Possessory interest, persons having, **57:25**
- Procedure on appeals to Board of Appeals, generally, **57:39 to 57:47**
- Punitive powers, **57:21**
- Quasi-judicial capacity, **57:15**
- Reliance on governmental records and reports, **57:63; 57:64**
- Reopening of Board's decision, **57:72; 57:73**
- Rescindable contract, party to, **57:30**
- Restrictions. Limitations and restrictions, above
- Review, generally, **57:22; 57:23**
- Right to know laws, **57:71**
- Rules of board, **57:39 to 57:43; 57:54; 57:70**
- Size of tract for which variance is sought, **57:17**
- Subdivision control, **90:51**
- Subsequent purchaser as party, **57:34**
- Sufficiency of evidence, **57:58**
- Sunshine laws, **57:71**
- Tenant as party, **57:28**
- Time or date
 - Decision of officer, time to appeal after, **57:39 to 57:44**
 - Objection, timing of, **57:37**
- Unique condition, finding of, **57:16**
- Use variances, generally, **57:20 to 57:23**
- Variances
 - Functions additional to grant of, **57:2**
 - Limitations in grant of, generally, **57:13 to 57:23**
 - Prevention of confiscatory effect of ordinance by grant of, **57:1**

BOATS AND MARINAS

- Accessory uses and zoning, **33:16**

BONDS AND UNDERTAKINGS

- Site-specific zoning conditions, validity and enforcement of, **60:26**
- Subdivision control, **91:16; 91:22**

BOUNDARIES

- Enactment of zoning ordinances, **12:25 to 12:30**
- Subdivision control, **89:18**
- Zoning Districts** (this index)

BROADCASTING AND COMMUNICATIONS TOWERS, ANTENNAE AND RELATED FACILITIES

- Generally, **79:1 to 79:47**
- Accessory uses, **33:79; 33:81; 79:5**
- Amateur radio antennae, local regulation of, **79:25; 79:26**
- Amortization, **79:10**
- Cellular Towers and Personal Wireless Facilities** (this index)
- Co-location requirements, **79:9**
- Communication towers, antennae, and related facilities, local regulation of, generally, **79:2 to 79:17**
- Cost of regulatory compliance, **79:31**
- Declaratory ruling, **79:38; 79:42; 79:46**
- Delay, **79:30**
- Equal protection, **79:11**
- FCC
 - Declaratory ruling by, **79:42**
 - Implied preemption claims, **79:17**
 - Waiver of preempted restrictions, **79:37; 79:41; 79:45**
- Federal preemption. Preemption, below
- First amendment speech claims, **79:16**
- Governmental immunity, **79:13**
- Height limitations or restrictions, **79:6; 79:33**
- Historic preservation, **79:36**
- Impairment of reception, **79:32**
- Implied federal preemption, **79:15 to 79:17**
- Inadvertent regulation by oversight, **79:4; 79:5**
- Limited federal preemption, generally, **79:19; 79:26; 79:28 to 79:46**

**BROADCASTING AND
COMMUNICATIONS
TOWERS, ANTENNAE AND
RELATED FACILITIES**

—Cont'd

- More than one meter satellite dishes,
generally, **79:39 to 79:42**
- One meter or less satellite dishes,
generally, **79:28 to 79:38**
- Otherwise preempted restrictions
allowed, **79:34 to 79:36**
- Overbreadth, **79:11**
- Overview, **79:1**
- Personal wireless facilities. **Cellular
Towers and Personal Wireless
Facilities** (this index)
- Preemption
 - Implied federal preemption claims,
generally, **79:15 to 79:17**
 - Limited federal preemption, gener-
ally, **79:19; 79:26; 79:28 to
79:46**
 - Section 1983 damage claims,
federal preemption and, **79:47**
 - State law preemption claims, gen-
erally, **79:12 to 79:14**
 - Waiver by FCC of preempted
restrictions, **79:37; 79:41;
79:45**
- Public purpose, **79:2**
- Public utilities
 - Preemption by state law, **79:14**
 - Radio broadcast towers, **78:11**
 - Telecommunications facilities and
towers, **78:12**
- Radio broadcast towers and antennae,
generally, **78:11**
- Reasonable regulation, **79:3; 79:18;
79:27; 79:40; 79:44**
- Safety restrictions, **79:35**
- Satellite dishes and television recep-
tion antennae, local regulation
of, generally, **79:27 to 79:47**
- Section 1983 damage claims, federal
preemption and, **79:47**
- Special permits, **79:8**
- State law preemption claims, gener-
ally, **79:12 to 79:14**

**BROADCASTING AND
COMMUNICATIONS
TOWERS, ANTENNAE AND
RELATED FACILITIES**

—Cont'd

- Two meter or less satellite dishes,
generally, **79:43 to 79:46**
- Vagueness, **79:11**
- Variances, **79:7**
- Waiver by FCC of preempted restric-
tions, **79:37; 79:41; 79:45**

BROKERS

- Leases and land use restrictions,
80:10

BUFFER ZONES OR AREAS

- Police power and zoning regulation,
1:20
- Special zoning districts and
discretionary development
review, **11:6**
- Tree and vegetation protection, **20:28**
- Wildlife protection, **21:59**
- Zoning districts, **10:8; 10:10**

**BUILDING AND CONSTRUCTION
ACTIVITY**

- Wildlife protection, **21:64**

BUILDING AREA

- Bulk, Building Area and Floor Size,
Control of** (this index)

BUILDING CODES

- Floodplain and wetland regulation,
7:23

BUILDING CONTRACTOR

- Wrongful land use regulation, reme-
dies for, **66:13**

BUILDING INSPECTORS

- Res judicata and finality of zoning
decisions, **68:29; 68:30**

BUILDING MORATORIA

- Interim Zoning and Building
Moratoria** (this index)

BUILDING PERMITS

- Generally, **69:1 to 69:29**

INDEX

BUILDING PERMITS—Cont'd

- Applications, generally, **69:5 to 69:11**
- Approval process, **69:5**
- Certificates of occupancy, generally, **69:24 to 69:29**
- Changes in certificates of occupancy, **69:26; 69:27**
- Delay, effect of, **69:16; 69:17**
- Denial or refusal
 - Building permits, **69:12; 69:13**
 - Certificates of occupancy, **69:28**
- Fairly-debateable interpretations, **69:10**
- Fees, **69:21 to 69:23**
- Fraud or misrepresentation, **69:9**
- Interim zoning and building moratoria, **13:15**
- Irregularities in procedures, **69:8**
- Legal effect of, **69:4**
- Mandamus actions, **64:19**
- Mistake, **69:9**
- Moratorium, effect of, **69:15**
- Noncompliance with certificates of occupancy, **69:25**
- Overview, **69:1**
- Pending changes, effect of, **69:14; 69:15**
- Public land use controls and private covenants, **82:3**
- Refusal. Denial or refusal, above
- Revocation
 - Building permits, **69:18 to 69:20**
 - Certificates of occupancy, **69:29**
- Rights secured, **69:6; 69:7**
- Standards, **69:3**
- Stop work orders, **69:19**
- Subsequent owners, rights secured to, **69:7**
- Tenant, change in, **69:27**
- Tort claims, **69:11**
- Use, change in, **69:26**
- Vested rights and estoppel, **69:20**

BULK, BUILDING AREA, AND FLOOR SIZE, CONTROL OF

- Generally, **54:1 to 54:14**
- Authority for enactment, **54:3**

BULK, BUILDING AREA, AND FLOOR SIZE, CONTROL OF—Cont'd

- Building area, regulation of, generally, **54:7 to 54:9**
- Constitutional taking claims, **54:6**
- Design review, **54:4**
- Floor size, regulation of, generally, **54:10 to 54:14**
- Methods and function of restrictions, generally, **54:2 to 54:6**
- Nonresidential uses, **54:12; 54:14**
- Overview, **54:1**
- Residential uses, **54:11; 54:13**
- Taking claims, **54:6**
- Variances, **54:5**

BUNGEE JUMPING

- General discussion, **26:26**

BURDEN OF PROOF

- Presumptions and Burden of Proof**
(this index)

BUREAU OF LAND MANAGEMENT

- Wildlife protection, **21:44**

CABARETS

- Sex Businesses, Bars, and Cabarets**
(this index)

CALIFORNIA

- Exclusionary zoning, fair share doctrine, **22:20**
- Lake Tahoe region, compact with Nevada, **36:15**
- Vested rights and estoppel claims, **70:32**

CAMPAIGN CONTRIBUTIONS

- Passage of zoning measures, **32:27**

CAMPSITES

- Subdivision control, **89:12**

CANNABIS

- Marijuana** (this index)

CAPITAL IMPROVEMENTS

- Growth management, **15:4**
- Wildlife protection, **21:75**

CAPTIVE AUDIENCE

Sex businesses, bars, and cabarets,
24:8 to 24:10

CARDROOMS

Amusements and arcades, **26:31**

CARS

Vehicles and Automobiles (this
index)

CASE OR CONTROVERSY

Choice of forum: federal or state,
67:2

CASINOS

Amusements and arcades, **26:31**

**CELLULAR TOWERS AND
PERSONAL WIRELESS
FACILITIES**

Generally, **79:18 to 79:24**

Ban on wireless services within com-
munity, **79:20**

Discrimination among providers,
79:22

Limited federal preemption, **79:19**

Nonionizing electromagnetic radia-
tion, effect of, **79:21**

Preemption, **79:19**

Reasonable regulation upheld, **79:18**

Reasonable time of decision, **79:23**

Substantial evidence supporting
denial of application, **79:24**

Written decision denying application,
79:24

CEMETERIES

Preemption, **48:19**

CERCLA

Hazardous waste and protection of
groundwater, **8:31 to 8:34**

**CERTIFICATES AND
CERTIFICATION**

Judicial review, **62:30**

Occupancy. **Certificates of
Occupancy** (this index)

CERTIFICATES OF OCCUPANCY

Building Permits (this index)

**CERTIFICATES OF OCCUPANCY
—Cont'd**

Leases and land use restrictions,
80:11

Nonconforming uses and structures,
72:15

Tree and vegetation protection, **20:71**

CERTIORARI PROCEEDING

Judicial review, **62:8**

CHALLENGES

Board of appeals, **57:42**

CHANGE

Alteration or Modification (this
index)

CHARTER AUTHORITY

Tree and vegetation protection, **20:21**

Wildlife protection, **21:25**

CHECKERBOARDING

Substandard lots, **49:18**

CHILDREN OR MINORS

Amusements and arcades, **26:4**

Day Care Centers (this index)

Fair housing legislation, **25:17; 25:18**

Sex businesses, bars, and cabarets,
24:9; 24:10

Sign and billboard regulation, protec-
tion of children, **17:24**

**CHOICE OF FORUM: FEDERAL
OR STATE**

Generally, **67:2 to 67:9**

Abstention, **67:2**

Case or controversy, **67:2**

Data, **67:6**

Discovery, **67:3**

Evidence preparation, **67:5**

Graphics, **67:8**

Judiciary, **67:3**

Maps, **67:8**

Neighborhood, **67:7**

Overlays, **67:8**

Photographs, **67:8**

Pleadings, **67:4**

Records and files, **67:9**

Standing, **67:2**

Trial preparation, **67:5**

INDEX

CHURCHES

Religious Structures, Uses, and Displays, Local Control of (this index)

CITY OF RENTON v PLAYTIME THEATRES

Sex businesses, bars, and cabarets, 24:14

CIVIC ASSOCIATIONS

Standing to sue, 63:31 to 63:33

CIVIL PROCEEDINGS AND REMEDIES

Enforcement of Zoning Laws (this index)

CIVIL RIGHTS ACT OF 1866

Fair housing legislation, 25:19

CLASS ACTIONS

Standing to sue, 63:38

CLASS AND CLASSIFICATION

Special Zoning Districts and Discretionary Development Review (this index)

Statewide and regional land use controls, 36:12 to 36:20

TSD facilities, 8:54

Variances, 58:1 to 58:4

CLEAN AIR ACT

Hazardous waste and protection of groundwater, 8:50

Wildlife protection, 21:39

CLEAN WATER ACT

Generally, 20:47

Hazardous waste and protection of groundwater, 8:48

Wildlife protection, 21:39

CLEAR LEGAL RIGHT AND CLEAR LEGAL DUTY

Mandamus Actions (this index)

CLEBURNE DECISION

Equal protection, 4:2

CLIMATE MODERATION

Tree and vegetation protection, 20:10

CLOTHESLINE RESTRICTIONS

Due process and zoning, 3:12

CLUBS AND SERVICE ORGANIZATIONS

Clubs and Service Organizations, Zoning for (this index)

CLUBS AND SERVICE ORGANIZATIONS, ZONING FOR

Generally, 27:1 et seq.

Administrative offices, 27:19

Adult businesses, 27:17

Bar facilities, 27:21

Community associations, clubs as, 27:11

Definition, 27:5

Dining facilities, 27:21

Fraternal organizations, 27:12

Fraternities and sororities, 27:13

Lodges, 27:12

Massage clubs, 27:17

Miscellaneous organizations and activities, 27:12 et seq.

Motorcycle clubs, 27:15

Nonconforming uses, 27:26

Nudist camps, 27:16

Outdoor concerts, 27:23

Profit, element of, 27:6 to 27:9

Public interest groups, 27:14

Recreational facilities, 27:22

Regulation, generally, 27:1 et seq.

Related accessory uses, 27:4

Residency limitations on clubs, 27:24

Right, use allowed by, 27:2

Service organizations as clubs, 27:10

Shooting clubs, 27:18

Sleeping facilities, 27:20

Special permits, 27:3

Variances, 27:25

CLUSTER DEVELOPMENT

Subdivision control, 90:49

CLUSTERING

Wildlife protection, 21:78

**COASTAL AND INLAND
WETLANDS LAWS**

Floodplain and wetland regulation,
7:19

**COASTAL BARRIERS
RESOURCES ACT**

Floodplain and wetland regulation,
7:42

COASTAL LANDS

Taking claims, **6:40**

**COASTAL ZONE MANAGEMENT
ACT**

Floodplain and wetland regulation,
7:42

COCKTAIL LOUNGE

Bars and Bar Facilities (this index)

COFFEE SHOPS

Accessory uses and zoning, **33:18**

COLLATERAL ATTACK

Eminent domain proceedings, **75:3**

COLLATERAL ESTOPPEL

Wrongful land use regulation, remedies for, **66:43**

COLLEGES AND UNIVERSITIES

Schools, educational facilities, and accessory uses, local control of, **30:7**

CO-LOCATION REQUIREMENTS

Broadcasting and communications towers, antennae and related facilities, **79:9**

COMMERCE CLAUSE

Constitutional and legislative limitations on zoning, **2:8**
Preemption, **48:32**

COMMERCE POWER

Wildlife protection, **21:18**

COMMERCIAL SIGNS

Signs and billboards, regulation of, **17:9 to 17:12**

COMMERCIAL USES

Exclusionary zoning, **22:2**

COMMON LAW

Hazardous Waste and Protection of Groundwater (this index)

COMMUNICATIONS

Broadcasting and Communications Towers, Antennae and Related Facilities (this index)

COMMUNITY ASSOCIATIONS

Clubs and service organizations, zoning for, **27:11**

**COMMUNITY BENEFIT
AGREEMENTS**

Rezoning, **44:23; 44:24**

**COMPELLING PUBLIC
INTEREST**

Rezoning, **37:9; 37:10**
Vested rights and estoppel claims, **70:18**

COMPENSATION

Hazardous waste and protection of groundwater, **8:66**

COMPENSATORY DAMAGES

Wrongful land use regulation, remedies for, **66:47**

**COMPETITION, RESTRICTIONS
ON**

Constitutional and legislative limitations on zoning, **2:19 et seq.**

**COMPREHENSIVE
ENVIRONMENTAL
RESPONSE,
COMPENSATION, AND
LIABILITY ACT**

Hazardous waste and protection of groundwater, **8:29; 8:30**

**COMPREHENSIVE OR MASTER
PLAN**

Generally, **14:1 to 14:34**
Adequacy of plan, **14:10 to 14:13**
Binding effect of comprehensive plan, **14:18; 14:19**
Conditional use permits, **14:29**
Consistency doctrine, generally, **14:1 to 14:34**

INDEX

COMPREHENSIVE OR MASTER PLAN—Cont'd

- “Consistency” jurisdictions, binding nature of plans, **14:19**
- Consistency requirements, **14:17**
- Constitutional law, **14:5**
- Due process, **14:5**
- Equal protection, **14:5**
- Evidence, **14:11 to 14:13**
- Failure to follow plan, remedies for, **14:20**
- Findings, requirement of, **14:26**
- Floating zones, **14:31**
- Hearing, **14:6**
- Historical background, **14:2**
- Home rule issue, **14:24**
- In accordance with comprehensive plan requirement
 - Generally, **14:2 to 14:8**
 - Litigation requirements, **14:28 to 14:32**
- “In accordance with” jurisdictions, binding nature of plans, **14:18**
- Initiatives and referenda, **14:9**
- Interim zoning, **14:14**
- Interim zoning and building moratoria, **13:7**
- Interjurisdictional coordination, **14:23**
- Judicial review standards, variation in, **14:25**
- Litigation requirements, **14:25 to 14:33**
- Model land development code, **14:3**
- Notice and hearing, **14:6**
- Official map, relation to, **50:4**
- Planned unit developments, **88:10**
- Planning commissions and planning boards, powers of, **47:2**
- Police power and zoning regulation, **1:35**
- Private development plans, **14:30**
- Procedure, **14:6**
- Public works projects, **14:32**
- Representation, **14:6**
- Requirement, purpose of, **14:4**
- Rezoning, **38:14; 38:19; 40:14; 41:4**
- Separate documents, **14:8**

COMPREHENSIVE OR MASTER PLAN—Cont'd

- Specially permitted and conditional uses, **61:20; 61:21**
- Special permits, **14:29**
- Spot zoning, **14:33**
- Standing, **14:27**
- State, historic preservation law, **19:49**
- Statewide and regional considerations, **14:22 to 14:24**
- Statutory approaches, **14:16**
- Subdivision control, **90:25**
- Takings, comprehensive plan designations as, **14:21**
- Timing of application of consistency requirement, **14:15**
- What is a comprehensive plan, generally, **14:7 to 14:16**
- Zoning districts, **10:5**

COMPREHENSIVE REVISION

- Enactment of zoning ordinances, **12:16 to 12:18**

CONCEALMENT

- Leases and land use restrictions, **80:3**

CONCOMITANT AGREEMENTS

- Rezoning** (this index)

CONCURRENCY REQUIREMENTS

- Statewide and regional land use controls, **36:28**

CONDEMNATION

- Eminent Domain Proceedings** (this index)

CONDITIONAL USES

- Specially Permitted and Conditional Uses** (this index)

CONDITIONAL VENDEES

- Standing to sue, **63:7**

CONDITIONS

- Mandamus actions, **64:8**
- Mobile homes and manufactured housing, local control of, **28:27**
- Police power and zoning regulation, **1:21; 1:22**
- Rezoning** (this index)

- CONDITIONS—Cont'd**
 Site plan review and approval, **87:11**
 Subdivision control, **90:41**
 Uses. **Specially Permitted and Conditional Uses** (this index)
- CONDOMINIUM AND COOPERATIVE ABUSE RELIEF ACT**
 Occupancy, ownership, rental housing, and conversions, regulation of, **81:17**
- CONDOMINIUMS AND COOPERATIVES**
 Condominium and Cooperative Abuse Relief Act, **81:17**
 Constitutional and legislative limitations on zoning, **2:18**
 Occupancy, ownership, rental housing, and conversions, regulation of, **81:9; 81:12; 81:16**
 Subdivision control, **89:11**
- CONFISCATORY TAKINGS**
 Site-specific zoning conditions, validity and enforcement of, **60:13 to 60:15**
 Substandard lots, **49:10; 49:11**
- CONFLICT OR INCONSISTENCY**
 Initiative and referendum, zoning and planning by, **46:3 to 46:9**
 Presumptions affecting ordinances, **5:9**
- CONFLICTS OF INTEREST**
 Board of appeals, **57:67**
Passage of Zoning Measures (this index)
- CONSENT JUDGMENTS**
 Res judicata and finality of zoning decisions, **68:37**
- CONSENT OR APPROVAL**
 Amusements and arcades, **26:14**
 Building permits, **69:5**
 Floating zones, nature of rezoning approval, **45:3**
 Gasoline stations, zoning for, **34:5**
 Leases and land use restrictions, **80:7**
- CONSENT OR APPROVAL—Cont'd**
 Mandamus actions, **64:13**
Rezonings (this index)
 Sex businesses, bars, and cabarets, **24:24; 24:49**
Site Plan Review and Approval (this index)
 Site-specific zoning conditions, validity and enforcement of, **60:24**
 Specially permitted and conditional uses, **61:30**
Subdivision Control (this index)
 Traffic conditions and zoning, **84:7**
 Transfer of development rights, **59:15**
- CONSERVATION EASEMENTS**
Public Land Use Controls and Private Covenants (this index)
- CONSERVATION OF ENERGY**
Energy Conservation (this Index)
- CONSISTENCY DOCTRINE**
Comprehensive Plan Requirements and Consistency Doctrine (this index)
- “CONSISTENCY” JURISDICTIONS**
 Binding nature of plans, comprehensive or master plan, **14:19**
- CONSPIRACY**
 Wrongful land use regulation, remedies for, **66:53**
- CONSTITUTIONAL AND LEGISLATIVE LIMITATIONS ON ZONING**
 Generally, **2:1 to 2:25**
 Administration, powers of, **2:14**
 Commerce clause, **2:8**
 Competition, restrictions on, **2:19 et seq.**
 Condominiums, **2:18**
 Constitutional limitations, generally, **2:2 to 2:7**
 Districts, **2:12**
 Due process, **2:3**
 Equal protection, **2:4**

INDEX

CONSTITUTIONAL AND LEGISLATIVE LIMITATIONS ON ZONING—Cont'd

- First amendment issues, **2:6**
- Fiscal interests, **2:22 et seq.**
- Form of ownership, **2:17; 2:18**
- Identity or status of land users, **2:16**
- Legislative limitations, generally, **2:9 et seq.**
- Objects and purposes of zoning, **2:10**
- Overview, **2:1**
- Plenary police power, zoning as grant of, **2:25**
- Privacy, right to, **2:7**
- Procedural requirements, **2:13**
- Revenue control, **2:22 et seq.**
- Taking claims, **2:5**
- Tax base, **2:22 et seq.**
- Territory zoned, **2:11**
- Time sharing, **2:17**
- Ultra vires issues, **2:8**
- Use of land, restrictions on manner or operation of, **2:15 to 24**

CONSTITUTIONAL LAW

- Comprehensive plan requirements and consistency doctrine, **14:5**
- Declaratory judgments, **55:14**
- Density and lot size, zoning control of, **51:15**
- Due Process** (this index)
- Equal Protection** (this index)
- Exclusionary zoning, **22:7 to 22:10**
- First Amendment Issues** (this index)
- Floodplain and Wetland Regulation** (this index)
- Height of buildings and structures, zoning controls on, **52:4; 52:5**
- Initiative and referendum, zoning and planning by, **46:19**
- Limitations on zoning, generally.
Constitutional and Legislative Limitations on Zoning (this index)
- Nonconforming uses and structures, **72:3**
- Parking and parking lots, **83:7**
- Public land use controls and private covenants, **82:7; 82:8**

CONSTITUTIONAL LAW—Cont'd Sex Businesses, Bars, and Cabarets (this index)

- Single-family zoning and alternative residential uses, **23:7; 23:19; 23:32**
- Standing to sue, **63:5; 63:29**
- State, historic preservation law, **19:48**
- State environmental impact review, **9:5**
- Subdivision control, **90:39**
- Substandard lots, **49:9 to 49:13**
- Taking claims. **Constitutional Taking Claims** (this index)
- Wildlife Protection** (this index)
- Yards, setbacks, and frontage, restrictions on, **53:9 et seq.**
- Zoning districts, **2:12**

CONSTITUTIONAL TAKING CLAIMS

- Generally, **2:5; 6:1 to 6:67**
- Administrative relief provisions, **6:49**
- Aesthetics and land use regulation, **16:14**
- Agreements, **6:59**
- Arbitration, **6:5**
- Balancing of interests, generally, **6:14; 6:18 to 6:22**
- Basic regulatory taking test, **6:23**
- Benefit-extraction analysis, **6:8; 6:17**
- Bulk, building area, and floor size, control of, **54:6**
- Burden of owner in litigation, **6:9**
- Coastal lands, **6:40**
- Comprehensive plan designations as takings, **14:21**
- Constitutional taking tests, generally, **6:13 to 6:17**
- Critical analytical factors, **6:21**
- Crystallization of taking analysis, **6:22**
- Density and lot size, zoning control of, **51:15**
- Diminution in value, **6:11; 6:52; 6:64**
- Dolan proportionality test, **6:57**
- Due process, **6:10**
- Ecological considerations, generally, **6:37 et seq.**

CONSTITUTIONAL TAKING

CLAIMS—Cont'd

- Economically viable use
 - Generally, **6:7; 6:15**
 - Denial of, generally, **6:23 to 6:50**
- Exhaustion of remedies, **6:48**
- Farmlands, **6:42**
- Floodplain and wetland regulation, **6:38; 7:41**
- Floodplains, **6:38**
- Frontage restrictions, **6:34**
- General welfare regulations, **6:6 to 6:8**
- Growth management, **6:47**
- Height of buildings and structures, zoning controls on, **52:5**
- Historic Preservation Law** (this index)
- Incentive zoning, **6:58**
- Interference with vested rights, **6:65**
- Interim restrictions, **6:46**
- Introduction, **6:1**
- Investment backed expectations, **6:29; 6:30**
- Jurisprudential framework, **6:3**
- Lot restrictions, **6:34**
- Lucas clarification, **6:25**
- Modern judicial formulations, **6:20**
- Nollan test, **6:56**
- Nonconforming uses, **6:45**
- Nondevelopmental uses, **6:36**
- Normal delays and temporary takings, **6:27; 6:28**
- Noxious use cases, **6:18**
- Nuisance defense, **6:24 to 6:26**
- Occupancy, ownership, rental housing, and conversions, regulation of, **81:16**
- Open space, **6:41**
- Overview, **6:3 to 6:12**
- Partial benefit extraction claims, **6:52 et seq.**
- Physical occupation taking claims, **6:16; 6:50; 6:51**
- Planning, **6:66**
- Precondemnation conduct, **6:67**
- Private use, **6:12**

CONSTITUTIONAL TAKING

CLAIMS—Cont'd

- Public land use controls and private covenants, **82:5**
- Public or quasi-public uses, **6:35**
- Rationale for partial taking cases, **6:53**
- Reverse spot zoning, **6:63**
- Ripeness, **6:48**
- Shifting burdens to benefit favored persons, **6:61**
- Signs and billboards, regulation of, **17:23**
- Special zoning districts and discretionary development review, **11:21**
- Standing to sue, **63:5**
- Subsidizing distinct government functions, **6:62**
- Suitability for allowed uses, **6:32**
- Survey of successful partial benefit extraction claims, generally, **6:54 et seq.**
- Temporary takings, **6:27; 6:28**
- Tests, generally, **6:9; 6:13 to 6:17**
- Transfer of Development Rights** (this index)
- Tree and vegetation protection, **20:63 to 20:67**
- Vested rights, interference with, **6:65**
- Water quality, **6:43**
- Wetlands, **6:39**
- When regulation goes too far, **6:4**
- Whole parcel analysis, **6:33**
- Yards, setbacks, and frontage, restrictions on, **53:10**

CONSTRUCTION AND INTERPRETATION

Interpretation and Construction (this index)

CONSTRUCTION OF ZONING MAP

Zoning Districts (this index)

CONTIGUOUS LAND

Variances, **58:19**

CONTRACT ZONING

Illegal, rezonings, **44:11**

INDEX

CONTRACT ZONING—Cont'd

- Police power and zoning regulation, **1:23**
- Public land use controls and private covenants, **82:10**
- Rezoning, **41:11**

CONVENIENCE STANDARDS

- Specially permitted and conditional uses, **61:26**

CONVENIENCE STORES

- Accessory uses and zoning, **33:20**
- Gasoline stations, zoning for, **34:12**

CONVERSIONS

- Occupancy, Ownership, Rental Housing, and Conversions, Regulation of** (this index)

COOPERATIVES

- Condominiums and Cooperatives** (this index)

COORDINATION OF REGIONAL INTERESTS AND GOALS

- Generally, **35:17; 35:18**

CO-OWNERS

- Board of appeals, **57:27**

CORNER LOTS

- Substandard lots, **49:6**
- Yards, setbacks, and frontage, restrictions on, **53:17**

COST RECOVERY ACTIONS

- Hazardous waste and protection of groundwater, **8:31 to 8:34; 8:39**

COSTS AND EXPENSES

- Broadcasting and communications towers, antennae and related facilities, **79:31**
- Site-specific zoning conditions, validity and enforcement of, **60:26**
- Vested rights and estoppel claims, **70:19; 70:23**

COUNTY BOARDS

- Planning commissions and planning boards, powers of, **47:10**

COVENANTS

- Public Land Use Controls and Private Covenants** (this index)

CREMATORIUM

- Accessory uses and zoning, **33:21**

CRIMINAL PROCEEDINGS

- Construction and interpretation of ordinances, **5:17**
- Enforcement of Zoning Laws** (this index)
- Res judicata and finality of zoning decisions, **68:31; 68:32**

CRITICAL RESOURCES

- Statewide and regional land use controls, **36:20**

CROSS-EXAMINATION

- Board of appeals, **57:65**
- Enactment of zoning ordinances, **12:36**

CUMULATIVE ZONING

- Police power and zoning regulation, **1:24**

CYBERCAFES

- General discussion, **26:23**

DAMAGES

- Eminent domain proceedings, **75:8 to 75:10**
- Hazardous waste and protection of groundwater, **8:21**
- Standing to sue, **63:34; 63:35**
- Wrongful land use regulation, remedies for, **66:46 to 66:48**

DANCE STUDIO

- Accessory uses and zoning, **33:22**

DANGEROUS OR OFFENSIVE USES

- Rezoning, **43:16; 43:17**

DAY CAMPS AND WILDERNESS SCHOOLS

- Schools, educational facilities, and accessory uses, local control of, **30:10**

DAY CARE CENTERS

- Accessory uses and zoning, **33:23**
- Preemption, **48:21**
- Schools, educational facilities, and accessory uses, local control of, **30:11**

DECLARATORY JUDGMENTS

- Generally, **56:1 to 56:11**
- Actions for declaratory judgments, generally, **55:1 to 55:19**
- Aspects of actions, **55:2**
- Attack on ordinance after denial of variance, **55:17**
- Broadcasting and communications towers, antennae and related facilities, **79:38; 79:42; 79:46**
- Change of zone, necessity of applying for, **55:15**
- Constitutionality of statute, challenge to, **55:14**
- Declaratory Judgment Act, **55:18**
- Directions as to rezoning plaintiff's property, **56:6**
- Effect of declaration of invalidity, **56:3**
- Enforcement of zoning laws, **65:17; 65:18**
- Excessive cost, **55:12**
- Exclusionary zoning cases, **56:8 to 56:11**
- Exhaustion of administrative remedies, generally, **55:6 to 55:18**
- Impact tests for exclusionary zoning, **56:9**
- Inadequacy of administrative remedies, **55:13**
- Judicial remedies in zoning cases, generally, **55:1 to 55:5**
- Legislative evasion of court's ruling, **56:5**
- Limitations and restrictions
 - Decree of partial invalidity, **56:7**
 - Rule of exhaustion of remedies, **55:10 to 55:14**
- Purposes for which action may be maintained, **55:5**
- Requirements to maintain action, **55:3**
- Rezoning, **56:2; 56:4 to 56:7**

DECLARATORY JUDGMENTS

—Cont'd

- Rights of parties, **56:1**
- Special permit, necessity of applying for, **55:16**
- Standing in declaratory judgment action, **55:4**
- Staying effectiveness of judgment, **56:4**
- Summary judgment in declaratory judgment actions, **55:19**
- Variances, **55:7 to 55:9; 55:17**
- Zone change, necessity of applying for, **55:15**

DEDICATIONS OF LAND

- Wildlife protection, **21:86**

DE FACTO OFFICERS

- Passage of zoning measures, **32:9**

DEFECTS AND IRREGULARITIES

- Board of appeals, **57:49 to 57:52**
- Building permits, **69:8**

DEFENSES

- Enforcement of Zoning Laws** (this index)
- Hazardous waste and protection of groundwater, **8:15 to 8:18**
- Wrongful Land Use Regulation, Remedies for** (this index)

DEFINITIONS

- Frontage, **49:7**
- Ordinance terms, definition and construction of, **86:1**
- Particular terms defined and construed in alphabetical order, **86:2**
- Vehicle, **86:2**
- Width, **49:7**

DELAY OR LACHES

- Board of appeals, **57:5**
- Broadcasting and communications towers, antennae and related facilities, **79:30**
- Building permits, **69:16; 69:17**
- Enforcement of zoning laws, **65:25 to 65:27; 65:32**
- Judicial review, **62:10**

INDEX

DELAY OR LACHES—Cont'd

- Variations, **58:24**
- Vested rights and estoppel claims, **70:27**

DELEGATION OF POWER OR AUTHORITY

- Floating zones, **45:11**
- Floodplain and wetland regulation, **7:37**
- Initiative and referendum, zoning and planning by, **46:16**
- Planned unit developments, **88:17**
- Police power and zoning regulation, **1:9**
- Specially permitted and conditional uses, **61:22**
- Special zoning districts and discretionary development review, **11:15**
- Yards, setbacks, and frontage, restrictions on, **53:20**

DELINEATION

- Floodplain and wetland regulation, **7:8**

DEMOLITION

- Historic preservation law, **19:18**

DENIAL OR REFUSAL

- Building Permits** (this index)
- Wrongful land use regulation, remedies for, **66:8**

DENSITY AND LOT SIZE, ZONING CONTROL OF

- Generally, **51:1 to 51:17**
- Attributes of zoning lot, **51:17**
- Constitutional taking claims, **51:15**
- Density caps, **51:7**
- Downzoning, **51:5**
- Exclusionary zoning, **51:16**
- Growth management, **51:6**
- Higher density requirement, **51:9**
- Lot size and unit density, controls on, generally, **51:10 to 51:17**
- Minimum density or maximum lot-size and floor, **51:9**
- Occupancy restrictions, **51:8**
- Overview, **51:1**

DENSITY AND LOT SIZE, ZONING CONTROL OF—Cont'd

- Population density, controls on, generally, **51:2 to 51:8**
- Rezoning, **51:5**
- Site-specific zoning conditions, validity and enforcement of, **60:22**
- Substantive due process, **51:14**
- Taking claims, **51:15**
- Transfer of development rights, **59:12; 59:13**
- Validity
 - Lot size and unit density, controls on, **51:11 to 51:16**
 - Population density, controls on, **51:3 to 51:8**
 - Wildlife protection, **21:56**

DENSITY BONUSES

- Site-specific zoning conditions, validity and enforcement of, **60:16**
- Wildlife protection, **21:77**

DENSITY CLUSTERING

- Tree and vegetation protection, **20:80**

DENTAL OFFICE

- Accessory uses and zoning, **33:24**

DEPARTMENT OF TRANSPORTATION ACT

- Generally, **19:43; 20:45**

DESCRIPTION AND IDENTIFICATION

- Constitutional and legislative limitations on zoning, **2:16**
- Enactment of zoning ordinances, **12:26; 12:27**
- Equal protection, **4:7**
- Occupancy, ownership, rental housing, and conversions, regulation of, **81:4**
- Public land use controls and private covenants, **82:19**
- Site-specific zoning conditions, validity and enforcement of, **60:19**

DESIGNATION

- Constitutional taking claims, comprehensive plan designations as takings, **14:21**

DESIGNATION—Cont'd

- Historic Preservation Law** (this index)
- Wildlife protection, acquisition and designation programs, **21:38**

DESIGN CONTROLS

- Height of buildings and structures, zoning controls on, **52:11**

DESIGNER

- Wrongful land use regulation, remedies for, **66:13**

DESIGN REVIEW

- Aesthetics and land use regulation, **16:10**
- Bulk, building area, and floor size, control of, **54:4**
- Due process and zoning, **3:10**

DESTRUCTION

- Nonconforming Uses and Structures** (this index)

DEVELOPER-LOCALITY AGREEMENTS

- Rezoning**s (this index)

DEVELOPMENT ACTIVITY

- Transferable rights, **20:79**
- Tree and vegetation protection, **20:30**

DEVELOPMENT AGREEMENTS

- Generally, **71:1 to 71:13**
- Annexation agreements, **71:10**
- Authority and types, **71:2**
- Equitable fraud, **71:7**
- Intergovernmental agreements, **71:11**
- Local government and developer agreements, generally, **71:1 to 71:9**
- Nature and function, **71:3**
- Overview, **71:1**
- Private party-developer agreements, **71:13**
- Promissory estoppel, **71:6**
- Public agency-developer agreements, **71:12**
- Referendum process, applicability of, **71:8**
- Taking claims, **6:59**

DEVELOPMENT AGREEMENTS —Cont'd

- Validity and enforceability
 - Applicability of Supreme Court exactions jurisprudence, **71:5**
 - Illegal contract zoning, **71:4**
- Validity and enforceability, generally, **71:4 to 71:9**

DEVELOPMENT DISTRICTS

- Wildlife protection, **21:88**

DEVELOPMENT RIGHTS

- Transfer of Development Rights** (this index)

DIMINUTION IN VALUE

- Taking claims, **6:11; 6:52; 6:64**

DINING FACILITIES

- Clubs and service organizations, zoning for, **27:21**

DISCLOSURE

- Hazardous waste and protection of groundwater, **8:52**

DISCOVERY

- Choice of forum: federal or state, **67:3**

DISCRETION

- Abuse of discretion, judicial review, **62:34**
- Mandamus actions, **64:6; 64:7; 64:21; 64:22**
- Newsracks and newsstands, local control of, **18:12**
- Police power and zoning regulation, **1:14**
- Rezoning, **38:24; 38:25**
- Special Zoning Districts and Discretionary Development Review** (this index)
- Standing to sue, **63:41**
- State environmental impact review, **9:23**
- Wrongful land use regulation, remedies for, **66:15**
- Zoning districts, legislative discretion, boundaries, **10:12**

INDEX

DISCRIMINATION

Cellular towers and personal wireless facilities, discrimination among providers, **79:22**

Equal Protection (this index)

Fair Housing Legislation (this index)

Religious Land Use and Institutionalized Persons Act (RLUIPA) (this index)

Single-family zoning and alternative residential uses, **23:7; 23:25**

Traffic conditions and zoning, **84:12**

DISEASED/DANGEROUS TREES EXEMPTIONS

Tree and vegetation protection, **20:55**

DISMISSAL

Judicial review, **62:9 to 62:11**

DISPUTE RESOLUTION

Statewide and regional land use controls, **36:32**

DISSOLUTION OF CORPORATION

Board of appeals, **57:33**

DISTANCES AND DISTANCING REQUIREMENTS

Due process and zoning, **3:11**

Fair housing legislation, **25:14**

Gasoline stations, zoning for, **34:7 to 34:9**

Religious structures, uses, and displays, local control of, **29:4**

Sex businesses, bars, and cabarets, **24:47; 24:48**

Specially permitted and conditional uses, **61:31**

Tree and vegetation protection, **20:28**

DISTRICTS

Zoning Districts (this index)

DOLAN TEST

Occupancy, ownership, rental housing, and conversions, regulation of, **81:26**

Subdivision control, **90:46**

Taking claims, **6:57**

DOWNZONING

Density and lot size, zoning control of, **51:5**

Police power and zoning regulation, **1:37**

Rezoning, **38:13**

DRAINS AND DRAINAGE

Site-specific zoning conditions, validity and enforcement of, **60:31**

Subdivision control, **90:16; 90:34**

DRESS SHOP

Accessory uses and zoning, **33:25**

DUE PROCESS AND ZONING

Generally, **2:3; 3:1 to 3:27**

Arbitrary and unreasonable regulation, **3:2**

Architectural restrictions, **3:10**

Balancing of interests, **3:20**

Board of appeals, **57:68; 57:69**

Clothesline restrictions, **3:12**

Comprehensive plan requirements and consistency doctrine, **14:5**

Constitutional taking claims, **6:10**

Design review, **3:10**

Distancing requirements, **3:11**

Districts, **3:6; 3:7**

Euclid decision, **3:5**

Exclusionary zoning, **3:22**

Exclusions from districts, **3:7**

Fence restrictions, **3:12**

Floating zones, **45:12**

Floodplain and wetland regulation, **7:51**

Frontage requirements, **3:8**

Height requirements, **3:8**

Highest and best use, **3:16**

Historic preservation law, **19:25**

Household composition, restrictions on, **3:9**

Legitimate public purposes, **3:13**

ItLingle v. Chevron/it decision and substantive due process litigation, **3:4**

Lot requirements, **3:8**

Minimum rationality, **3:17**

Mobile home restrictions, **3:12**

Nectow decision, **3:24**

DUE PROCESS AND ZONING

—Cont'd

- Overview, **3:1; 3:2**
- Pet restrictions, **3:12**
- Piecemeal zoning, **3:21**
- Planning, importance of, **3:23**
- Presumption of validity, **3:15**
- Real and substantial relationship, **3:18**
- Reasonable exercise of police power, zoning as, generally, **3:5 to 3:13**
- Reasonable relationship test, generally, **3:14 to 3:23**
- “Shocks the conscience” and other variations of substantive due process, **3:3**
- Single-family zoning and alternative residential uses, **23:7**
- Substantive Due Process** (this index)
- Taking claims, **6:10**
- Trailer restrictions, **3:12**
- Transfer of development rights, **59:21**
- Unduly restrictive or excessive, **3:19**
- Wildlife protection, **21:27**

DWELLING UNITS, ACCESSORY

- Generally, **33:73**
- Area restrictions, compliance or noncompliance, **33:74; 33:75**
- Nonconforming use situation, **33:76**

EASEMENTS

- Subdivision control, **90:33**
- Wildlife protection, **21:85**

ECOLOGICAL MATTERS

- Taking Claims** (this index)
- Transfer of development rights, **59:10**

ECONOMICALLY VIABLE USE

- Constitutional Taking Claims** (this index)
- Occupancy, ownership, rental housing, and conversions, regulation of, **81:22**

ECONOMIC CONSIDERATIONS

- Tree and vegetation protection, **20:15 to 20:17; 20:61**

ECONOMIC CONSIDERATIONS

—Cont'd

- Wildlife protection, **21:12**

ECOSYSTEM PROTECTION

- Tree and vegetation protection, **20:13**
- Wildlife protection, **21:8**

EDUCATION

- Schools, Educational Facilities and Accessory Uses, Local Control of** (this index)

ELECTIONS AND VOTING

- Zoning measures. **Passage of Zoning Measures** (this index)

ELECTRIC, GAS, AND ENERGY PROJECTS

- Public utilities, **78:10**

ELECTRIC VEHICLES

- Charging stations, zoning for, **34:13**

ELECTROMAGNETIC RADIATION

- Cellular towers and personal wireless facilities, **79:21**

ELEVENTH AMENDMENT

- Wrongful land use regulation, remedies for, **66:35**

EMERGENCY PLANNING

- Hazardous waste and protection of groundwater, **8:53**

EMINENT DOMAIN PROCEEDINGS

- Generally, **75:1 to 75:10**
- Collateral attack, **75:3**
- Computing compensable damages at condemnation, **75:8**
- Condemnation, entitlement to variance after, **75:9**
- Damages, effect of partial taking on, **75:8 to 75:10**
- Effects on value, **75:5; 75:7**
- Enhancement in value, zoning change or repeal, **75:4**
- Entitlement to variance after condemnation, **75:9**

INDEX

EMINENT DOMAIN

PROCEEDINGS—Cont'd

- Evidence of probability of zoning change, **75:6**
- Fair market value, determination of, generally, **75:1 to 75:7**
- Finding of no adverse consequences, **75:10**
- Governmental uses and zoning, **76:13; 76:14**
- Impact of collateral attack on price paid by prospective buyers, **75:3**
- Investment backed expectations, effect on value, **75:5**
- Nonconforming uses and structures, **74:10; 74:17; 75:7**
- Notice defense, effect on value, **75:5**
- Partial taking, effect of, **75:8 to 75:10**
- Probability of zoning change or appeal, **75:4**
- Probably zoning change, effect on value, **75:5**
- Regulatory taking cases, **75:2**
- Takings, historic preservation law, **19:27**
- Uses permitted by variance, effect on value, **75:7**
- Variances, **75:7; 75:9**
- Wildlife protection, taking of private property, **21:28 to 21:30**

EMPLOYER AND EMPLOYEE RELATIONSHIP

- Accessory uses and zoning, **33:35**
- Passage of zoning measures, **32:21**

EMPLOYMENT AGENCY

- Accessory uses and zoning, **33:26**

ENABLING ACTS

- Board of appeals, **57:14; 57:53**
- Police power and zoning regulation, **1:11; 1:12**
- Subdivision control, **89:1 to 89:5**

ENACTMENT OF ZONING ORDINANCES

- Generally, **12:1 to 12:45**
- Adequacy or inadequacy
 - Hearing room, inadequacy of, **12:33**

ENACTMENT OF ZONING ORDINANCES—Cont'd

- Adequacy or inadequacy—Cont'd
 - Notice of proposed ordinance, adequacy of, generally, **12:7 to 12:11**
- Adjoining municipalities, notice to, **12:28**
- Adjourned meetings and hearings, notice of, **12:24**
- Appearance at hearing as waiver of notice of defects, **12:30**
- Boundaries and property, notice of, **12:25 to 12:30**
- Change or modification
 - Proposed comprehensive revision, generally, **12:16 to 12:18**
 - Proposed ordinance, generally, **12:12 to 12:15**
- Complaints of later changes in ordinance, **12:18**
- Comprehensive revision, notice and later changes in, **12:16 to 12:18**
- Cross examination of witnesses, **12:36**
- Description of property, **12:26**
- English language, notice requirements, **12:8**
- Evidence and witnesses, **12:35**
- Fair public hearing, generally, **12:31 to 12:38**
- Filing requirements, **12:40 to 12:42**
- Hearings
 - Adjourned meetings and hearings, notice of, **12:24**
 - Appearance at hearing as waiver of notice of defects, **12:30**
 - Fair public hearing, generally, **12:31 to 12:38**
 - Lapse of time between hearing and enactment, **12:29**
- Hostile opposition at hearing, **12:32**
- Identification of boundaries, **12:27**
- Inadequacy. Adequacy or inadequacy, above
- Informal or alternative compliance with notice, **12:21**
- Lapse of time between hearing and enactment, **12:29**

**ENACTMENT OF ZONING
ORDINANCES—Cont'd**

- Later changes in proposed ordinance, **12:12 to 12:15**
- Manner of conducting hearing, **12:34 to 12:37**
- Maps, filing and publication, **12:41**
- Nature of proposed zoning, notice of, **12:12**
- New notice requirement, **12:13; 12:16**
- Notice requirements
 - Adequacy of notice of proposed ordinance, generally, **12:7 to 12:11**
 - Boundaries and property, notice of, **12:25 to 12:30**
 - Comprehensive revision, notice and later changes in, **12:16 to 12:18**
 - Later changes in proposed ordinance, **12:12 to 12:15**
 - Preparation time for proposed ordinance, **12:6**
 - Proposed ordinance, generally, **12:5 to 12:11**
 - Time and manner of notice, generally, **12:19 to 12:24**
- On-site signs, **12:11; 12:22**
- Open meeting laws, compliance with, **12:38**
- Personal notice, **12:23**
- Planning commission, referral requirements, **12:3**
- Preparation time for proposed ordinance, **12:6**
- Presumption of compliance, **12:43 to 12:45**
- Prior notice, sufficiency of, **12:17**
- Proposed ordinance, notice requirements, generally, **12:5 to 12:11**
- Public agencies municipalities, notice to, **12:28**
- Publication and posting of notice requirements, **12:20; 12:22; 12:40 to 12:42**
- Referral requirements, **12:2 to 12:4**
- Regional authority, referral requirements, **12:4**

**ENACTMENT OF ZONING
ORDINANCES—Cont'd**

- Separation of functions at hearing, **12:37**
- Statutory zoning procedures, compliance with, **12:1 to 12:4**
- Technical errors in notice, **12:10**
- Testimony and evidence, **12:35**
- Time or date
 - Lapse of time, estoppel after, **12:45**
 - Notice of proposed ordinance, time and manner of, generally, **12:19 to 12:24**
 - Preparation time for proposed ordinance, **12:6**
- Validity after enactment. procedures essential to, **12:39 to 12:42**
- Waiver and estoppel
 - Defects, waiver of notice of, **12:30**
 - Lapse of time, estoppel after, **12:44; 12:45**
- Zoning commission, referral requirements, **12:2**

ENDANGERED SPECIES ACT

- Generally, **20:48**
- Wildlife protection, **21:34; 21:35**

ENERGY CONSERVATION

- Tree and vegetation protection, **20:10**

**ENFORCEMENT OF ZONING
LAWS**

- Generally, **65:1 to 65:37**
- Abstention doctrine, **65:35**
- Adjoining owners, laches and estoppel involving, **65:32**
- Civil proceedings and remedies
 - Generally, **65:10 to 65:18**
 - Defenses in civil or criminal proceedings, generally, **65:25 to 65:37**
- Criminal proceedings and remedies
 - Generally, **65:19 to 65:24**
 - Defenses in civil or criminal proceedings, generally, **65:25 to 65:37**
- Declaratory judgments, **65:17; 65:18**

INDEX

ENFORCEMENT OF ZONING

LAWS—Cont'd

- Defenses in civil or criminal proceedings, generally, **65:25 to 65:37**
- Estoppel, defense of, **65:28 to 65:32**
- Evidence, **65:22**
- Exhaustion of administrative remedies, **65:34; 65:35**
- Federal courts, exhaustion of administrative remedies in, **65:35**
- Implied powers, **65:3**
- Injunctive relief, **65:10 to 65:14**
- Judicial notice, **65:22**
- Jurisdiction of court, **65:7**
- Jury trial in criminal proceedings, **65:23**
- Laches, defense of, **65:25 to 65:27; 65:32**
- Limitations on estoppel defense, **65:31**
- Mandamus actions, **65:15; 65:16**
- Mandatory injunctive relief, **65:13; 65:14**
- Municipalities, standing issues, **65:8**
- Nonconforming use defenses, **65:33**
- Overview, **65:1**
- Pendente lite change in ordinance, effect of, **65:24**
- Powers of enforcement, generally, **65:2 to 65:7**
- Preemption by state law issues, **65:6**
- Presumptions and burden of proof, **65:22**
- Quasi-criminal proceeding, civil action as, **65:5**
- Removal of structures, **65:13; 65:14**
- Selective enforcement, **65:37**
- Specific statutory powers, **65:2**
- Standing issues, generally, **65:8; 65:9**
- Utilization of civil remedies, **65:4**
- Vagueness defense, **65:36**
- Vested rights, estoppel distinguished from, **65:30**

ENGINEERS

- Accessory uses and zoning, **33:27**

ENGLISH LANGUAGE

- Enactment of zoning ordinances, **12:8**

ENVIRONMENTAL IMPACT

- Rezoning, **39:21**
- Specially permitted and conditional uses, **61:42**
- State Environmental Impact Review** (this index)

ENVIRONMENTAL POLICY OF STATE

- Historic preservation law, **19:47; 19:48**

ENVIRONMENTAL PROTECTION

- Local inability to meet regional and state goals, **36:7**
- Preemption, **48:17**
- Standing to sue, **63:21; 63:32**
- Subdivision control, **90:15; 90:27 to 90:29**
- Tree and vegetation protection, **20:19**
- Wildlife protection, **21:11**

EQUAL PROTECTION

- Generally, **4:1 to 4:13**
- Amusements and arcades, **26:19**
- Broadcasting and communications towers, antennae and related facilities, **79:11**
- ItCleburne/it decision, **4:2**
- Comprehensive plan requirements and consistency doctrine, **14:5**
- Constitutional and legislative limitations on zoning, **2:4**
- Discrimination from exemptions in ordinance, generally, **4:10 to 4:13**
- Exemptions in ordinance, discrimination from, **4:10 to 4:13**
- Filing, exemption by, **4:11**
- Floating zones, **45:12**
- Floodplain and wetland regulation, **7:52**
- Identity of user, classifications based on, **4:7**
- Mobile homes and manufactured housing, local control of, **28:24**
- Nonconforming uses, **4:9**

EQUAL PROTECTION—Cont'd

- ItOlech/it decision, **4:3**
- Overview, **4:1**
- Permits, grant or denial of, **4:12**
- Post-itOlech/it litigation, **4:4**
- Selective enforcement, **4:13**
- Similar lands or uses, exemption of, **4:10**
- Single-family zoning and alternative residential uses, **23:7**
- Specially permitted and conditional uses, **61:19**
- Uniformity, lack of, **4:8**
- Wildlife protection, **21:31**
- Wrongful land use regulation, remedies for, **66:53**

EQUITY AND EQUITABLE REMEDIES

- Mandamus actions, **64:22**
- Rezoning, **44:14**
- Vested rights and estoppel claims, **70:9; 70:26 to 70:30**
- Wrongful Land Use Regulation, Remedies for** (this index)

ESTABLISHMENT CLAUSE

- Religious Structures, Uses, and Displays, Local Control of** (this index)

ESTOPPEL

- Waiver and estoppel** (this index)

EUCLIDEAN ZONING

- Due process and zoning, **3:5**
- Land use controls. **Statewide and Regional Land Use Controls** (this index)
- Planning context, **36:8**
- Police power and zoning regulation, **1:4**
- Rezoning, **38:22; 38:23**
- Special zoning districts and discretionary development review, **11:2**
- Statewide and Regional Land Use Controls** (this index)
- Zoning districts, **10:2**

EVICITION

- Mobile homes and manufactured housing, local control of, **28:26**

EVIDENCE

- Board of Appeals** (this index)
- Choice of forum: federal or state, **67:5**
- Comprehensive plan requirements and consistency doctrine, **14:11 to 14:13**
- Eminent domain proceedings, **75:6**
- Enactment of zoning ordinances, **12:35**
- Enforcement of zoning laws, **65:22**
- Expert Witnesses** (this index)
- Nonconforming uses and structure, intent to abandon, **74:5; 74:6 to 74:10**
- Site plan review and approval, **87:10**
- Standing to sue, **63:20**

EXACTIONS

- Mobile homes and manufactured housing, local control of, **28:27**
- Site-specific zoning conditions, validity and enforcement of, **60:33**
- Subdivision control, **90:43**

EXAMINATION

- Judicial review, **62:27**

EXCAVATION

- Tree and vegetation protection, **20:35**

EXCEPTIONS

- EIS requirement, **9:17 to 9:20**
- Floodplain and wetland regulation, **7:12; 7:48**
- Public utilities, **78:16**
- Rezoning, **37:5; 37:6; 37:8 to 37:10**
- Rezoning** (this index)
- Vested rights and estoppel claims, **70:17; 70:18**

EXCLUSIONARY ZONING

- Generally, **22:1 to 22:28**
- Abortion clinics, **22:13**
- Adult businesses, **22:9**
- Billboards, **22:8**
- California fair share doctrine, **22:20**

INDEX

EXCLUSIONARY ZONING

—Cont'd

- Churches, **22:10**
- Commercial uses, **22:2**
- Connecticut, **22:21**
- Constitutionally protected uses, **22:7 to 22:10**
- Declaratory judgments, **56:8 to 56:11**
- Density and lot size, zoning control of, **51:16**
- Due process and zoning, **3:7; 3:22**
- Fair housing legislation, **25:5**
- Fair share doctrine, **22:16 to 22:24**
- Floating zones, **45:13**
- Group homes, **22:12**
- Hazardous waste and protection of groundwater, **8:59**
- Incentive zoning, **22:26**
- Inclusionary zoning, **22:27; 22:28**
- Initiative and referendum, zoning and planning by, **46:20**
- Local zoning, effects of, **36:9**
- Massachusetts, fair share doctrine, **22:23**
- Mining and extraction activities, **77:5**
- Mobile homes and manufactured housing, local control of, **28:15**
- Mount Laurel fair share doctrine, **22:17**
- New Jersey fair share doctrine, **22:17**
- New York fair share doctrine, **22:19**
- Overview, **22:1**
- Pennsylvania fair share doctrine, **22:18**
- Police power and zoning regulation, **1:17**
- Presumption of validity, **22:5**
- Public utilities, prohibition on exclusion, **78:6**
- Rationale behind zoning ordinance, **22:4; 22:5**
- Religious structures, uses, and displays, local control of, **29:12; 29:24 to 29:26**
- Remedies for exclusionary zoning, **22:25 to 22:28**
- Residential uses, **22:3**
- Rhode Island, **22:22**
- Schools, **22:15**

EXCLUSIONARY ZONING

—Cont'd

- Signs, **22:8**
- Site-specific relief, **22:25**
- Standing to sue, **63:36 to 63:38**
- State regulated uses, **22:11 to 22:15**
- Techniques, **22:6**
- Ultra vires objections, **22:28**
- Validity, factors determining, **22:2 to 22:6**
- Waste disposal sites, **22:14**

EXCLUSIVE INTENT TEST

- Governmental uses and zoning, **76:7; 76:22**

EXECUTIVE VETO

- Passage of zoning measures, **32:8**

EXEMPTIONS

- EIS requirement, **9:21**
- Equal protection, **4:10 to 4:13**
- Fair housing legislation, **25:3; 25:18**
- Floodplain and wetland regulation, **7:10; 7:36**
- Interim zoning and building moratoria, **13:19**
- Public utilities, **78:4; 78:5**
- Substandard Lots** (this index)
- Tree and vegetation protection, **20:50 to 20:55**
- Vested rights and estoppel claims, **70:5; 70:11 to 70:15**
- Wrongful land use regulation, remedies for, **66:59**

EXHAUSTION OF REMEDIES

- Declaratory Judgments** (this index)
- Enforcement of zoning laws, **65:34; 65:35**
- Mandamus actions, **64:11; 64:12**
- Taking claims, **6:48**
- Wrongful land use regulation, remedies for, **66:44**

EX PARTE CONTACTS

- Zoning measures. **Passage of Zoning Measures** (this index)

EXPENSES

- Costs and Expenses** (this index)

EXPERT WITNESSES

Generally, **67:10 to 67:17**
 Need for, **67:10**
 Planners, **67:13**
 Preparing experts for trial, **67:17**
 Professional engineers, **67:15**
 Proof by experts, **67:11 to 67:16**
 Real estate experts, **67:12**
 Surveyors, **67:16**
 Title searchers, **67:16**
 Traffic conditions and zoning, **84:8**
 Traffic engineers, **67:14**

EXTENSION OR ENLARGEMENT

Nonconforming Uses and Structures (this index)

EXTRACTION

Mining and Extraction Activities (this index)

EXTRATERRITORIAL LAND USE CONTROLS

Generally, **35:1 to 35:8**
 Annexation. **Incorporation and Annexation Zoning Issues** (this index)
Incorporation and Annexation Zoning Issues (this index)
 Inter governmental agreements, **35:8**
 Judicial review, limits of, **35:4**
 Jurisdiction of extraterritorial zoning, **35:6 to 35:8**
 Local provincialism and regional interests, **35:3**
 Overview, **35:1**
 Riparian rights, **35:5**
 Subdivision control, **89:21; 90:23**
 Territorial limitations, generally, **35:2 to 35:5**
 Underwater land, **35:5**
 Validity of extraterritorial controls, **35:7**

FAIR HOUSING AMENDMENTS ACT OF 1988

Fair Housing Legislation (this index)

FAIR HOUSING LEGISLATION

Generally, **25:1 to 25:27**

FAIR HOUSING LEGISLATION

—**Cont'd**

Affordable housing legislation of state, **25:27**
 Americans With Disabilities Act, **25:20**
 Children, discrimination against, **25:17; 25:18**
 Civil Rights Act of 1866, **25:19**
 Defense justification for action taken, **25:24**
 Distancing requirements for group homes, **25:14**
 Enforcement of Federal Fair Housing Act, **25:3**
 Exclusionary zoning, **25:5**
 Exemptions, **25:3; 25:18**
 Fair Housing Amendments Act of 1988, generally, **25:7 to 25:18**
 Federal Fair Housing Act, generally, **25:2 to 25:6**
 Federal litigation issues, generally, **25:21 to 25:27**
 Group homes, zoning treatment of, **25:11 to 25:16**
 Handicapped, discriminatory treatment of, **25:8 to 25:10**
 Hearing procedures for group homes, **25:12**
 Intent to discriminate, **25:21**
 Mobile homes and manufactured housing, local control of, **28:25**
 Notice procedures for group homes, **25:12**
 Overview, **25:1**
 Racial discrimination, **25:6**
 Special permits for group homes, **25:13**
 Standing to sue, **25:25**
 Variances for group homes, **25:13**
 Violations of Fair Housing Act, proof of, **25:21 to 25:23**
 Waiver of conditions or restrictions for group homes, **25:15**

FAIRLY DEBATABLE RULE

Presumptions affecting ordinances, **5:8; 5:9**
 Rezonings, **40:9; 40:10**

INDEX

FAIR MARKET VALUE

Eminent Domain Proceedings (this index)

FAIRNESS DOCTRINE

Passage of zoning measures, **32:17**

FAIRNESS OF HEARING

Board of appeals, **57:66**
Enactment of zoning ordinances, **12:31 to 12:38**

FAIR RETURN ON INVESTMENT

Occupancy, ownership, rental housing, and conversions, regulation of, **81:21**

FAIR SHARE DOCTRINE

Exclusionary zoning, **22:16 to 22:24**

FAMILY AND RELATIVES

Passage of zoning measures, **32:20**
Single-Family Zoning and Alternative Residential Uses (this index)

FARMING

Agriculture and Farming (this index)

FCC

Broadcasting and Communications Towers, Antennae and Related Facilities (this index)

FEDERAL CLEAN WATER ACT

Generally, **7:18**

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Broadcasting and Communications Towers, Antennae and Related Facilities (this index)

FEDERAL COURTS

Enforcement of zoning laws, **65:35**
Res judicata and finality of zoning decisions, **68:28**

FEDERAL FAIR HOUSING ACT

Fair Housing Legislation (this index)

FEDERAL GOVERNMENT

Governmental uses and zoning, **76:23**

FEDERAL GOVERNMENT

—Cont'd

Tree and vegetation protection, **20:43 to 20:49**

Wildlife Protection (this index)

Wrongful Land Use Regulation, Remedies for (this index)

FEDERAL LAW

Floodplain and Wetland Regulation (this index)

State environmental impact review, **9:3 to 9:5**

FEDERAL NEXUS TESTS

Subdivision control, **90:44 to 90:47**

FEDERAL PREEMPTION

Generally, **48:30 to 48:32**

Airports and adjacent lands, **85:4**

Broadcasting and Communications Towers, Antennae and Related Facilities (this index)

Commerce clause preemption, **48:32**

Mobile homes and manufactured housing, local control of, **28:30**

Regulation and control, **48:31**

FEDERAL PRESERVATION LAW

Historic Preservation Law (this index)

FEDERAL REGULATION

Hazardous Waste and Protection of Groundwater (this index)

FEDERAL STANDING RULES

Standing to sue, **63:36**

FEDERAL TAX INCENTIVES

Public Land Use Controls and Private Covenants (this index)

FEES

Aesthetics and land use regulation, **16:12**

Amusements and arcades, **26:16**

Building permits, **69:21 to 69:23**

Mobile homes and manufactured housing, local control of, **28:27**

Newsracks and newsstands, local control of, **18:15**

Partial benefit-extraction claims, **6:60**

FEES—Cont'd

- Signs and billboards, regulation of, **17:22**
- Subdivision control, **91:12**
- Wildlife protection, **21:86**

FEE SIMPLE PURCHASE

- Wildlife protection, **21:82**

FENCES AND FENCING

- Aesthetics and land use regulation, **16:20**
- Due process and zoning, **3:12**
- Site-specific zoning conditions, validity and enforcement of, **60:21**
- Wildlife protection, **21:60**

FESTIVALS

- Music Festivals** (this index)

FILING

- Records and Recording** (this index)

FINAL AND FINALITY

- Judicial review, **62:6**
- Res judicata and Finality of Zoning Decisions** (this index)
- Subdivision control, **91:17**

FINANCES AND FUNDS

- Incentives, historic preservation law, **19:51**
- Mobile homes and manufactured housing, local control of, **28:10**
- Passage of zoning measures, **32:24 to 32:27**
- Police power and zoning regulation, **1:18**

FINANCIAL ADVISOR

- Accessory uses and zoning, **33:52**

FINDINGS

- Comprehensive plan requirements and consistency doctrine, **14:26**
- Judicial review, **62:26**
- Planned unit developments, **88:7**
- Subdivision control, **91:14**

FINES AND PENALTIES

- Tree and vegetation protection, **20:70**

FIREARMS

- Weapons and Firearms** (this index)

FIRES AND FIRE PROTECTION

- Nonconforming uses and structures, **74:11 to 74:15**
- Subdivision control, **90:14**

FIREWORKS

- Preemption, **48:23**

FIRST AMENDMENT

- Amusements and arcades, **26:17; 26:18**
- Broadcasting and communications towers, antennae and related facilities, **79:16**
- Constitutional and legislative limitations on zoning, **2:6**
- Historic preservation law, **19:31; 19:32**
- Religious Structures, Uses, and Displays, Local Control of** (this index)
- Rezoning, **43:17**
- Sex businesses, bars, and cabarets, **24:3 to 24:10; 24:27 to 24:35**
- Signs and billboards, regulation of, **17:9 to 17:23**

FIRST ENGLISH ISSUES

- Wrongful land use regulation, remedies for, **66:20; 66:21**

FISCAL MATTERS

- Finances and Funds** (this index)

FLAMMABLE MATERIALS ORDINANCES

- Gasoline stations, zoning for, **34:2**

FLEXIBILITY

- Floating zones, **45:5**
- Rezoning, **38:24; 38:25; 44:4**
- Zoning concepts, **1:14**

FLOATING ZONES

- Generally, **45:1 to 45:13**
- Authority to enact, **45:5; 45:6**
- Comprehensive plan requirements and consistency doctrine, **14:31**
- Defined and explained, **45:1**

INDEX

FLOATING ZONES—Cont'd

- Delegation of authority, impropriety of, **45:11**
- Due process, **45:12**
- Equal protection, **45:12**
- Establishment and implementation, **45:2**
- Exclusionary zoning, **45:13**
- Flexible zoning device, **45:5**
- Gasoline stations, zoning for, **34:3**
- Judicial review, **62:5**
- Judicial review, generally, **45:7 to 45:13**
- Lack of adequate standards, **45:10**
- Nature of rezoning approval, **45:3**
- Plan consistency, **45:9**
- Police power and zoning regulation, **1:25**
- Rezoning, **38:5; 41:12; 43:13; 45:3**
- Ripeness for judicial review, **45:8**
- Specially permitted and conditional uses, **61:13**
- Specially permitted uses distinguished, **45:4**
- Spot zoning, **45:9**
- Standing for judicial review, **45:8**

FLOODPLAIN AND WETLAND REGULATION

- Generally, **7:1 to 7:52**
- B-1 guidelines and EPA veto power, **7:33**
- Building codes, **7:23**
- Citizen suits under Section 404, **7:40**
- Coastal and inland wetlands laws, generally, **7:19**
- Coastal Barriers Resources Act, **7:42**
- Coastal Zone Management Act, **7:42**
- Constitutional taking claims, **6:38; 6:39; 7:41**
- Controls of floodplain development, **7:4**
- Controls of wetland, **7:5**
- Delegation, **7:37**
- Delineation, **7:8**
- Due process, **7:51**
- Economic use as reasonable, **7:45**
- Elements of typical ordinances, **7:7 to 7:12**

FLOODPLAIN AND WETLAND REGULATION—Cont'd

- Enforcement of National Flood Insurance Program, **7:28**
- Equal protection, **7:52**
- Exceptions, **7:12**
- Exemptions, **7:10; 7:36**
- Federal clean water act, **7:18**
- Federal laws, relation to, generally, **7:24 to 7:42**
- Functions, **7:2**
- Health controls, **7:21**
- Historical overview, **7:4 to 7:6**
- History of National Flood Insurance Program, **7:24**
- Interrelationship of legislation, **7:13**
- Investment backed expectations, **7:46**
- Key regulations of National Flood Insurance Program, **7:27**
- Legal decisions under National Flood Insurance Program, **7:29**
- Legal response to regulations, generally, **7:43 to 7:52**
- Legal responsibility, development of, **7:6**
- Limitations and restrictions, **7:10; 7:11; 7:34**
- Linkage of Section 404 to other environmental laws, **7:39**
- Local controls, implications for, **7:30**
- Local zoning, **7:14; 7:25**
- Lucas rule, **7:48**
- Mitigation of impacts, **7:38**
- National Flood Insurance Program, generally, **7:24 to 7:31**
- Nationwide permits, **7:35**
- Navigational servitude, **7:41**
- 1990s, developments of National Flood Insurance Program during, **7:31**
- Nonzoning controls, **7:20**
- Nuisance exceptions, **7:48**
- Overlay zoning, **7:9**
- Permits, **7:12; 7:35; 7:44**
- Preemption, **7:15; 48:16**
- Public trust doctrine, **7:50**
- Reasonableness, determination of, **7:45; 7:47**
- Scope of chapter, **7:1**

**FLOODPLAIN AND WETLAND
REGULATION—Cont'd**

Section 404 program, generally, **7:32 to 7:41**

Similarity and dissimilarity of treatment, **7:3**

Special permits, **7:12**

State authority, relation to, generally, **7:13 to 7:19**

Structure of National Flood Insurance Program, **7:26**

Subdivision controls, **7:22**

Taking claims, **6:38; 7:41**

Title exceptions, **7:48**

Variances, **7:11**

FLOODS AND FLOODING

Floodplain and Wetland Regulation (this index)

Nonconforming uses and structures, **74:11 to 74:15**

Subdivision control, **90:34**

FLOOR SIZE

Bulk, Building Area and Floor Size, Control of (this index)

FLORIDA

Statewide and regional land use controls, **36:18**

Vested rights and estoppel claims, **70:33**

FORCE MAJEURE

Nonconforming uses and structures, **74:11 to 74:15**

FORESTRY EXEMPTIONS

Tree and vegetation protection, **20:52**

FORFEITURE

Subdivision control, **91:31**

FORM OF OWNERSHIP

Constitutional and legislative limitations on zoning, **2:17; 2:18**

FORMS OF PETITIONS

Rezoning (this index)

**FORTUNETELLING,
CLAIRVOYANCE, AND
ASTROLOGY**

General discussion, **26:24**

FRATERNAL ORGANIZATIONS

Clubs and service organizations, zoning for, **27:12**

**FRATERNITIES AND
SORORITIES**

Clubs and service organizations, zoning for, **27:13**

Single-family zoning and alternative residential uses, **23:12**

FRAUD AND DECEIT

Building permits, **69:9**

Development agreements, **71:7**

Res judicata and finality of zoning decisions, **68:7**

Rezoning, **44:14**

FREE EXERCISE CLAUSE

Religious Structures, Uses, and Displays, Local Control of (this index)

FREE SPEECH

Historic preservation laws, **19:31**

FRONTAGE

Due process and zoning, **3:8**

Rezoning, **43:22**

Subdivision control, **90:19**

Taking claims, **6:34**

Yards, Setbacks, and Frontage, Restrictions on (this index)

**FULLING v PALUMBO
DOCTRINE**

Substandard lots, **49:32**

FUNDS

Finances and Funds (this index)

FUNERAL HOMES

Accessory uses and zoning, **33:44**

FUTURE EVENT

Rezoning, **44:5**

GAMBLING

Amusements and arcades, **26:6**

Cardrooms & casinos, amusements and arcades, **26:31**

INDEX

GASOLINE STATIONS, ZONING FOR

- Generally, **34:1 to 34:13**
- Accessory uses and zoning, **33:29; 33:30**
- Churches, distancing requirements, **34:7**
- Consent of neighbors, **34:5**
- Convenience stores and self-service pumps, **34:12**
- Distancing requirements, **34:7 to 34:9**
- Electric vehicle charging stations, **34:13**
- Flammable materials ordinances, **34:2**
- Floating zone technique, **34:3**
- Forms of regulation, **34:2 to 34:6**
- Measurement of distancing requirements, **34:9**
- Nonconforming use status, **34:6**
- Overview, **34:1**
- Retail stations, distancing requirements, **34:8**
- Schools, distancing requirements, **34:7**
- Self-service retail stations, **34:10 to 34:12**
- Special permits, **34:4**

GENERAL WELFARE

- Constitutional taking claims, **6:6 to 6:8**
- Rezoning, **41:5**
- Wildlife protection, **21:14**

GIFTS

- Subdivision control, **89:13**

GOLF COURSES

- Amusements and arcades, **26:28**

GOOD FAITH

- Nonconforming uses and structures, **72:16**
- Vested rights and estoppel claims, **70:17; 70:30**

GOVERNMENTAL IMMUNITY DOCTRINES

- Governmental Uses and Zoning** (this index)

GOVERNMENTAL USES AND ZONING

- Generally, **76:1 to 76:25**
- Balancing of interests tests, **76:6; 76:20; 76:21**
- Eminent domain test, **76:13; 76:14**
- Exclusive intent test, **76:7; 76:22**
- Federal government uses, **76:23**
- Governmental uses, zoning for, generally, **76:2; 76:3**
- Immunity doctrines
 - Broadcasting and communications towers, antennae and related facilities, **79:13**
 - Hazardous waste and protection of groundwater, **8:17**
 - Local intergovernmental disputes, **76:5**
 - Modern doctrines, **76:20 to 76:23**
 - Single-family zoning and alternative residential uses, **23:28**
 - Statutory immunity from zoning, **76:8 to 76:10**
 - Traditional doctrines, **76:11 to 76:19**
- Wrongful Land Use Regulation, Remedies for** (this index)
- Implied statutory preemption, **76:10**
- Inadequacy of traditional immunity doctrines, **76:19**
- Local intergovernmental disputes, **76:4 to 76:7**
- Modern governmental immunity doctrines, **76:20 to 76:23**
- Preemption, **76:10**
- Proprietary test, **76:11; 76:12**
- Public authorities, **76:18**
- Quasi-governmental entities, **76:17**
- Sovereign immunity. Immunity doctrines, above
- State sovereignty test, **76:15; 76:16**
- Statutory immunity from zoning, generally, **76:8 to 76:10**
- Traditional government immunity doctrines, generally, **76:11 to 76:19**
- Wrongful Land Use Regulation, Remedies for** (this index)

GRADES AND GRADING

- Site-specific zoning conditions, validity and enforcement of, **60:27**
- Tree and vegetation protection, **20:36**

GRANDFATHER PROVISIONS

- Substandard lots, **49:25**

GRANTS

- Wildlife protection, **21:80**

GRAPHICS

- Choice of forum: federal or state, **67:8**

GREENER PASTURE LAWSUITS

- Zoning districts, **10:23**

GROUNDWATER

- Hazardous Waste and Protection of Groundwater** (this index)
- Municipal protection of **Hazardous Waste and Protection of Groundwater** (this index)

GROUP HOMES

- Exclusionary zoning, **22:12**
- Fair housing legislation, **25:11 to 25:16**
- Preemption, **48:8**
- Single-Family Zoning and Alternative Residential Uses** (this index)

GROWTH BOUNDARIES

- Statewide and regional land use controls, **36:29**

GROWTH MANAGEMENT

- Generally, **15:1 to 15:31**
- Affordability, **15:16**
- Anti-sprawl, **15:14**
- Capital improvement programming, **15:4**
- Comprehensive plan, consistency with, **15:13**
- Definition, **15:1**
- Density and lot size, zoning control of, **51:6**
- Federal programs, **15:5**
- History, **15:3**
- Legal challenges, **15:15**
- Official map act, **15:12**

GROWTH MANAGEMENT

—Cont'd

- Overview, **15:2**
- Regional and statewide land use controls, **36:10**
- Regional growth management, **36:33**
- Smart growth, **15:14**
- State regulation
 - Enabling provisions, **15:6**
 - Hawai'i, **15:9**
 - Montgomery County, Maryland, **15:11**
 - Oregon, **15:7**
 - Regional and statewide land use controls, **36:10**
 - Vermont, **15:10**
 - Washington, **15:8**
- Taking claims, **6:47**
- Wildlife protection, **21:49; 21:72 to 21:75**

GUN REPAIR SHOPS

- Accessory uses and zoning, **33:31**

HABITAT ACQUISITION PROGRAMS

- Wildlife protection, **21:48**

HANDICAPPED PERSONS

- Fair housing legislation, **25:8 to 25:10**

HARDSHIP

- Board of appeals, **57:13; 57:19**
- Parking and parking lots, **83:35**
- Variations** (this index)
- Zoning districts, **10:30**

HARM PREVENTION RATIONALE

- Aesthetics and land use regulation, **16:7**

HAWAII

- Statewide and regional land use controls, **36:12**

HAZARDOUS WASTE AND PROTECTION OF GROUNDWATER

- Generally, **8:1 to 8:66**
- Abatement actions, **8:35**

INDEX

HAZARDOUS WASTE AND PROTECTION OF GROUNDWATER—Cont'd

Aquifer protection zoning, **8:56; 8:57**
CERCLAs standard of liability, **8:31 to 8:34**
Citizen suits, generally, **8:25; 8:26; 8:34; 8:46**
Classification of TSD facilities, **8:54**
Clean Air Act, **8:50**
Cleanup and recovery rights, **8:37 to 8:40**
Clean Water Act, **8:48**
Common law remedies, generally, **8:9 to 8:21**
Compensation, preemption with, **8:66**
Comprehensive Environmental Response, Compensation, and Liability Act, generally, **8:29; 8:30**
Cost recovery actions, **8:31 to 8:34; 8:39**
Damages, **8:21**
Defenses to liability, generally, **8:15 to 8:18**
Definition, **8:2**
Disclosure, **8:52**
Disposal or transportation of hazardous wastes, municipality for, **8:33; 8:34**
Emergency planning, **8:53**
Environmental justice, **8:8**
EPA groundwater protection strategy, **8:49**
Exclusion of TSD facilities from community, **8:59**
Federal regulation of hazardous wastes, generally, **8:22 et seq.**
Health risks to local communities, **8:5**
Imminent hazards under Resource Conservation and Recovery Act, **8:27; 8:28**
Information disclosure, **8:52**
Injunctions, **8:19; 8:20**
Legislative authorization as defense to liability, **8:15; 8:16**
Magnitude of problem, **8:2 to 8:8**

HAZARDOUS WASTE AND PROTECTION OF GROUNDWATER—Cont'd

Municipalities
Actions and suits by, generally, **8:9; 8:10**
Cleanup and recovery rights, **8:37 to 8:40**
Facilities for hazardous waste, regulation of, **8:53 to 8:60**
Liability of, generally, **8:11; 8:12; 8:31 to 8:36**
National drinking water regulations, **8:41 to 8:46**
Negligence theory of relief, **8:14**
NIMBY problem, **8:61**
Nuclear waste disposal legislation, **8:51**
Nuisance theory of relief, **8:9 to 8:13**
Performance zoning, **8:55 to 8:57**
Planning, preemption with, **8:65**
Preclusion of remedies, **8:18**
Preemption, generally, **8:24; 8:62 to 8:66; 48:14**
Resource Conservation and Recovery Act, generally, **8:22 to 8:28**
Resource use loss to local communities, **8:6**
Risks to local communities, **8:4 to 8:6**
Safe Drinking Water Act, generally, **8:41 to 8:46**
Scope of chapter, **8:1**
Site ownership or operation, municipality for, **8:32**
Sole source aquifer protection, **8:43**
Sources of hazardous waste, **8:2**
Source water quality assessment, **8:45**
Sovereign immunity, **8:17**
State siting legislation, generally, **8:61 to 8:66**
Strategies and incentives, **8:7**
Strict liability for nuisance, **8:13**
Superfund, functions of, **8:30**
Toxic Substances Control Act, **8:47**
Trespass theory of relief, **8:14**
Underground injection control, **8:42**
Vested rights, **8:58**

HAZARDOUS WASTE AND PROTECTION OF GROUNDWATER—Cont'd
Wellhead protection areas, **8:44**

HEADSHOPS
Generally, **26:32**
Overview, **26:1**
Prohibited ordinances, **26:33**

HEALTH MATTERS
Cellular towers and personal wireless facilities, nonionizing electromagnetic radiation, **7:21**
Floodplain and wetland regulation, **7:21**
Hazardous waste and protection of groundwater, **8:5**
Mobile homes and manufactured housing, local control of, **28:8**
Religious structures, uses, and displays, local control of, **29:17**
Tree and vegetation protection, **20:14**

HEARINGS
Board of Appeals (this index)
Comprehensive plan requirements and consistency doctrine, **14:6**
Enactment of Zoning Ordinances (this index)
Fair housing legislation, **25:12**
Mediation in a Land Use Context (this index)
Planned unit developments, **88:6**
Rezoning, **39:15**

HEARSAY
Board of appeals, **57:59; 57:60**

HEIGHT OF BUILDINGS AND STRUCTURES, ZONING CONTROLS ON
Generally, **52:1 to 52:14**
Air rights, transfer of, **52:8**
Broadcasting and communications towers, antennae and related facilities, **79:6; 79:33**
Constitutional law, **52:4; 52:5**
Definitions, formulas, and application, **52:6**
Design controls, **52:11**

HEIGHT OF BUILDINGS AND STRUCTURES, ZONING CONTROLS ON—Cont'd
Due process and zoning, **3:8**
Historic preservation, **52:10**
Incentive bonuses, **52:7**
Minimum height restrictions, **52:9**
Nonconforming uses and structures, **73:22**
Overview, **52:1**
Proper zoning purpose, **52:3**
Public purpose, **52:2**
Substantive due process, **52:4; 52:5**
Taking claims, **52:5**
Underground utilities, **52:13**
Variances, **52:14**
View protection, **52:12**

HELICOPTERS
Accessory uses and zoning, **33:9**

HIGHEST AND BEST USE
Due process and zoning, **3:16**

HIGHWAYS
Streets, Roads, and Highways (this index)

HISTORICAL ASSOCIATIONS
Tree and vegetation protection, **20:26**

HISTORIC PRESERVATION LAW
Generally, **19:1 to 19:51**
Abandoned Shipwreck Act, **19:45**
Accessory buildings and landscapes, **19:20**
Affirmative maintenance, **19:19**
Alteration, **19:18**
Antiquities Act, **19:34**
Appropriateness, **19:17**
Archaeological Resources Protection Act, **19:34**
Broadcasting and communications towers, antennae and related facilities, **79:36**
Compatibility, **19:17**
Comprehensive planning, **19:49**
Constitutional constraints
Generally, **19:24 to 13:32**
Due process, **19:25**
First Amendment, **19:31; 19:32**

INDEX

HISTORIC PRESERVATION LAW

—Cont'd

- Constitutional constraints—Cont'd
 - Free speech, **19:32**
 - Religious rights, **19:31**
- Takings
 - Generally, **19:26 to 19:30**
 - Eminent domain, **19:27**
 - Local government strategies, **19:30**
 - Penn Central, **19:28; 19:29**
- Constitutions, state, **19:48**
- De-listing standards, **19:12**
- Demolition, **19:18**
- Department of Transportation Act, Section 4(f), **19:43**
- Designation
 - Generally, **19:4 to 19:12**
 - De-listing standards, **19:12**
 - Eligible properties, **19:5 to 19:7**
 - Landmarks, individual protection, **19:11**
 - Local designation, **19:10**
 - Owner acquiescence, **19:7**
 - Process, **19:6**
 - Standards, **19:8**
 - State designation, **19:9**
- Due process, **19:25**
- Eligible properties, designation, **19:5 to 19:7**
- Eminent domain, **19:27**
- Environmental policy, state, **19:47; 19:48**
- Evolution, zoning, **19:14**
- Federal preservation law
 - Generally, **19:33 to 19:45**
 - Abandoned Shipwreck Act, **19:45**
 - Antiquities Act, **19:34**
 - Archaeological Resources Protection Act, **19:34**
 - Department of Transportation Act, Section 4(f), **19:43**
 - Historic Sites Act, **19:35**
 - National Environmental Policy Act, **19:42**
 - National Historic Preservation Act. National Historic Preservation Act, below

HISTORIC PRESERVATION LAW

—Cont'd

- Federal preservation law—Cont'd
 - Native American Graves protection and Repatriation Act, **19:44**
- Federal tax incentives, **19:50**
- First Amendment, **19:31; 19:32**
- Free speech, **19:32**
- Height of buildings and structures, zoning controls on, **52:10**
- Historic Sites Act, **19:35**
- History of, **19:2**
- Interiors, **19:23**
- Landmarks, individual protection, **19:11**
- Legislation, enabling, **19:15**
- Local designation, **19:10**
- Local government strategies, takings, **19:30**
- Local regulation
 - Generally, **19:13 to 19:23**
 - Accessory buildings and landscapes, **19:20**
 - Affirmative maintenance, **19:19**
 - Alteration, **19:18**
 - Appropriateness, **19:17**
 - Compatibility, **19:17**
 - Constitutional constraints.
 - Constitutional constraints, above
 - Demolition, **19:18**
 - Evolution, zoning, **19:14**
 - Interiors, **19:23**
 - Legislation, enabling, **19:15**
 - New construction, **19:18**
 - Nonhistoric buildings, **19:20**
 - Publicly owned property, **19:22**
 - Regulatory bodies, **19:16**
- National Environmental Policy Act, **19:42**
- National Historic Preservation Act
 - Generally, **19:36 to 19:41**
 - Alternative compliance, **19:40**
 - Applicability, **19:38**
 - Process, **19:37**
 - Section 110, **19:41**
 - Section 106, generally, **19:37 to 19:41**

HISTORIC PRESERVATION LAW
—Cont'd

- National Historic Preservation Act
—Cont'd
- Undertakings, **19:39**
- Native American Graves protection and Repatriation Act, **19:44**
- New construction, **19:18**
- Nonhistoric buildings, **19:20**
- Owner acquiescence, designation, **19:7**
- Penn Central, **19:28; 19:29**
- Process, designation, **19:6**
- Publicly owned property, **19:22**
- Rationale for, **19:2**
- Regulatory bodies, local regulation, **19:16**
- Religious property, **29:16**
- Religious rights, **19:31**
- Standards, designation, **19:8**
- Standing to sue, **63:22; 63:33**
- State designation, **19:9**
- State financial incentives, **19:51**
- State preservation law
 - Generally, **19:46 to 19:49**
 - Comprehensive planning, **19:49**
 - Constitutions, **19:48**
 - Environmental policy, **19:47; 19:48**
- Subdivision control, **90:22**
- Takings, generally, **19:26 to 19:30**
- Transfer of development rights, **59:7**
- Zoning, evolution with, **19:14**

HISTORIC SITES ACT

- Historic preservation law, **19:35**

HOLDING ZONES

- Interim zoning and building moratoria, **13:4**
- Police power and zoning regulation, **1:26**

HOME OCCUPATIONS

- Employees, restrictions on, **33:35**
- Incidental to primary use, **33:32**
- Miscellaneous restrictions, **33:36**
- Physical character and use of premises, **33:33**

HOME OCCUPATIONS—Cont'd

- Professional uses
 - Defining, **33:39**
 - Expressly or implicitly allowed, **33:37**
 - Restrictions on, **33:38**
- Same person, use by, **33:34**

HOME RELIGIOUS SERVICES

- Religious structures, uses, and displays, local control of, **29:13**

HOME RULE

- Comprehensive plan requirements and consistency doctrine, **14:24**
- Occupancy, ownership, rental housing, and conversions, regulation of, **81:14**
- Preemption, **48:4**
- Statewide and regional land use controls, **36:4 to 36:7**
- Tree and vegetation protection, **20:21**
- Wildlife protection, **21:25**

HOME RULE AUTHORITY

- Rezoning, **39:4**

HORSES

- Stables, accessory uses and zoning, **33:57**

HOUSEHOLD COMPOSITION

- Due process and zoning, **3:9**
- Occupancy, ownership, rental housing, and conversions, regulation of, **81:6**

HOUSING

- Preemption, **48:9**

IDENTIFICATION

- Description and Identification** (this index)

IDEOLOGICAL SYMBOLS

- Religious structures, uses, and displays, local control of, **29:9**

ILLEGAL SPOT ZONING

- Transfer of development rights, **59:23**

INDEX

IMMUNITY DOCTRINES

Governmental Uses and Zoning
(this index)

IMPACT FEES

Mobile homes and manufactured housing, local control of, **28:27**
Subdivision control, **90:43**
Vested rights and estoppel claims, **70:25**
Wildlife protection, **21:86**

IMPACT INJURIES

Tree and vegetation protection, **20:34**

IMPACT TESTS

Declaratory judgments, **56:9**

IMPACT ZONING

Police power and zoning regulation, **1:27**

IMPAIRMENT OF RECEPTION

Broadcasting and communications towers, antennae and related facilities, **79:32**

IMPLIED POWERS

Enforcement of zoning laws, **65:3**

IMPROVEMENTS

Subdivision control, **90:32; 90:42**

“IN ACCORDANCE WITH” JURISDICTIONS

Binding nature of plans, comprehensive or master plan, **14:18**

INCENTIVES

Height of buildings and structures, zoning controls on, **52:7**
Historic preservation law, **19:50; 19:51**
Subdivision control, **90:47**
Tree and vegetation protection, **20:74 to 20:76**

INCENTIVE ZONING

Exclusionary zoning, **22:26**
Police power and zoning regulation, **1:28**
Site-specific zoning conditions, validity and enforcement of, **60:16**

INCENTIVE ZONING—Cont'd

Taking claims, **6:58**

INCLUSIONARY ZONING

Exclusionary zoning, **22:27; 22:28**
Police power and zoning regulation, **1:29**

INCORPORATION AND ANNEXATION ZONING ISSUES

Generally, **35:9 to 35:16**
Challenges to annexation, **35:16**
Interim ordinances, **35:10**
Judicial review, **35:15**
Owners of annexed lands, rights of, **35:11**
Private-public annexation agreements, **35:13**
Problematic zoning issues and conflicts, **35:9 to 35:14**
Standards, **35:14; 35:15**
Stop gap ordinances, **35:10**
Third persons, property rights of, **35:12**

INDISPENSABLE PARTIES

Judicial review, **62:11**

INDUSTRIAL, BUSINESS, AND RESEARCH PARKS

Public land use controls and private covenants, **82:9 to 82:11**

INFANTS

Children or Minors (this index)

INFRASTRUCTURE CONTROLS

Growth Management (this index)

INHERENTLY BENEFICIAL USE

Variations, **58:13**

INITIATIVE AND REFERENDUM, ZONING AND PLANNING BY

Generally, **46:1 to 46:20**
Authority and authorization, **46:8; 46:9**
Comprehensive plan requirements and consistency doctrine, **14:9**
Conflict with zoning statutes, **46:6 to 46:9**
Constitutional issues, **46:19**

**INITIATIVE AND REFERENDUM,
ZONING AND PLANNING BY
—Cont'd**

- Delegation of power, impropriety of, **46:16**
- Development agreements, **71:8**
- Exclusionary zoning, **46:20**
- Federal policy, implementation of, **46:14**
- Judicial review, **46:3; 46:18 to 46:20**
- Land use regulation, generally, **46:5 to 46:9**
- Legislative acts only, limitations on use, **46:10 to 46:15**
- Limitations on use, **46:10 to 46:17**
- Overview, **46:1**
- Planned unit developments, **88:8**
- Preemption, **46:17**
- Public policy and rational planning, **46:4**
- Quasi-judicial acts, limitations on use, **46:10 to 46:15**
- Rezoning, **37:10; 46:10 to 46:15**
- State policy, implementation of, **46:13**
- Utilization, authority for, **46:9**

INJUNCTIONS

- Enforcement of zoning laws, **65:10 to 65:14**
- Hazardous waste and protection of groundwater, **8:19; 8:20**
- Res judicata and finality of zoning decisions, **68:25**
- Sex businesses, bars, and cabarets, **24:6**

INSPECTIONS AND TESTS

- Mandamus actions, **64:18**
- Signs and billboards, regulation of, **17:22**
- Site-specific zoning conditions, validity and enforcement of, **60:25**
- Standing to sue, **63:40**
- Taking claims, **6:9; 6:13 to 6:17**

INSURANCE

- Accessory uses and zoning, insurance brokers, **33:40**

INSURANCE—Cont'd

- Newsracks and newsstands, local control of, **18:15**
- Standing to sue, insurance companies, **63:9 to 63:11**

INTENSITY OF USE

- Nonconforming uses and structures, **73:15**

INTENT

- Fair housing legislation, **25:21**
- Presumptions affecting ordinances, **5:12; 5:16**
- Sex businesses, bars, and cabarets, **24:18**

**INTERGOVERNMENTAL
AGREEMENTS**

- Development agreements, **71:11**
- Extraterritorial land use controls, **35:8**
- Rezoning, **44:20**
- Wildlife protection, **21:24; 21:89**

**INTERIM ZONING AND
BUILDING MORATORIA**

- Generally, **13:1 to 13:19**
- Authority for enactment, generally, **13:10 to 13:16**
- Basis for interim controls, **13:7 to 13:9**
- Building moratoria, generally, **13:3**
- Building permits and vested rights, **13:15**
- Comprehensive planning, **13:7; 14:14**
- Conditional zoning, **13:6**
- Constitutional taking claims, **6:46**
- Exemptions, **13:19**
- Holding zones, **13:4**
- Incorporation and annexation zoning issues, **35:10**
- Interim zoning, generally, **13:2**
- Land banking or short zoning, **13:5**
- Mootness, **13:16**
- Nuisance justification, **13:18**
- Overview, **13:1**
- Police power and zoning regulation, **1:30**
- Procedural defects, **13:12**

INDEX

INTERIM ZONING AND BUILDING MORATORIA —Cont'd

- Public service problems, **13:9**
- Reasonableness, **13:13; 13:14**
- Regulatory taking claims, **13:17 to 13:19**
- Short zoning, **13:5**
- Status quo, maintenance of, **13:8**
- Statutory authority for enactment, generally, **13:10; 13:11**
- Temporary or conditional zoning, **13:6**
- Temporary takings, **13:17**

INTERIORS

- Historic preservation law, **19:23**

INTERMODAL SURFACE TRANSPORTATION ACT

- Generally, **20:46**

INTERMUNICIPAL DISPUTES

- Airports and adjacent lands, **85:5**

INTERPRETATION AND CONSTRUCTION

- Amending ordinance, effect of, **5:21**
- Criminal proceedings, strict construction in, **5:17**
- Definitions in ordinance as controlling, **5:10**
- Free use of land, construction in favor of, **5:13**
- Intent, contemporaneous declarations of, **5:12**
- Judicial review, **62:38**
- Jurisdictions that emphasize legislative intent, **5:16**
- Legislative purpose, generally, **5:18 to 5:21**
- Limitations and restrictions on strict construction doctrine, **5:14; 5:15**
- Ordinances, generally, **5:10 to 5:22**
- Ordinary meaning applied, **5:11**
- Parking and Parking Lots** (this index)
- Planned unit developments, **88:13**
- Presumptions affecting ordinances. **Presumptions and Burden of**

INTERPRETATION AND CONSTRUCTION—Cont'd

- Proof** (this index)
- Single-family zoning and alternative residential uses, **23:8 to 23:17; 23:20; 23:21**
- Specially permitted and conditional uses, **61:24 to 61:29**
- Strict construction doctrine, generally, **5:13 to 5:17**
- Structure of ordinance as guide, **5:19**
- Transfer of development rights, **59:14**
- Vagueness of ordinance, **5:22**
- Vested rights and estoppel claims, **70:14**
- Yards, Setbacks, and Frontage, Restrictions on** (this index)
- Zoning districts, construction of maps, **10:16**

INTERSECTING STREET

- Parking and parking lots, **83:21**

INTERVENTION

- Standing to Sue** (this index)

INVERSE CONDEMNATION

- Airports and adjacent lands, **85:9; 85:10**

INVESTMENT BACKED EXPECTATIONS

- Floodplain and wetland regulation, **7:46**
- Taking claims, **6:29; 6:30**

IRREGULARITIES

- Defects and Irregularities** (this index)

JUDICIAL DECISIONS

- Res Judicata and Finality of Zoning Decisions** (this index)

JUDICIAL NOTICE

- Enforcement of zoning laws, **65:22**

JUDICIAL REVIEW

- Generally, **62:1 to 62:50**
- Abuse of discretion, **62:34**
- Additional testimony taken by court, **62:46**

JUDICIAL REVIEW—Cont'd

Administrative zoning decisions, generally, **62:1 to 62:50**
 Aesthetics and land use regulation, **16:8**
 Affidavits, **62:23**
 Answer, **62:24**
 Authorization, **62:2**
 Board or board member as party, **62:16**
 Certification of minutes, **62:30**
 Certiorari proceeding, **62:8**
 Commencement of time period for review, **62:14**
 Competent evidence, need for, **62:44**
 Comprehensive plan requirements and consistency doctrine, **14:25**
 Construction and interpretation of ordinance, **62:38**
 Defect in notice, effect on time period, **62:15**
 Dismissal, **62:9 to 62:11**
 Errors of law, **62:33; 62:38 to 62:41**
 Examination of premises, **62:27**
 Extraterritorial land use controls, **35:4**
 Factual determination, review of, **62:42 to 62:45**
 Final actions, **62:6**
 Findings of fact and conclusions, **62:26**
 Floating zones, **62:5**
Floating Zones (this index)
 Form of return, **62:29**
 Incorporation and annexation zoning issues, **35:15**
 Incorrect standards, **62:39**
 Indispensable parties, **62:11**
 Initiative and referendum, zoning and planning by, **46:3; 46:18 to 46:20**
 Laches or delay, **62:10**
 Legislative action, **62:4**
 Minutes, certification of, **62:30**
 Municipality as party, **62:17**
 Notice, effect on time period of defect in, **62:15**
 Objecting landowners as parties, **62:20**

JUDICIAL REVIEW—Cont'd

Objections in point of law, **62:24**
 Overview, **62:1**
 Parties against whom review is brought, **62:16 to 62:20**
 Petition, **62:22**
Planned Unit Developments (this index)
 Pleadings, generally, **62:21 to 62:31**
 Power of reviewing court, **62:37**
 Presumptions and burden of proof, **62:35; 62:36**
 Procedure, generally, **62:3**
 Quasi-judicial action, **62:4**
 Reasonable inferences and expertise, **62:45**
 Record, parties of, **62:19**
 Reliance on determination prior to expiration of review period, **62:13**
 Remand, purpose of, **62:48**
 Remand, reasons for, **62:47**
 Reply, **62:31**
 Return, generally, **62:25 to 62:30**
 Rezoning decisions, review of, **62:50**
Rezonings (this index)
 Role of court, **62:36**
 Scope of review, generally, **62:32 to 62:50**
 Site plan review and approval, **87:12 to 87:14**
 Site-specific zoning conditions, validity and enforcement of, **60:38**
 Specially permitted and conditional uses, **61:47**
 Standards for review, generally, **62:32 to 62:34**
 State environmental impact review, **9:34 to 9:39**
 Statement of supporting findings, **62:28**
 Statute of limitations, compliance with, **62:7 to 62:11**
 Statutes governing review proceedings, **62:2; 62:3**
 Substantial evidence, meaning of, **62:43**
 Suspension of time by pursuing unauthorized remedies, **62:12**

INDEX

JUDICIAL REVIEW—Cont'd

- Time for judicial review
 - Generally, **62:7 to 62:11**
 - Suspension of time, **62:12**
- Trial de novo, **62:49**
- What is reviewable, **62:4 to 62:6**
- Zoning regulation, **1:6**

JUNKYARDS

- Aesthetics and land use regulation, **16:18**
- Preemption, **48:13**

JURISDICTION

- Board of appeals, **57:9 to 57:12**
- Enforcement of zoning laws, **65:7**
- Extraterritorial land use controls, **35:6 to 35:8**
- Passage of zoning measures, **32:7**
- United States courts, jurisdiction of, **1:43**
- Wrongful land use regulation, remedies for, **66:24; 66:42; 66:43**

JURY TRIAL

- Enforcement of zoning laws, **65:23**

JUST COMPENSATION

- Transfer of development rights, **59:18**
- Wrongful land use regulation, remedies for, **66:17 to 66:22**

JUVENILE DELINQUENCY

- Amusements and arcades, **26:7**

KARATE SCHOOL

- Accessory uses and zoning, **33:41**

KINDERGARTENS AND NURSERY SCHOOLS

- Schools, educational facilities, and accessory uses, local control of, **30:9**

KNOWLEDGE

- Notice and Knowledge** (this index)

LACEY ACT

- Wildlife protection, **21:36**

LACHES

- Delay or Laches** (this index)

LAND BANKING

- Interim zoning and building moratoria, **13:5**

LANDFILLS

- Preemption, **48:13**

LANDLORD AND TENANT

- Standing to sue, **63:10**

LANDSCAPING

- Aesthetics and land use regulation, **16:11**
- Historic preservation law, **19:21**
- Site-specific zoning conditions, validity and enforcement of, **60:21**
- Tree and vegetation protection, **20:75**

LAND USE CONTROLS AND RESTRICTIONS

- Initiative and Referendum, Zoning and Planning by** (this index)
- Leases and Land Use Restrictions** (this index)
- Mandamus Actions** (this index)
- Mediation in a Land Use Context** (this index)
- Occupancy, ownership, rental housing, and conversions, regulation of, **81:3**
- Public Land Use Controls and Private Covenants** (this index)
- Sex businesses, bars, and cabarets, **24:2**
- Wildlife protection, **21:49**
- Wrongful Land Use Regulation, Remedies for** (this index)

LAND USE DISPUTE RESOLUTION

- Generally, **31:1 to 31:19**
- Alternative dispute resolution, **31:4; 31:5**
- Assessment for mutual gains approach, **31:15; 31:16**
- Cases suitable for collaborative dispute process, **31:11**
- Collaborative negotiation, stages when can be used, **31:12**
- Collaborative process, benefits, **31:6**

LAND USE DISPUTE

RESOLUTION—Cont'd

- Deliberation, mutual gains approach, **31:18**
- Design, mutual gains approach, **31:17**
- Framework, **31:1**
- Implementation, mutual gains approach, **31:19**
- Mutual gains approach
 - Four steps, **31:14**
 - Guiding principles, **31:13**
 - Implementation, **31:15 to 31:19**
- Non-controversial decisions and traditional system, **31:2**
- Obstacles to widespread use, **31:8**
- Overcoming obstacles, **31:9**
- Screening cases, **31:10; 31:11**
- “Specialized” land use disputes and traditional system, **31:3**
- Success rates, **31:6**
- Supplemental solution to land use conflicts, **31:5**
- Unsuccessful results, **31:7**

LEASEBACKS

- Wildlife protection, **21:84**

LEASES AND LAND USE

RESTRICTIONS

- Generally, **80:1 to 80:13**
- Air rights in New York City, **80:13**
- Approval of zoning, landlord’s agreement to obtain, **80:7**
- Assumption of risk by tenant, **80:4; 80:5**
- Broker’s rights, effect of, **80:10**
- Certificate of occupancy, lack of, **80:11**
- Concealment by landlord, **80:3**
- Municipality
 - As landlord, **80:12**
 - Enforcement by, **80:9**
 - New York City, air rights in, **80:13**
 - Nonconforming uses, **80:8**
 - Overview, **80:1**
 - Permit, tenant obligation to seek, **80:6**
 - Prohibition of intended use, generally, **80:2 to 80:13**

LEASES AND LAND USE

RESTRICTIONS—Cont'd

- Representations by landlord, **80:3**
- Variance, tenant obligation to seek, **80:6**
- Warranty by landlord, **80:3**

LEGISLATIVE ACTIONS

- Res Judicata and Finality of Zoning Decisions** (this index)
- State enabling, historic preservation law, **19:15**
- Zoning districts, boundaries, **10:12**

LEGISLATIVE LIMITATIONS

- Constitutional and Legislative Limitations on Zoning** (this index)

LEGISLATIVE PURPOSE

- Presumptions affecting ordinances, **5:18 to 5:21**

LEWD CONDUCT

- Sex Businesses, Bars, and Cabarets** (this index)

LICENSES AND PERMITS

- Amusements and arcades, **26:16**
- Building Permits** (this index)
- Equal protection, **4:12**
- Floodplain and wetland regulation, **7:12; 7:35; 7:44**
- Maps** (this index)
- Newsracks and newsstands, local control of, **18:15**
- Nonconforming uses and structures, **73:4**
- Sex Businesses, Bars, and Cabarets** (this index)
- Specially Permitted and Conditional Uses** (this index)
- Tree and Vegetation Protection** (this index)

LIFE INSURANCE AGENT

- Accessory uses and zoning, **33:42**

LIMITATION OF ACTIONS

- Statute of Limitations** (this index)

LIMITATIONS AND RESTRICTIONS

- Aesthetics and land use regulation, **16:6 to 16:8**

INDEX

LIMITATIONS AND

RESTRICTIONS—Cont'd

Board of Appeals (this index)

Constitutional and Legislative Limitations on Zoning (this index)

Declaratory Judgments (this index)

Enabling Acts, limitations of, **1:11; 1:12**

Enforcement of zoning laws, **65:31**

Initiative and referendum, zoning and planning by, **46:10 to 46:17**

Land use before zoning, **1:1**

Newsracks and newsstands, local control of, **18:8**

Nonconforming uses and structures, **72:17; 74:24**

Statewide and regional land use controls, **36:3 to 36:10**

Wildlife protection, **21:52; 21:55; 21:56**

Wrongful land use regulation, remedies for, **66:49 to 66:52**

LINEAR MEASURE

Rezoning, **43:23**

LINGLE v. CHEVRON

Due process and zoning, **3:4**

LIQUOR ESTABLISHMENTS

Preemption, **48:20**

LIVING QUARTERS

Generally, **33:73**

Area restrictions, compliance or noncompliance, **33:74; 33:75**

Nonconforming use, **33:76**

LOANS

Wildlife protection, **21:80**

LOBBYING

Passage of zoning measures, **32:11**

LOCAL CONTROL OR REGULATION

Generally, see more specific topics throughout this index

LOCAL PLANS

Public utilities

Relevance, **78:8**

LOCATION

Place or Location (this index)

LODGES

Clubs and service organizations, zoning for, **27:12**

LOITERING AND IDLENESS

Amusements and arcades, **26:5**

LOT SIZE OR REQUIREMENTS

Density and Lot Size, Zoning

Control of (this index)

Due process and zoning, **3:8**

Specially permitted and conditional uses, **61:32**

Subdivision control, **90:9**

Taking claims, **6:34**

LOW INCOME HOUSING

Site-specific zoning conditions, validity and enforcement of, **60:29**

L SHAPED BUILDINGS

Yards, setbacks, and frontage, restrictions on, **53:15**

L SHAPED LOTS

Substandard lots, **49:19**

LUCAS CASE

Floodplain and wetland regulation, **7:48**

Taking claims, **6:25**

MAINE

Unorganized townships, land use classification, **36:14**

MAINTENANCE AND APPEARANCE

Affirmative, historic preservation law, **19:19**

Site-specific zoning conditions, validity and enforcement of, **60:23**

MANDAMUS ACTIONS

Generally, **64:1 to 64:22**

Abatement of violation, **64:17**

Application, compelling action on, **64:16**

Approval of subdivision plans, **64:13**

Building permits, compelling issuance of, **64:19**

MANDAMUS ACTIONS—Cont'd

- Clear legal right and clear legal duty
 - Clear legal duty, meaning of, **64:6; 64:7**
 - Clear legal right, meaning of, **64:8 to 64:12**
 - Establishing, generally, **64:4; 64:5**
- Conditions precedent, compliance with, **64:8**
- Demonstrating clear legal right, **64:5**
- Discretionary matters, **64:6; 64:7; 64:21; 64:22**
- Enforcement of zoning laws, **65:15; 65:16**
- Equitable considerations, **64:22**
- Exhaustion of administrative remedies, **64:11; 64:12**
- Introduction, **64:1 to 64:3**
- Land use cases, generally, **64:2; 64:13 to 64:20**
- Ministerial distinguished from discretionary acts, **64:6**
- Modern statutory proceedings, **64:3**
- Nonconforming uses, determining lawfulness of, **64:20**
- Origin and nature of, **64:1**
- Prior demand for action, necessity of, **64:9; 64:10**
- Site plan review, **64:15**
- Special use permits, **64:14**
- Subdivision plans, approval of, **64:13**
- Testing validity of ordinances, **64:18**
- Utilization in land use proceedings, **64:2**

MANUFACTURED HOUSING

- Mobile Homes and Manufactured Housing, Local Control of** (this index)

MAPS

- Choice of forum: federal or state, **67:8**
- Enactment of zoning ordinances, **12:41**
- Growth management, **15:12**
- Licenses. Permits, below
- Official maps
 - General discussion, **50:1 to 50:12**
 - Effect, **50:2**

MAPS—Cont'd

- Official maps—Cont'd
 - Master plan and zoning, relation to, **50:4**
 - Nature and purpose of, **50:1**
 - Subdivision, relation to, **50:3**
 - Variations from restrictions, **50:12**
- Permits
 - Buildings in location of mapped improvements, **50:9 to 50:11**
 - Buildings not on improved streets, **50:5 to 50:8**
- Rezoning, **38:2**
- Subdivision control, **91:27**
- Variations from restrictions on official map, **50:12**
- Zoning Districts** (this index)

MARIJUANA

- Amusements and arcades, **26:34**
- State preemption, **48:27**

MARINAS

- Boats and Marinas** (this index)

MARITAL STATUS

- Occupancy, ownership, rental housing, and conversions, regulation of, **81:5**

MASSACHUSETTS

- Exclusionary zoning, fair share doctrine, **22:23**
- Vested rights and estoppel claims, **70:36**

MASSAGE CLUBS

- Clubs and service organizations, zoning for, **27:17**

MASTER PLAN

- Comprehensive or Master Plan** (this index)

MEASUREMENT

- Gasoline stations, zoning for, **34:9**

MERGER

- Substandard Lots** (this index)

MINERALS

- Nonconforming uses and structures, **73:19**

INDEX

MINIMUM HEIGHT RESTRICTIONS

Height of buildings and structures, zoning controls on, **52:9**

MINIMUM RATIONALITY

Due process and zoning, **3:17**

MINING AND EXTRACTION ACTIVITIES

Generally, **77:1 to 77:14**

Accessory uses and zoning, **33:43**

Early cases of police power restrictions, **77:2**

Exclusion, **77:5**

Expansion of nonconforming use, **77:12**

Nonconforming use, mining and extraction activities as, **77:10 to 77:14**

Ordinances regulating, **77:8; 77:9**

Overview, **77:1**

Police power restrictions, **77:2 to 77:7**

Preemption, **48:18**

Preexisting operations, restriction on, **77:13; 77:14**

Regulatory taking claims, **77:6**

Site development, extraction activities prior to, **77:7**

Total exclusion, **77:5**

MINORS

Children or Minors (this index)

MINOR SUBDIVISIONS OR SHORT PLANS

Subdivision control, **89:14**

MINUTES

Anatomy of zoning litigation, **67:19**

Judicial review, **62:30**

MISCELLANEOUS UNDESIREABLE LAND USES

State preemption, **48:29**

MISREPRESENTATION

Fraud and Deceit (this index)

MISTAKE

Building permits, **69:9**

MISTAKE—Cont'd

Rezonings (this index)

MISUSE OF PUBLIC PROPERTY

Standing to sue, **63:23**

MITIGATION OF IMPACTS

Floodplain and wetland regulation, **7:38**

MITIGATION POWERS

State environmental impact review, **9:32**

MIXED-USE DISTRICTS

Special zoning districts and discretionary development review, **11:12**

MOBILE HOMES AND MANUFACTURED HOUSING, LOCAL CONTROL OF

Generally, **28:1 to 28:32**

Accessory uses, **28:21; 33:78**

Accommodation by regulation, trend to, **28:3**

Adults only regulations, **28:24; 28:25**

Aesthetic considerations, **28:6**

Conditions, **28:27**

Contemporary compatibility with conventional housing, decisions on, **28:11; 28:12**

Definition, **28:14**

Designated areas, restriction to, **28:16**

Due process and zoning, **3:12**

Equal protection claims, **28:24**

Eviction, **28:26**

Exactions, **28:27**

Exclusion from community, **28:15**

Fair housing legislation, **28:25**

Federal preemption, **28:30**

Fees, **28:27**

Fiscal concerns, **28:10**

Health and safety considerations, **28:8**

Impact fees, **28:27**

Local building codes, regulation by, **28:28 to 28:32**

Occupancy restrictions, **28:20**

Overview, **28:1**

**MOBILE HOMES AND
MANUFACTURED HOUSING,
LOCAL CONTROL OF
—Cont'd**

- Preemption, **28:29 to 28:31**
- Private covenants, regulation by, **28:32**
- Property values, impact on, **28:5**
- Public purposes, generally, **28:4 to 28:12**
- Regulation, types of, generally, **28:13 to 28:22**
- Rent control, **28:26**
- Sale, **28:26**
- School facilities, impact on, **28:10**
- Single-family districts, prohibited in, **28:17**
- Size and dimensional restrictions, **28:19**
- Special permits, **28:18**
- Subdivision control, **89:12**
- Time limitations, **28:23**
- Traffic congestion, **28:9**
- Transient nature of use, **28:7**
- Types of, generally, **28:2**

**MODEL LAND DEVELOPMENT
CODE**

- Comprehensive plan requirements and consistency doctrine, **14:3**

MODIFICATION

- Alteration or Modification** (this index)

MOOTNESS

- Interim zoning and building moratoria, **13:16**

MORATORIA

- Building permits, **69:15**
- Interim Zoning and Building Moratoria** (this index)

MORTGAGEES

- Standing to sue, **63:11**

MORTICIANS

- Accessory uses and zoning, **33:44**

MOTORCYCLE CLUBS

- Clubs and service organizations, zoning for, **27:15**

MOTOR VEHICLES

- Vehicles and Automobiles** (this index)

**MOUNT LAUREL FAIR SHARE
DOCTRINE**

- Exclusionary zoning, **22:17**

MULTIPLE BUILDINGS ON LOT

- Yards, setbacks, and frontage, restrictions on, **53:21**

MULTIPLE LOTS

- Yards, setbacks, and frontage, restrictions on, **53:19**

MUNICIPALITIES

- Anatomy of zoning litigation, municipal officials as witnesses, **67:18 to 67:21**
- Enactment of Zoning Ordinances** (this index)
- Enforcement of Zoning Laws** (this index)
- Hazardous waste, municipal regulation of. **Hazardous Waste and Protection of Groundwater** (this index)
- Judicial review, **62:17**
- Leases and Land Use Restrictions** (this index)
- Police power, generally, **1:7**
- Rezoning** (this index)
- Standing to Sue** (this index)

MUSIC FESTIVALS

- General discussion, **26:25**
- Accessory uses and zoning, **33:45**

**NATIONAL DRINKING WATER
REGULATIONS**

- Hazardous waste and protection of groundwater, **8:41 to 8:46**

**NATIONAL ENVIRONMENTAL
POLICY ACT (NEPA)**

- Historic preservation, **19:42**
- State environmental impact review, **9:3; 9:4**

INDEX

**NATIONAL ENVIRONMENTAL
POLICY ACT (NEPA)—Cont'd**
Tree and vegetation protection, **20:44**
Wildlife protection, **21:41**

NATIONAL ESTUARY PROGRAM
Wildlife protection, **21:40**

**NATIONAL FLOOD INSURANCE
PROGRAM**
**Floodplain and Wetland Regula-
tion** (this index)

**NATIONAL HISTORIC
PRESERVATION ACT (NHPA)**
Generally, **19:36 to 19:41**
Alternative compliance, **19:40**
Applicability, **19:38**
Process, **19:37**
Section 110, **19:41**
Section 106, generally, **19:37 to
19:41**
Undertakings, **19:39**

NATIONAL PARK SERVICE
Wildlife protection, **21:45**

**NATIVE AMERICAN GRAVES
PROTECTION AND
REPATRIATION ACT**
Historic preservation law, **19:44**

NAVIGATIONAL SERVITUDE
Floodplain and wetland regulation,
7:41

NECTOW DECISION
Due process and zoning, **3:24**

NEGLIGENCE
Hazardous waste and protection of
groundwater, **8:14**
Wrongful land use regulation, reme-
dies for, **66:11; 66:16**

NEIGHBORHOODS
Choice of forum: federal or state,
67:7
Rezonings (this index)

NEVADA
Lake Tahoe region, compact with
California, **36:15**

NEW CONSTRUCTION
Historic preservation law, **19:18**

NEW JERSEY
Board of appeals, type of limitations,
57:18
Exclusionary zoning, fair share doc-
trine, **22:17**

**NEWSRACKS AND NEWSSTANDS,
LOCAL CONTROL OF**
Generally, **18:1 to 18:16**
Challenges to regulation, **18:11**
Commercial speech, content-based
regulation, **18:9**
Content-based regulation, **18:9;**
18:10
Content-neutral regulation, **18:8**
Discretion, **18:12**
Disparate treatment of newsracks,
18:13
Fees, **18:15**
Insurance, **18:15**
License fees, **18:15**
Newstands, regulation of, **18:16**
Nonpublic forum, **18:6**
Overview, **18:1**
Place restrictions, **18:8**
Privately owned areas, standards for
validity, **18:7**
Public forum, **18:5**
Public purposes, **18:3**
Regulation, generally, **18:2 to 18:16**
Restrictions, **18:8**
Sexually explicit materials, content-
based regulation, **18:10**
Standards for validity, **18:4 to 18:10**
Time restrictions, **18:8**
Validity of total bans, **18:14**

NEWSSTANDS
Regulation of, **18:16**

NEW YORK CITY
Air rights in, **80:13**
Specially permitted and conditional
uses, **61:3**

NEW YORK STATE
Adirondacks region, land use
controls, **36:13**

NEW YORK STATE—Cont'd

- Exclusionary zoning, fair share doctrine, **22:19**
- Vested rights and estoppel claims, **70:34**

NEW ZONING CONCEPTS

- Police power and zoning regulation, **1:13**

NIMBY PROBLEM

- Hazardous waste and protection of groundwater, **8:61**

NOISE BUFFERS

- Tree and vegetation protection, **20:11**

NOISE CONTROLS

- State preemption, **48:26**

NOLLAN NEXUS TEST

- Occupancy, ownership, rental housing, and conversions, regulation of, **81:25**
- Subdivision control, **90:45**
- Taking claims, **6:56**
- Transfer of development rights, **59:19**
- Tree and vegetation protection, **20:67**

NONCONFORMING USES AND STRUCTURES

- Generally, **72:1 to 74:24**
- Abandonment of right to continue nonconforming uses and structures, generally, **74:2 to 74:10**
- Accessory uses and zoning, **33:5**
- Activities, change in nature of, **73:21**
- Airports and adjacent lands, **85:13**
- Amortization of nonconforming uses and structures, generally, **74:18 to 74:24**
- Amusements and arcades, **26:21**
- Annexation, effect of, **72:19**
- Business activity, facts negating intent to abandon, **74:8**
- Certificate of occupancy, lack of, **72:15**
- Change or modification
 - Exempt to regulated entity, change from, **72:22**

NONCONFORMING USES AND STRUCTURES—Cont'd

- Change or modification—Cont'd
 - Nonconforming uses and structures, generally, **73:8 to 73:13**
 - Ownership or form of ownership, **72:20; 72:21**
- Clubs and service organizations, zoning for, **27:26**
- Constitutional interpretation, vested right to continue by, **72:3**
- Constitutional taking claims, **6:45**
- Customary access uses, right to, **72:23**
- Definition, **72:1**
- Destruction by fire, flood, or force majeure, generally, **74:11 to 74:15**
- Distinction between nonconforming uses and nonconforming structures, **72:5**
- Eminent domain, **74:10; 74:17; 75:7**
- Enforcement of zoning laws, **65:33**
- Equal protection, **4:9**
- Establishing existing use on date of ordinance, **72:7**
- Evaluation of loss to owner, **74:23**
- Evidence of intent to abandon, **74:5; 74:6 to 74:10**
- Existing use requirement, generally, **72:6 to 72:10**
- Extension or enlargement of nonconforming use, generally, **73:14 to 73:25**
- Fire, flood, or force majeure, destruction by, generally, **74:11 to 74:15**
- Forced termination of nonconforming uses and structures, **74:16; 74:17**
- Frequency of use, change in, **73:23**
- Gasoline stations, zoning for, **34:6**
- Good faith intention of prior use, **72:16**
- Height of structures, change in, **73:22**
- Illegality, effect of, **72:13; 72:14; 72:18**
- Incorporation, effect of, **72:19**

INDEX

NONCONFORMING USES AND STRUCTURES—Cont'd

- Intensity of use, increase in, **73:15**
- Land area used, increase in, **73:18; 73:19**
- Lawful when initiated requirement, generally, **72:12 to 72:19**
- Leases and land use restrictions, **80:8**
- Licenses, **73:4**
- Limitations on amortization, **74:24**
- Location of replacement structures, change in, **73:25**
- Mandamus actions, **64:20**
- Mere intention or preparation insufficient, **72:8**
- Mining and extraction activities, **73:19; 77:10 to 77:14**
- Nature of, **72:1 to 72:5**
- Nuisances, **74:16**
- Overview
 - Regulation and restriction of nonconforming uses, **73:1**
 - Termination and amortization of nonconforming uses, **74:1**
- Parking and parking lots, **83:38**
- Pattern of use, change in, **73:23**
- Pennsylvania doctrine of natural expansion, **73:17**
- Persons, occupancy, or units, change in, **73:24**
- Physical enlargement or extension, **73:16**
- Police power regulation, **73:3**
- Presumption of intent to abandon, **74:3; 74:4**
- Previously existing use, effect of change to, **73:13**
- Property destroyed, meaning of, **74:14**
- Protection and continuance, generally, **72:1 to 72:23**
- Public land use controls and private covenants, **82:6**
- Reasonableness of amortization, **74:11; 74:22**
- Registration requirements, **73:5**
- Regulation, generally, **73:2 to 73:7**
- Repairs, facts negating intent to abandon, **74:9**

NONCONFORMING USES AND STRUCTURES—Cont'd

- Requirements for protection, generally, **72:6 to 72:19**
 - Restoration, construction and validity of provisions prohibiting, **74:12 to 74:15**
 - Restrictive covenants, impact of, **72:17**
 - Right runs with the land, **72:20 to 72:23**
 - Seasonal or occasional uses, **72:10**
 - Special permits, **73:4**
 - Statute or ordinance, vested right to continue by, **72:4**
 - Substantial requirement, **72:11**
 - Taking claims, **6:45**
 - Termination of nonconforming uses, generally, **74:1 et seq.**
 - Time period, reasonableness of, **74:22**
 - Traffic conditions and zoning, **84:18**
 - Utilization of building, change in, **73:20**
 - Value lost, meaning of, **74:13**
 - Variances
 - Denial of beneficial use, **73:27**
 - Granting variances to nonconforming uses, **73:26 to 73:29**
 - Limitations and restrictions, effect of use variance on, **73:29**
 - Use variance, generally, **73:27**
 - Vested rights, parking, **83:37**
 - Vested right to continue, **72:2 to 72:4**
 - Volume, increase in, **73:15**
 - Zoning treatment and policy, **73:6; 73:7**
- ### NONDEVELOPMENTAL USES
- Taking claims, **6:36**
- ### NONRESIDENTIAL SUBDIVISIONS
- Subdivision control, **89:9**
- ### NONRESIDENTS
- Standing to sue, **63:44**
- ### NONSECTARIAN PRIVATE SCHOOLS
- Schools, educational facilities, and accessory uses, local control of, **30:6**

NONUSE OR AREA VARIANCES

Variances, **58:14 to 58:17**

NONZONING CONTROLS

Floodplain and wetland regulation,
7:20

NOTICE AND KNOWLEDGE

Board of Appeals (this index)

Comprehensive plan requirements
and consistency doctrine, **14:6**

Enactment of Zoning Ordinances
(this index)

Fair housing legislation, **25:12**

Judicial review, **62:15**

Rezoning, **39:16**

Standing to sue, **63:46**

State environmental impact review,
9:7

Variances, **58:22**

NOXIOUS USE

Constitutional taking claims, **6:18**

Substandard lots, **49:11**

**NUCLEAR WASTE DISPOSAL
LEGISLATION**

Hazardous waste and protection of
groundwater, **8:51**

NUDIST CAMPS

Clubs and service organizations, zon-
ing for, **27:16**

NUDITY AND NUDE DANCING

Sex Businesses, Bars, and Cabarets
(this index)

NUISANCES

Constitutional taking claims, **6:24 to
6:26**

Floodplain and wetland regulation,
7:48

Hazardous waste and protection of
groundwater, **8:9 to 8:13**

Interim zoning and building
moratoria, **13:18**

Nonconforming uses and structures,
74:16

Religious structures, uses, and
displays, local control of, **29:17**

NUISANCES—Cont'd

Sex businesses, bars, and cabarets,
24:36 to 24:38

Specially permitted and conditional
uses, **61:25**

Standing to sue, **63:14**

NUMBER

Parking and parking lots, **83:8**

Passage of zoning measures, **32:3**

Rezoning, **41:6; 41:7**

Subdivision control, **89:7**

NURSERY EXEMPTIONS

Tree and vegetation protection, **20:52**

OBJECTIONS

Judicial Review (this index)

Single-family zoning and alternative
residential uses, **23:31; 23:32**

OBSCENITY

Sex Businesses, Bars, and Cabarets
(this index)

**OCCUPANCY, OWNERSHIP,
RENTAL HOUSING, AND
CONVERSIONS,
REGULATION OF**

Generally, **81:1 to 81:27**

ItAgin's/substantially advance test,
81:27

Benefit extraction analysis, **81:24**

Condominium and Cooperative
Abuse Relief Act, **81:16; 81:17**

Condominiums, **81:9; 81:12; 81:16**

Constitutional taking claims, **81:16**

Density and lot size, zoning control
of, **51:8**

ItDolan's/rough proportionality test,
81:26

Economically viable use analysis,
81:22

Fair return on investment, **81:21**

Form of ownership restrictions, **81:8**

Home rule power to regulate conver-
sions, **81:14**

Household composition, **81:6**

Identity of occupant or owner, **81:4**

Land use impact analysis, **81:3**

Marital status, **81:5**

INDEX

OCCUPANCY, OWNERSHIP, RENTAL HOUSING, AND CONVERSIONS, REGULATION OF—Cont'd

- Mobile homes and manufactured housing, local control of, **28:20**
- ItNollan/it substantial nexus test, **81:25**
- Occupancy or ownership, generally, **81:2 to 81:11**
- Overview, **81:1**
- Owner-occupancy restrictions, **81:7**
- Passage of zoning measures, **32:25**
- Physical occupation analysis, **81:23**
- Regulatory taking claims, **81:20 to 81:24**
- Rental housing conversions, regulation of, generally, **81:12 to 81:17**
- Rent control, conversion, and tenant protection provisions, **81:18 to 81:27**
- Restrictions on conversion of rental housing, **81:15; 81:16**
- Seasonal rentals, zoning and conversion of, **81:13**
- Short term rentals, **81:11**
- Substantive due process, **81:19**
- Taking claims, **81:16**
- Time-sharing arrangements, **81:10**

OFFICIAL MAP RESTRICTIONS **Map Restrictions** (this index)

OFF-SITE TRAFFIC OR HIGHWAY CHANGES Traffic conditions and zoning, **84:7**

OFF-STREET PARKING **Parking and Parking Lots** (this index)

OLECH DECISION Equal protection, **4:3**

ON-SITE INSPECTION BY COURTS Anatomy of zoning litigation, **67:21**

ON-SITE SIGNS Enactment of zoning ordinances, **12:11; 12:22**

OPEN MEETING LAWS Enactment of zoning ordinances, **12:38** Passage of zoning measures, **32:12**

OPEN SPACE Taking claims, **6:41** Transfer of development rights, **59:9** Wildlife protection, **21:66**

OPERATING RESTRICTIONS Amusements and arcades, **26:12**

OPTIONS AND OPTION HOLDERS Board of appeals, **57:31** Standing to sue, **63:8**

ORDINANCES Generally, see more specific topics throughout this index

OUTDOOR CONCERTS Clubs and service organizations, zoning for, **27:23**

OUTDOOR STORAGE Accessory uses and zoning, **33:46**

OVERBREADTH OF STATUTES Broadcasting and communications towers, antennae and related facilities, **79:11** Sex businesses, bars, and cabarets, **24:20** Wrongful land use regulation, remedies for, **66:60**

OVERLAY ZONING OR DISTRICTS Choice of forum: federal or state, **67:8** Floodplain and wetland regulation, **7:9** Police power and zoning regulation, **1:31** Rezoning, **38:9** Wildlife protection, **21:68 to 21:70**

OWNERSHIP **Occupancy, Ownership, Rental Housing, and Conversions, Regulation of** (this index)

PARCEL SIZE EXEMPTIONS

Tree and vegetation protection, **20:53**

PARENTAL CONSENT

Amusements and arcades, **26:14**

PARKING AND PARKING LOTS

Generally, **83:1 to 83:38**

Accessory uses, **33:19; 33:47; 33:62; 33:65; 83:19**

Adequacy and interpretation of standards, **83:10**

Administrative discretion and performance standards, **83:9**

Area variance, **83:33**

Avoiding off-street parking requirements, remedies for, **83:31 to 83:36**

Bicycles, **83:5**

Calculations, **83:20**

Challenge to validity of ordinance, **83:26; 83:31**

Constitutionality: reasonableness of requirements, **83:7**

Credits, **83:3**

Elimination of minimums, **83:4**

Hardship, **83:35**

Interpretation and construction

Accessory uses, **83:19**

Calculations, **83:20**

Intersecting street, **83:21**

Off-street parking, **83:18**

Parking requirements, **83:17 to 83:21**

Performance standards, **83:10**

Intersecting street, **83:21**

Maximums, **83:4**

Minimums, **83:2; 83:4**

Modification of standards, **83:11**

Nonconforming uses, **83:38**

Number and size of spaces, **83:8**

Off-street parking

Avoiding off-street parking requirements, remedies for, **83:31 to 83:36**

Interpretation and construction, **83:18**

Securing off-street parking, remedies for, **83:26 to 83:30**

PARKING AND PARKING LOTS

—Cont'd

Planned Unit Development, **83:30**

Public parking lots, use of, **83:23**

Reasonableness, generally, **83:15; 83:16**

Religious uses, validity as applied to, **83:12 to 83:14**

Rezoning, **83:29**

Satisfaction of off-site parking minimums

Generally, **83:22 to 83:25**

Other off-site property, **83:24**

Public parking lots, use of, **83:23**

Zoning district, use of lot in other, **83:25**

Securing off-street parking, remedies for, **83:26 to 83:30**

Site-specific zoning conditions, validity and enforcement of, **60:20**

Special exception, **83:28; 83:36**

Specially permitted and conditional uses, **61:28**

Unique hardship, **83:35**

Use variance, **83:33**

Validity of parking requirements, **83:6 to 83:16**

Variations, **83:27; 83:32 to 83:35**

Vested rights, **83:37**

Waiver of standards, **83:11**

Yards, setbacks, and frontage, restrictions on, **53:14**

Zoning authority for requirements, **83:6**

Zoning plan, promotion of, **83:34**

PARKS AND PLAYGROUNDS

Subdivision control, **90:37 to 90:39**

Wildlife protection, **21:83**

PAROCHIAL SCHOOLS

Schools, educational facilities, and accessory uses, local control of, **30:5**

PARTIAL TAKING

Eminent domain proceedings, **75:8 to 75:10**

PARTIES

Board of Appeals (this index)

INDEX

PARTIES—Cont'd

- Judicial review, **62:16 to 62:20**
- Wrongful land use regulation, remedies for, **66:33 to 66:37**

PARTITIONING

- Subdivision control, **89:15**

PASSAGE OF ZONING

MEASURES

- Generally, **32:1 to 32:28**
- Absence of member at hearing, **32:4**
- Associational ties, **32:22**
- Bias and prejudice, generally, **32:14 to 32:28**
- Campaign contributions, **32:27**
- Conflicts of interest, generally, **32:14 to 32:28**
- De facto officers, participation by, **32:9**
- Denial of fair hearing, **32:13**
- Disqualification, personal financial interest sufficient for, **32:24**
- Disqualifying prejudgment bias, **32:18**
- Employment relationships, **32:21**
- Executive veto, **32:8**
- Ex parte contacts, generally, **32:10 to 32:13**
- Fairness doctrines, **32:17**
- Family relationships, **32:20**
- Financial interest, **32:24 to 32:27**
- Hearing requirements, generally, **32:12**
- Inconsistency between statute and ordinance, **32:6**
- Jurisdiction, **32:7**
- Legislative or adjudicative action, **32:15**
- Lobbying, **32:11**
- Number of votes and official action, **32:3**
- Open meetings, **32:12**
- Ownership of land, **32:25**
- Partiality, generally, **32:19 to 32:23**
- Participating members, **32:7**
- Particular land affected, interest in, **32:26**
- Personal financial interest, **32:24 to 32:27**

PASSAGE OF ZONING

MEASURES—Cont'd

- Public hearing requirements, **32:12**
- Public officers, appearance by, **32:23**
- Quorum, requirement of, **32:2**
- Reconsideration of measure, **32:5**
- Remedies for bias, generally, **32:28**
- Sanctions for bias, generally, **32:28**
- Statutory and ordinance prohibitions, **32:16**
- Voting requirements and enactment, generally, **32:1 to 32:9**

PENALTIES

- Fines and Penalties** (this index)

PENN CENTRAL FRAMEWORK

- Historic preservation law, **19:28; 19:29**

PENNSYLVANIA

- Exclusionary zoning, fair share doctrine, **22:18**
- Nonconforming uses and structures, **73:17**
- Rezoning, **37:11**

PERFORMANCE BONDS

- Bonds and Undertakings** (this index)

PERFORMANCE ZONING

- Hazardous waste and protection of groundwater, **8:55 to 8:57**
- Police power and zoning regulation, **1:32**
- Wildlife protection, **21:67**

PERMITS

- Licenses and Permits** (this index)

PERSONAL WIRELESS FACILITIES

- Cellular Towers and Personal Wireless Facilities** (this index)

PETITIONS

- Judicial review, **62:22**
- Rezoning** (this index)

PETS AND PET RESTRICTIONS

- Accessory uses and zoning, **33:48; 33:67**

PETS AND PET RESTRICTIONS
—Cont'd

Due process and zoning, **3:12**
Veterinarians, accessory uses and zoning, **33:67**

PHARMACY

Accessory uses and zoning, **33:49**

PHOTOGRAPHS

Choice of forum: federal or state, **67:8**

PHYSICAL OCCUPATION ANALYSIS

Generally, **6:51; 81:23**

PHYSICAL OCCUPATION TAKING CLAIMS

Taking claims, **6:16; 6:50; 6:51**

PIECEMEAL REZONINGS

Rezoning, **38:15**

PIECEMEAL ZONING

Due process and zoning, **3:21**
Police power and zoning regulation, **1:36**

PLACE OR LOCATION

Accessory uses and zoning, **33:6**
Amusements and arcades, **26:11**
Newsracks and newsstands, local control of, **18:8**
Nonconforming uses and structures, **73:25**
Religious structures, uses, and displays, local control of, **29:31**
Rezoning, **43:7**
Schools, educational facilities, and accessory uses, local control of, **30:2; 30:3**
Sex Businesses, Bars, and Cabarets (this index)
Specially permitted and conditional uses, **61:31**
Zoning districts, **10:19 to 10:22**

PLANNED UNIT DEVELOPMENTS

Generally, **88:1 to 88:17**
Application process, **88:4**
Authority to enact, **88:2**

PLANNED UNIT DEVELOPMENTS—Cont'd

Comprehensive plan, consistency with, **88:10**
Consistency of plan, **88:16**
Defined and explained, **88:1**
Delegation of legislative authority, **88:17**
Establishment and implementation, **88:2 to 88:11**
Hearing, **88:6**
Information to be submitted with application, **88:5**
Interpretation of ordinances, **88:13**
Judicial review, generally, **88:12 to 88:17**
Lack of adequate standards, **88:17**
Procedure, **88:3 to 88:8**
Recordation, **88:8**
Referendum, **88:8**
Rezoning, **38:6; 41:12**
Ripeness, **88:14**
Site-specific zoning conditions, validity and enforcement of, **60:7**
Specially permitted and conditional uses, **61:14**
Spot zoning, **88:16**
Standards and conditions, **88:9 to 88:11**
Standing, **88:15**
Written findings, **88:7**

PLANNING COMMISSIONS AND PLANNING BOARDS, POWERS OF

Generally, **47:1 to 47:10**
Amendments, referrals to planning commissions, **47:4**
Board of appeals, **57:64**
Conditional use permits, **47:9**
County boards, statutory referrals to, **47:10**
Enactment of zoning ordinances, **12:3**
Introduction, **47:1**
Master plans, preparation and adoption of, **47:2**
Referrals to planning commissions, generally, **47:3 to 47:8**

INDEX

PLANNING COMMISSIONS AND PLANNING BOARDS, POWERS OF—Cont'd

Site plan review, **47:5 to 47:8**
Traffic conditions and zoning, **84:6**

PLANS AND PLANNING

Amusements and Arcades (this index)
Anatomy of zoning litigation, **67:18**
Commissions and boards. **Planning Commissions and Planning Boards, Powers of** (this index)
Constitutional taking claims, **6:66**
Due process and zoning, **3:23**
Expert witnesses, **67:13**
Hazardous waste and protection of groundwater, **8:65**
Planned Unit Developments (this index)
Relationship between planning and zoning, **1:41 to 1:43**
Statewide and Regional Land Use Controls (this index)
Taking claims, **6:66**
Tree and vegetation protection, **20:20**

PLAYGROUNDS

Parks and Playgrounds (this index)

PLEADINGS

Choice of forum: federal or state, **67:4**
Judicial Review (this index)
Standing to sue, **63:20**

PLENARY POLICE POWER, ZONING AS GRANT OF

Constitutional and legislative limitations on zoning, **2:25**

POLICE POWER

Land use context, **1:8**

POLLUTION PREVENTION LAWS

Wildlife protection, **21:39; 21:40**

POPULATION DENSITY

Density and Lot Size, Zoning Control of (this index)

POSSESSORY INTEREST

Board of appeals, **57:25**

POWER PLANTS

Accessory uses and zoning, **33:50**

PRECONDEMNATION

ACTIVITIES

Airports and adjacent lands, **85:10**
Constitutional taking claims, **6:67**
Wrongful land use regulation, remedies for, **66:22**

PREEMPTION

Federal Preemption (this index)
State Preemption (this index)

PREJUDICE

Passage of Zoning Measures (this index)

PRESUMPTIONS AND BURDEN OF PROOF

Amendments, **5:7**
Board of appeals, **57:56 to 57:58**
Conflict of testimony, **5:9**
Enactment of zoning ordinances, **12:43 to 12:45**
Enforcement of zoning laws, **65:22**
Exclusionary zoning, **22:5**
Fairly debatable concept, **5:8; 5:9**
Judicial review, **62:35; 62:36**
Nonconforming uses and structures, **74:3; 74:4**
Ordinances, presumptions affecting, generally, **5:1 to 5:9**
Overview, **5:1**
Reasonableness, shift to municipality of burden of, **5:6**
Rezoning, **40:8; 40:12; 42:4; 42:5**
Specially permitted and conditional uses, **61:8; 61:34**
State environmental impact review, **9:28**
Validity, presumption of, **3:15; 5:2 to 5:5**

PRIOR RESTRAINT

Sex businesses, bars, and cabarets, **24:7**

PRIVACY, RIGHT TO

Constitutional and legislative limitations on zoning, **2:7**

PRIVACY, RIGHT TO—Cont'd

Single-family zoning and alternative residential uses, **23:23**

PRIVATE COVENANTS

Public Land Use Controls and Private Covenants (this index)

PRIVATE DISPLAYS IN PUBLIC FORUM

Religious structures, uses, and displays, local control of, **29:8**

PRIVITY OF PARTIES

Res judicata and finality of zoning decisions, **68:35**

PROFESSIONAL ENGINEERS

Expert witnesses, **67:15**

PROFESSIONAL SCHOOLS

Schools, educational facilities, and accessory uses, local control of, **30:8**

PROFESSIONAL USES

Defining, **33:39**
Expressly or implicitly allowed, **33:37**
Restrictions, **33:38**

PROMISSORY ESTOPPEL

Development agreements, **71:6**
Rezoning, **44:13**

PROPRIETARY TEST

Governmental uses and zoning, **76:11; 76:12**

PROTEST PROVISIONS

Rezoning (this index)

PROXIMATE CAUSE

Wrongful land use regulation, remedies for, **66:4; 66:32**

PRUNING

Tree and vegetation protection, **20:31**

PSYCHOTHERAPIST

Accessory uses and zoning, **33:51**

PUBLIC ACCESS

Wildlife protection, **21:61**

PUBLIC ACCOUNTANT

Accessory uses and zoning, **33:52**

PUBLIC ART IMPACT FEES

Aesthetics and land use regulation, **16:12**

PUBLICATION

Enactment of zoning ordinances, **12:20; 12:22; 12:40 to 12:42**

PUBLIC HEARINGS

Hearings (this index)

PUBLIC IMPROVEMENTS

Buildings in location of public improvements, permits, **50:9 to 50:11**

PUBLIC INTEREST

Specially permitted and conditional uses, **61:27; 61:35**

PUBLIC LAND USE CONTROLS AND PRIVATE COVENANTS

Generally, **82:1 to 82:22**
Building permits, **82:3**
Clearly delineated conservation policy, **82:17 to 82:22**
Conservation easements, generally, **82:12 to 82:22**
Constitutional law, **82:7; 82:8**
Contract zoning, pitfalls of, **82:10**
Federal tax incentives, **82:13 to 82:22**
Governmental commitment to policy objective, **82:20**
Identification of conservation lands, **82:19**
Industrial, business, and research parks, **82:9 to 82:11**
More restrictive covenants unenforceable, **82:4**
Nonconforming uses, **82:6**
Overview, **82:1**
Public policy, **82:7**
Pursuant to, **82:21**
Qualified conservation contributions, **82:16 to 82:22**
Redevelopment projects, **82:9 to 82:11**

INDEX

PUBLIC LAND USE CONTROLS AND PRIVATE COVENANTS

—Cont'd

Relationship between zoning and covenants, **82:2 to 82:8**

Rezoning, **82:3**

Significant public benefit, **82:22**

Special exceptions, **82:3**

Subdivision approvals, **82:3**

Taking claims and remedies, **82:5**

Tax incentives, **82:13 to 82:22**

Variances, **82:3**

PUBLIC NEED STANDARDS

Specially permitted and conditional uses, **61:26**

PUBLIC OFFICERS

Passage of zoning measures, **32:23**

PUBLIC OR QUASI-PUBLIC USES

Taking claims, **6:35**

PUBLIC POLICY

Public land use controls and private covenants, **82:7**

PUBLIC PURPOSE

Amusements and arcades, **26:3**

Broadcasting and communications towers, antennae and related facilities, **79:2**

Height of buildings and structures, zoning controls on, **52:2**

Mobile Homes and Manufactured Housing, Local Control of (this index)

Newsracks and newsstands, local control of, **18:3**

Sex businesses, bars, and cabarets, **24:15; 24:16**

Special zoning districts and discretionary development review, **11:17**

Traffic conditions and zoning, **84:2 to 84:8**

Tree and vegetation protection, **20:3 to 20:17**

Wildlife protection, **21:10 to 21:14**

Yards, setbacks, and frontage, restrictions on, **53:2**

PUBLIC SCHOOLS

Schools, Educational Facilities and Accessory Uses, Local Control of (this index)

PUBLIC TRUST DOCTRINE

Floodplain and wetland regulation, **7:50**

PUBLIC UTILITIES

Generally, **78:9**

Airports and adjacent lands, **85:15**

Broadcasting and Communications Towers, Antennae and Related Facilities (this index)

Definitions, **78:10 to 78:14**

Electric, gas, and energy projects, **78:10**

Exceptions, **78:16**

Exclusion of public utilities, prohibition, **78:6**

Exemptions, **78:4; 78:5**

Height of buildings and structures, zoning controls on, **52:13**

Judicial decision, exemption by, **78:4**

Local plans, relevance, **78:8**

Overview, **78:1**

Preemption, **48:6**

Preemption of local plans, **78:3**

Radio broadcast towers, **78:11**

Reasonable accommodation and regulation, **78:7**

Sewer projects, **78:14**

Special exceptions, **78:16**

State statute

Exemption, **78:5**

Telecommunication facilities and towers, **78:12**

Transportation facilities, **78:13**

Tree and Vegetation Protection (this index)

Variances, **78:15**

Water projects, **78:14**

Zoning status, generally, **78:2 to 78:8**

PUBLIC WORKS PROJECTS

Comprehensive plan requirements and consistency doctrine, **14:32**

PUD APPROVAL

Parking and parking lots, **83:30**

PUNITIVE DAMAGES

Wrongful land use regulation, remedies for, **66:48**

PUNITIVE POWERS

Board of appeals, **57:21**

QUALIFIED CONSERVATION CONTRIBUTIONS

Public Land Use Controls and Private Covenants (this index)

QUASI-GOVERNMENTAL ENTITIES

Governmental uses and zoning, **76:17**

QUASI-JUDICIAL ACTS

Board of appeals, **57:15**

Initiative and referendum, zoning and planning by, **46:10 to 46:15**

Judicial review, **62:4**

Res judicata and finality of zoning decisions, **68:20**

Rezonings (this index)

QUASI-RELIGIOUS SYMBOLS

Religious structures, uses, and displays, local control of, **29:9**

QUORUM

Passage of zoning measures, **32:2**

RACETRACKS

Amusements and arcades, **26:29**

RACIAL DISCRIMINATION

Fair housing legislation, **25:6**

RADIATION

Cellular towers and personal wireless facilities, nonionizing electromagnetic radiation, **79:21**

RADIO

Broadcasting and Communications Towers, Antennae and Related Facilities (this index)

RAILROADS

Zoning districts, **10:21**

REAL ESTATE BUSINESS

Accessory uses and zoning, **33:53**

REAL ESTATE EXPERTS

Expert witnesses, **67:12**

REAL ESTATE VALUES

Tree and vegetation protection, **20:16**

REASONABLENESS

Floodplain and wetland regulation, **7:45; 7:47**

Interim zoning and building moratoria, **13:13; 13:14**

Nonconforming uses and structures, **74:21; 74:22**

Site-specific zoning conditions, validity and enforcement of, **60:10**

Yards, Setbacks, and Frontage, Restrictions on (this index)

RECLASSIFICATION

Rezoning, **38:2**

RECONSIDERATION

Passage of zoning measures, **32:5**

RECORDS AND RECORDING

Choice of forum: federal or state, **67:9**

Enactment of zoning ordinances, **12:40 to 12:42**

Equal protection, **4:11**

Planned unit developments, **88:8**

Rezonings (this index)

RECREATIONAL USES

Accessory Uses and Zoning (this index)

Aesthetics and land use regulation, **16:19**

Clubs and service organizations, zoning for, **27:22**

REDEVELOPMENT PROJECTS

Public land use controls and private covenants, **82:9 to 82:11**

REFERENDUM

Initiative and Referendum, Zoning and Planning by (this index)

INDEX

REFERRALS

Enactment of zoning ordinances,
12:2 to 12:4

Planning Commissions and Planning Boards, Powers of (this index)

REGIONAL INTERESTS OR AUTHORITY

Coordination of, **35:17; 35:18**

Enactment of zoning ordinances,
12:4

Statewide and Regional Land Use Controls (this index)

Vested rights and estoppel claims,
70:31 to 70:36

REGISTRATION REQUIREMENTS

Nonconforming uses and structures,
73:5

REGULATORY TAKINGS

Airports and adjacent lands, **85:9**

Eminent domain proceedings, **75:2**

Interim zoning and building moratoria, **13:17 to 13:19**

Mining and extraction activities, **77:6**

Occupancy, ownership, rental housing, and conversions, regulation of, **81:20 to 81:24**

Variances, **58:7**

Wrongful Land Use Regulation, Remedies for (this index)

RELATIVES

Family and Relatives (this index)

RELIANCE

Board of appeals, **57:63; 57:64**

Judicial review, **62:13**

RELIGIOUS FREEDOM RESTORATION ACT

Constitutionality, **29:19**

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (RLUIPA)

Generally, **29:18 to 29:23**

Constitutionality, **29:19**

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (RLUIPA)

—Cont'd

Discriminates on basis of religion or religious denomination, generally, **29:22**

“Excludes or unreasonably limits,”
29:20

Exclusions and limits, **29:20**

“Less than equal terms,” regulation on, **29:21**

Substantial burden on religious exercise, **29:23**

RELIGIOUS STRUCTURES, USES, AND DISPLAYS, LOCAL CONTROL OF

Generally, **29:1 to 29:32**

Accessory uses, **29:29**

Acknowledgment of religious heritage, **29:10**

Conditional uses, **29:28**

Decisions, **29:6**

Distancing requirements, **29:4**

Establishment clause, generally, **29:2 to 29:10**

Exclusionary zoning, **22:10**

Exclusions, **29:12; 29:24 to 29:26**

First amendment limitations, generally, **29:2 to 29:17**

Free exercise clause, generally, **29:11 to 29:17**

Gasoline stations, zoning for, **34:7**

Government sponsored symbols or displays, **29:7**

Health and safety, **29:17**

Historic preservation laws, **19:31; 29:16**

Home religious services, **29:13**

Ideological symbols, **29:9**

Location, **29:31**

Nuisances, **29:17**

Overview, **29:1**

Parking and parking lots, **83:12 to 83:14**

Private displays in public forum, **29:8**

Quasi-religious symbols, **29:9**

**RELIGIOUS STRUCTURES, USES,
AND DISPLAYS, LOCAL
CONTROL OF—Cont'd**

**Religious Land Use and
Institutionalized Persons Act
(RLUIPA) (this index)**

- Rezoning, **43:19**
- Schools and related facilities, **29:30 to 29:32; 30:3**
- Sects, discrimination against, **29:14**
- Special permits, **29:28**
- State court decisions, special protection under, **29:24 to 29:32**
- Sunday closure laws, **29:5**
- Symbols or displays, **29:7 to 29:10**

REMAND

- Purpose of, **62:48**
- Reasons for, **62:47**

REMOVAL OF STRUCTURES

- Enforcement of zoning laws, **65:13; 65:14**
- Signs and billboards, regulation of, **17:22; 17:23**

**RENEWABLE ENERGY
STRUCTURES**

- Accessory uses and zoning, **33:80**

RENEWAL

- Sex businesses, bars, and cabarets, **24:35**

RENTAL HOUSING

**Occupancy, Ownership, Rental
Housing, and Conversions,
Regulation of (this index)**

RENT CONTROL

- Mobile homes and manufactured housing, local control of, **28:26**
- Occupancy, Ownership, Rental Housing, and Conversions, Regulation of (this index)**

REOPENING OF DECISION

- Board of appeals, **57:72; 57:73**

REPETITIVE PETITIONS

- Rezoning, **39:13**

REPLY

- Judicial review, **62:31**

REPORTS

- Anatomy of zoning litigation, **67:19**

RESERVATION OF POWER

- Specially permitted and conditional uses, **61:44 to 61:48**

RESIDENCY LIMITATIONS

- Clubs and service organizations, zoning for, **27:24**

RESIDENTIAL CARE FACILITY

- Accessory uses and zoning, **33:54**

RESIDENTIAL EXEMPTIONS

- Tree and vegetation protection, **20:51**

RESIDENTIAL USES

- Exclusionary zoning, **22:3**
- Rezoning, **43:18**

**RES JUDICATA AND FINALITY
OF ZONING DECISIONS**

- Generally, **68:1 to 68:37**
- Administrative proceedings, finality of judicial decisions in, **68:29; 68:30**
- Board decisions, finality of
 - Subsequent board decisions, conclusive effect in, **68:3 to 68:15**
 - Subsequent court proceedings, conclusive effect in, **68:16 to 68:18**
- Building inspectors, finality in proceedings before, **68:29; 68:30**
- Challenge to validity of ordinance, **68:18**
- Consent judgments, cases involving, **68:37**
- Court proceedings, conclusive effect of board decisions in, **68:16 to 68:18**
- Criminal proceedings, finality of judicial decisions in, **68:31; 68:32**
- Deference to board decisions, **68:10; 68:17**
- Direct review as exclusive, **68:16**

INDEX

RES JUDICATA AND FINALITY OF ZONING DECISIONS

—Cont'd

- Federal court, relitigation in, **68:28**
- Fraud or mistake, **68:7**
- Injunction proceedings, finality in, **68:25**
- Judicial decisions, finality of, generally, **68:22 to 68:37**
- Judicial intervention in board decisions, **68:15**
- Later adopted ordinance cases, finality in, **68:26**
- Legislative actions
 - Finality of judicial decisions to later legislative actions, **68:33; 68:34**
 - Finality of legislative zoning decisions, **68:19 to 68:21**
- Lifting prior conditions imposed by board, **68:10**
- Nature of issues or claims, **68:36**
- New applications, consideration of, generally, **68:9 to 68:15**
- Overview, **68:1**
- Prior settlements, cases involving, **68:37**
- Privity of parties, **68:35**
- Procedural matters relating to finality, **68:35 to 68:37**
- Quasi-judicial zoning decisions, **68:20**
- Reasons for finality rule, **68:4**
- Rezoning, **37:6**
- Standing of plaintiff cases, finality in, **68:27**
- Stare decisis effect on prior board decisions, **68:8**
- Statutory or ordinance provisions governing new applications, **68:11**
- Stipulations, cases involving, **68:37**
- Subsequent board decisions, conclusive effect of board decisions in, **68:3 to 68:15**
- Wrongful land use regulation, remedies for, **66:43**

RESOLUTIONS

- Anatomy of zoning litigation, **67:19**

RESOURCE CONSERVATION AND RECOVERY ACT

- Hazardous Waste and Protection of Groundwater** (this index)

RESTAURANT

- Accessory uses and zoning, **33:55**

RESTORATION

- Nonconforming uses and structures, **74:12 to 74:15**

RESTRICTIONS

- Limitations and Restrictions** (this index)

RESUBDIVISION

- Subdivision control, **89:16**

RETAIL GASOLINE SERVICES

- Gasoline Stations, Zoning for** (this index)

RETAIL STORE

- Accessory uses and zoning, **33:56**

RETIREMENT COMMUNITIES

- Single-family zoning and alternative residential uses, **23:30**

RETURN

- Judicial review, **62:25 to 62:30**

REVENUE CONTROL

- Constitutional and legislative limitations on zoning, **2:22 et seq.**

REVERSE SPOT ZONING

- Police power and zoning regulation, **1:40**
- Rezoning, **38:17; 41:3**
- Special zoning districts and discretionary development review, **11:20**
- Taking claims, **6:63**

REVERTER PROVISIONS

- Rezoning, **39:26; 44:6**

REVIEW

- Appeal and Review** (this index)

REVOCAION AND SUSPENSION

- Building Permits** (this index)
- Judicial review, **62:12**

**REVOCAATION AND SUSPENSION
—Cont'd**

- Sex businesses, bars, and cabarets, **24:35**
- Site-specific zoning conditions, validity and enforcement of, **60:39**
- Vested rights and estoppel claims, **70:28**

REZONINGS

- Generally, **37:1; 44:1 to 44:24**
- Advisory body, action on petition to amend, **39:18**
- Amendments
 - Downzoning amendments, **38:13**
 - Legislative body, action on petition to amend, **39:19**
 - Local ordinance authority, **39:6**
 - Procedures for rezoning, generally, **39:5; 39:8; 39:10 to 39:13**
 - Types, generally, **39:2**
 - Upzoning amendments, **38:12**
- Annexation agreements, **44:21**
- Authority for rezoning, generally, **39:3 to 39:8**
- Availability and forms of judicial review, generally, **40:2 to 40:5**
- Balancing of interests standards, **40:17**
- Benefit of spot zoning to owner of parcel, **41:10**
- Breach of notice of hearing on petition to amend, **39:17**
- Change or mistake rule
 - Generally, **42:1 to 42:3**
 - Application of doctrine, generally, **42:4 to 42:10**
 - Judicial doctrines for stricter scrutiny, generally, **40:16**
 - States accepting or rejecting doctrine, **42:3**
- Characteristics of parcel and surrounding area, generally, **41:6 to 41:14**
- Civic uses, consent options granted, **43:18**
- Community benefit agreements, **44:23; 44:24**
- Compatibility of spot zoning with surrounding uses, **41:8**

REZONINGS—Cont'd

- Compelling public interest, **37:9; 37:10**
- Comprehensive plans, **38:14; 38:19; 40:14; 41:4**
- Comprehensive rezonings, **42:7**
- Conditions, rezoning with
 - Generally, **44:1 to 44:24**
 - Petition to amend, conditioning of, **39:25**
 - Terminology, **38:18**
- Consent provisions
 - Generally, **43:15 to 43:19**
 - Description and validity, **43:15**
 - Governmental action on petition, **39:20**
- Contract zoning, **41:11**
- Dangerous or offensive uses, consent provisions applied to, **43:16; 43:17**
- Declaratory judgments, **56:2; 56:4 to 56:7**
- Degree of change required to justify rezoning, **42:6 to 42:8**
- Denial of rezoning, review of, **40:4**
- Density and lot size, zoning control of, **51:5**
- Detriment of spot zoning to immediate neighborhood, **41:9**
- Developer
 - Agreements, expressions of support, **44:19**
 - Challenges, **44:13**
 - Representations, **44:14**
- Developer-locality agreements, generally, **44:10 to 44:17**
- Direct appeal, availability of, **40:24**
- Discretionary review, **38:24; 38:25**
- Distinction between grant or denial of rezoning, **40:11**
- Downzoning amendments, **38:13**
- Enactment power includes power to amend, **39:5**
- Enforceability, community benefit agreements, **44:24**
- Environmental impact review, **39:21**
- Equitable fraud, **44:14**
- Euclidean zoning model, **38:22; 38:23**

INDEX

REZONINGS—Cont'd

- Exceptions
 - Court decision rule, **37:5; 37:6**
 - Permit application rule, **37:8 to 37:10**
- Existing zoning, rights of property owners' to, **38:28 to 38:30**
- Failure to act on petition, review of, **40:3**
- Fairly debatable rule, **40:9; 40:10**
- Filing requirements
 - Governmental action on petition, **39:22**
 - Petition to amend, **39:10 to 39:13**
 - Protest petition, **43:7**
- First amendment issues, **43:17**
- Flexible special permitting schemes, **38:11**
- Flexible zoning, **38:24; 38:25; 44:4**
- Floating zones, **38:5; 41:12; 43:13; 45:3**
- Forms of petitions
 - Amend, form of petition, **39:11**
 - Protest petitions, generally, **43:4 to 43:11**
- Fraud, **44:14**
- Frontage, determination of relevant neighboring area by, **43:22**
- Future event, conditioning on, **44:5**
- General welfare, promotion of, **41:5**
- Government action on petition to amend, **39:14 to 39:22**
- Grant of petition to amend, **39:23 to 39:27**
- Grant of rezoning, review of, **40:5**
- Hearing requirements for petition to amend, **39:15**
- Home rule authority, **39:4**
- Illegal
 - Contract zoning, **44:11**
 - Spot zoning, **38:16; 40:15; 41:2; 44:9**
- Immediately adjacent, meaning of, **43:21**
- Initiative and referendum, zoning and planning by, **46:10 to 46:15**
- Intergovernmental agreements, **44:20**
- Invalid zoning, developer remedies, **44:22**

REZONINGS—Cont'd

- Judicial deference to legislative acts, **40:7 to 40:10**
- Judicial review
 - Generally, **62:50**
 - Availability and forms of, generally, **40:2 to 40:5**
 - Implications for, **38:26**
 - Legislative acts, rezonings as, generally, **40:6 to 40:17**
 - Quasi-judicial acts, rezonings as, generally, **40:18 to 40:25**
 - Site-specific conditions, **44:7 to 44:9**
- Legislative acts, rezonings as, generally, **40:6 to 40:17**
- Legislative body, action on petition to amend, **39:19**
- Linear measure, determination of relevant neighboring area by, **43:23**
- Locality-developer agreements, generally, **44:10 to 44:17**
- Map changes, **38:2**
- Mistake. Change or mistake rule, above
- Nature and authority of development agreements, **44:16; 44:17**
- Nature of spot zoning claims, **41:2 to 41:5**
- Neighborhood, definition of, **42:6**
- Neighboring area, determination of, **43:20 to 43:23**
- Neighboring municipality, protest by, **43:14**
- Notice of hearing on petition to amend, **39:16**
- Number of rezoned districts, **41:6; 41:7**
- Overlay zoning districts, **38:9**
- Overview
 - Change or mistake rule, **42:1**
 - Pending litigation, effect on, **37:1**
 - Procedures for rezoning, **39:1**
 - Protest and consent provisions, **43:1**
 - Spot zoning, **41:1**
 - Substantive validity and standards for judicial review, **40:1**

REZONINGS—Cont'd

- Overview—Cont'd
 - Terminology, theory, and practice, **38:1**
- Parking and parking lots, **83:29**
- Pending litigation, effect on, generally, **37:1 to 37:12**
- Pennsylvania curative amendment procedure, **37:11**
- Petition for protest, generally, **43:4 to 43:11**
- Petition to amend
 - Filing of, **39:10 to 39:13**
 - Government action on, **39:14 to 39:22**
 - Grant of, **39:23 to 39:27**
- Piecemeal rezonings, **38:15**
- Place of filing petition for protest, **43:7**
- Planned development, **38:6; 41:12**
- Presumption of validity, **40:8; 40:12; 42:4; 42:5**
- Private party-developer agreements, **44:18**
- Procedures for rezoning, generally, **39:1 to 39:27**
- Promissory estoppel, **44:13**
- Protest provisions
 - Generally, **43:1 to 43:14**
 - Description and validity, **43:2**
 - Governmental action on petition, **39:20**
 - Procedural issues, generally, **43:3 to 43:13**
- Publication and posting petition to amend, **39:22**
- Public hearing requirements for petition to amend, **39:15**
- Public land use controls and private covenants, **82:3**
- Quasi-judicial acts, rezonings as, generally, **40:18 to 40:25**
- Reclassification, **38:2**
- Recording. Filing requirements, above
- Referendum requirements, **37:10**
- Relevant neighboring area, determination of, **43:20 to 43:23**

REZONINGS—Cont'd

- Religious institutions, consent options granted, **43:19**
- Repetitive petitions, **39:13**
- Required rezoning procedures, generally, **39:9 to 39:27**
- Residential uses, consent options granted, **43:18**
- Res judicata, **37:6**
- Reverse spot zoning, **38:17; 41:3**
- Reverter provisions, **39:26; 44:6**
- Separate mapped districts, **38:8**
- Separate parcels, rezoning of, **43:12; 43:13**
- Signatures on petition for protest, **43:8 to 43:11**
- Site-specific conditions, generally, **44:2 to 44:9; 60:3**
- Size of rezoned districts, **41:6; 41:7**
- Sources of procedural requirements, **39:7**
- Special zoning districts, **38:7 to 38:10; 41:13**
- Spot zoning
 - Generally, **41:1 to 41:14**
 - Characteristics of parcel and surrounding area, **41:6 to 41:14**
 - Judicial doctrine against illegal spot zoning, **40:15**
 - Nature of spot zoning claims, **41:2 to 41:5**
 - Site-specific conditions, judicial review of, **44:9**
 - Terminology, forms of spot zoning, **38:16; 38:17**
- Stability versus flexibility, **38:27 to 38:30**
- Statutes and statutory provisions, generally, **37:12; 39:7**
- Stricter judicial scrutiny, **40:13 to 40:17; 40:25**
- Subsequent rezoning, protection from, **39:27; 44:15**
- Sufficiency of protests, **43:4 to 43:11**
- Terminology, generally, **38:2 to 38:20**
- Text changes, **38:3**
- Theory and practice, generally, **38:21 to 38:26**

INDEX

REZONINGS—Cont'd

- Time or date
 - Amendment petition, effective date, **39:23**
 - Court decision rule, **37:3 to 37:6**
 - Permit application rule, **37:7 to 37:10**
 - Protest petition, timeliness, **43:5; 43:6**
- Traffic conditions and zoning, **84:15; 84:17**
- Transferable development rights, **41:14**
- Type of mistake required to justify rezoning, **42:9; 42:10**
- Types of rezonings, generally, **38:2 to 38:1**
- Ultra vires, site-specific conditions as, **44:3**
- Upzoning amendments, **38:12**
- Valid conditional, **44:12**
- Validity
 - Community benefit agreements, **44:24**
 - Site-specific conditions, **44:8**
- Variances distinguished, **38:20**
- Void ordinance, **39:8**

RHODE ISLAND

- Exclusionary zoning, **22:22**

RIDING HORSES

- Stables, accessory uses and zoning, **33:57**

RIGHT TO KNOW LAWS

- Board of appeals, **57:71**

RIPARIAN RIGHTS

- Extraterritorial land use controls, **35:5**

RIPENESS OF CLAIM OR DEFENSE

- Constitutional taking claims, **6:48**
- Transfer of development rights, **59:20**
- Wrongful land use regulation, remedies for, **66:18**

RIVERS, STREAMS, AND SHORELINES

- Wildlife protection, **21:58**
- Zoning districts, **10:22**

ROADS

- Streets, Roads, and Highways (this index)

ROOMERS

- Accessory uses and zoning, **33:15**

RULES

- Board of appeals, **57:39 to 57:43; 57:54; 57:70**

SAFE DRINKING WATER ACT

- Generally, **8:41 to 8:46**

SAFETY RESTRICTIONS

- Broadcasting and communications towers, antennae and related facilities, **79:35**

SALE OR TRANSFER OF PROPERTY

- Development rights. **Transfer of Development Rights** (this index)
- Mobile homes and manufactured housing, local control of, **28:26**
- Subdivision control, **89:7**

SANCTIONS

- Passage of zoning measures, **32:28**
- Subdivision control, **91:20; 91:21**

SATELLITE DISHES

- Broadcasting and Communications Towers, Antennae and Related Facilities** (this index)

SAWMILLS

- Accessory uses and zoning, **33:69**

SCHAD v BOROUGH OF MOUNT EPHRAIM

- Sex businesses, bars, and cabarets, **24:13**

SCHOOLS, EDUCATIONAL FACILITIES, AND ACCESSORY USES, LOCAL CONTROL OF

- Generally, **30:1 to 30:13**

SCHOOLS, EDUCATIONAL FACILITIES, AND ACCESSORY USES, LOCAL CONTROL OF—Cont'd

- Accessory uses, generally, **30:13**
- Colleges and universities, **30:7**
- Day camps and wilderness schools, **30:10**
- Day care centers, **30:11**
- Exclusionary zoning, **22:15**
- Gasoline stations, zoning for, **34:7**
- Kindergartens and nursery schools, **30:9**
- Location in residential district, **30:2; 30:3**
- Mobile homes and manufactured housing, local control of, **28:10**
- Nonsectarian private schools, **30:6**
- Overview, **30:1**
- Parochial schools, **30:5**
- Preemption, **48:7**
- Professional schools, **30:8**
- Public schools generally, **30:4**
- Religious structures and uses, **29:30 to 29:32; 30:3**
- Special needs, schools for students with, **30:12**
- Subdivision control, **90:40**
- Tree and vegetation protection, **20:82**
- Types of educational use, generally, **30:4 to 30:12**
- Wilderness schools, **30:10**

SCREENING

- Site-specific zoning conditions, validity and enforcement of, **60:21**

SEARCHES AND SEIZURES

- Sex businesses, bars, and cabarets, **24:33**

SEASONAL USES

- Nonconforming uses and structures, **72:10**
- Occupancy, ownership, rental housing, and conversions, regulation of, **81:13**

SECOND KITCHEN

- Single-family zoning and alternative residential uses, **23:16**

SECTION 1983 ACTIONS

- Broadcasting and communications towers, antennae and related facilities, **79:47**

Wrongful Land Use Regulation, Remedies for (this index)

SECTION 404 PROGRAM

- Floodplain and Wetland Regulation** (this index)

SECURITIES

- Tree and vegetation protection, **20:71**

SEGMENTATION

- State environmental impact review, **9:19**

SELECTIVE ENFORCEMENT

- Enforcement of zoning laws, **65:37**
- Equal protection, **4:13**

SELF-CREATED HARDSHIP

- Substandard lots, **49:33**
- Variances, **58:22**

SELF-SERVICE RETAIL STATIONS

- Gasoline stations, zoning for, **34:10 to 34:13**

SELLBACKS

- Wildlife protection, **21:84**

SEPA PROCESS AND REQUIREMENTS

- State environmental impact review, **9:6 to 9:13; 9:38; 9:39**

SEPTIC TANKS

- Preemption, **48:15**

SERVICE ORGANIZATIONS

- Clubs and Service Organizations, Zoning for** (this index)

SETBACKS

- Yards, Setbacks, and Frontage, Restrictions on** (this index)

SEVERANCE

- Subdivision control, **89:15**

SEWERS AND SEWAGE

- Preemption, **48:15**

INDEX

SEWERS AND SEWAGE—Cont'd

- Public utilities, **78:14**
- Site-specific zoning conditions, validity and enforcement of, **60:32**
- Subdivision control, **90:18; 90:36**

SEX BUSINESSES, BARS, AND CABARETS

- Generally, **24:1 to 24:51**
- Amortization, **24:23**
- Bars and cabarets, generally, **24:43 to 24:51**
- Business licensing, **24:30 to 24:33**
- Captive audience, **24:8 to 24:10**
- Children, protection of, **24:9; 24:10**
- Choice of dispersal or concentration, **24:19**
- ItCity of Renton v Playtime Theatres/it, **24:14**
- Conditional use permits, **24:29**
- Consent provisions, **24:24; 24:49**
- Constitutional protection, generally, **24:3 to 24:10; 24:27 to 24:35**
- Conversion of other uses to sex business, **24:22**
- Distancing requirements for bars and cabarets, **24:47; 24:48**
- Examples of ordinance definitions, **24:21**
- Exterior signs and storefront displays, **24:41**
- First amendment protection, **24:3 to 24:10; 24:27 to 24:35**
- Illicit sexual activities, **24:37; 24:38**
- Injunctions, **24:6**
- Intent to suppress, **24:18**
- Interior signs, **24:40**
- Land use characteristics, **24:2**
- Lewd conduct, generally, **24:10**
- Licenses and permits. restraints by, generally, **24:27 to 24:35**
- Local regulation of bars and cabarets, **24:45; 24:46**
- Location restrictions
 - Bars and cabarets, generally, **24:47 to 24:51**
 - Sex businesses, generally, **24:11 to 24:42**

SEX BUSINESSES, BARS, AND CABARETS—Cont'd

- Narrow and objective standards, **24:28**
- Nudity and nude dancing, generally, **24:10; 24:51**
- Nuisance proceedings, **24:36 to 24:38**
- Obscenity, generally, **24:5; 24:6; 24:38**
- Overbreadth, **24:20**
- Overview, **24:1**
- Place. Location restrictions, above
- Preemption, **24:44**
- Prior restraint doctrine, **24:7**
- Public purpose, **24:15; 24:16**
- Reasonable alternative locations, **24:17**
- Renewal or revocation of licenses, **24:35**
- ItSchad v Borough of Mount Ephraim/it, **24:13**
- Searches and seizures, **24:33**
- Sex businesses, generally, **24:2 to 24:42**
- Signs and storefront displays, **24:39 to 24:42**
- Special use permits, **24:29**
- Taxes, restraints by, **24:34**
- Time regulations for signs, **24:42**
- Total ban of sex businesses, **24:25; 24:26**
- Vagueness, **24:20**
- ItYoung v American Mini Theatres/it, **24:12**

SEXUALLY EXPLICIT MATERIALS

- Newsracks and newsstands, local control of, **18:10**

SHOOTING RANGES

- Accessory uses and zoning, **33:58**
- Amusements and arcades, **26:27**
- Clubs and service organizations, zoning for, **27:18**

SHORT TERM RENTALS

- Accessory uses and zoning, **33:15**

SHORT TERM RENTALS—Cont'd

Occupancy, ownership, rental housing, and conversions, regulation of, **81:11**

SHORT ZONING

Interim zoning and building moratoria, **13:5**

Police power and zoning regulation, **1:16**

SIDE YARDS

Yards, setbacks, and frontage, restrictions on, **53:18**

SIGNATURES

Rezoning, **43:8 to 43:11**

SIGNS AND BILLBOARDS, REGULATION OF

Generally, **17:1 to 17:24**

Aesthetic considerations, **17:2**

Alcoholic beverages, **17:24**

Amortization claims, **17:23**

Children, protection of, **17:24**

Commercial signs, **17:9 to 17:12**

Content-neutrality requirement, **17:7; 17:8**

Deference to legislative judgment, **17:6**

Definition of sign, **17:3**

Distinctions in signs regulated, **17:17 to 17:20**

Exclusionary zoning, **22:8**

Fees, **17:22**

First amendment validity, **17:9 to 17:23**

Inspection fees, **17:22**

Noncommercial signs, **17:3 to 17:16**

Off-site vs on-site signs, **17:19**

Overview, **17:1**

Portable vs permanent signs, **17:20**

Preemption, **48:12**

Removal, **17:22; 17:23**

Sex businesses, bars, and cabarets, **24:39 to 24:42**

Site-specific zoning conditions, validity and enforcement of, **60:20.10**

Size restrictions, **17:12; 17:16**

Supreme court decisions, summary of, **17:5**

SIGNS AND BILLBOARDS, REGULATION OF—Cont'd

Synopsis of drafting guidelines, **17:4**

Taking claims, **17:23**

Time restrictions, **17:21**

Tobacco products, **17:24**

Type and manner restrictions, **17:12; 17:16**

Viewpoint-neutral ordinances, **17:8**

SINGLE-FAMILY ZONING AND ALTERNATIVE RESIDENTIAL USES

Generally, **23:1 to 23:33**

Accessory dwelling units, **23:5**

Adult-children living at parents' house, **23:4**

Affordability of housing, **23:4**

Age-restrictive zoning, **23:30 to 23:33**

Allowing group homes in single-family districts, **23:26 to 23:29**

Alternative residential uses, generally, **23:3**

Biological or legal relationship, validity of family defined by, **23:18 to 23:23**

Boarders, **23:4**

Boarders as family, **23:11**

Constitutional issues, **23:7; 23:19; 23:32**

Construction and interpretation of family, **23:8 to 23:17**

Covenants and rental policies for age-restriction, **23:33**

Discrimination, **23:7; 23:25**

Due process issues, **23:7**

Equal protection issues, **23:7**

Extended family, exclusion of, **23:22**

Family, expanded definition to include group homes, **23:27**

Fraternalities and sororities as family, **23:12**

Functional family limitation, **23:15**

Governmental immunity, **23:28**

Granny flats, **23:5**

Group homes, generally, **23:24 to 23:29**

Group rentals as family, **23:10**

INDEX

SINGLE-FAMILY ZONING AND ALTERNATIVE

RESIDENTIAL USES—Cont'd

- Historical background of family in single-family zoning ordinance, **23:8**
- Housekeeping unit, family defined as, **23:14 to 23:16**
- Housemates, **23:4**
- In-law apartments, **23:5**
- Long-term shared housing, **23:5**
- Mobile homes and manufactured housing, local control of, **28:17**
- Modern functional family definitions, **23:17**
- Nature and function of group homes, **23:24**
- Non-family households, **23:4**
- Non-nuclear family households, **23:4**
- Objections to age-restrictive zoning, **23:31; 23:32**
- Parents living at childrens' house, **23:4**
- Preemptive state issues, **23:29**
- Privacy, right to, **23:23**
- Promoting family environment as valid zoning objective, **23:2 to 23:7**
- Relative, non-homeowners sharing house, **23:4**
- Retirement communities, **23:30**
- Roomers, **23:4**
- Second kitchen, addition of, **23:16**
- Shared housing
 - General discussion, **23:3 to 23:7**
 - Due process claims, **23:7**
 - Equal protection claims, **23:7**
 - Rationale, **23:4**
 - Regulation, **23:6**
 - Types, **23:5**
- Short-term shared housing, **23:5**
- Strict construction of family, **23:20; 23:21**
- Time sharing as family, **23:13**
- Traditional rationale for single-family zoning, **23:2**
- Two-member households, **23:23**
- Validity of age-restrictive zoning, **23:31 to 23:33**

SINKING DISTRICTS

- Special zoning districts and discretionary development review, **11:6**

SITE DEVELOPMENT

- Mining and extraction activities, **77:7**

SITE PLAN REVIEW AND APPROVAL

- Generally, **87:1 to 87:14**
- Approval, generally, **87:3**
- Conditions imposed, **87:11**
- Decisions, **87:8; 87:10**
- Evidence, **87:10**
- Express statutory authority, **87:6**
- General principles of site plan review/approval, **87:8 to 87:11**
- Illustrative site plan review provisions, **87:14**
- Implied statutory authority, **87:7**
- Judicial review, **87:12 to 87:14**
- Local decisions, **87:8; 87:13**
- Mandamus actions, **64:15**
- Planning commissions and planning boards, powers of, **47:5 to 47:8**
- Procedures required, **87:9**
- Process of, generally, **87:1 to 87:5**
- Purpose of, **87:4**
- Specially permitted and conditional uses, **61:14**
- Standards, need for, **87:10**
- Statutory authority, **87:6; 87:7**
- Subdivision approval or control, **91:10**
- Subdivision approval or processes, **87:5**
- Validity of conditions imposed, **87:11**

SITE-SPECIFIC ZONING CONDITIONS, VALIDITY AND ENFORCEMENT OF

- Generally, **60:1 to 60:39**
- Aesthetic restrictions, **60:30**
- Affordable housing, **60:29**
- Bonds or undertakings, **60:26**
- Clearly established conditions, **60:8**
- Compliance with other laws, **60:28**
- Conditions imposed, validity of, generally, **60:9 to 60:17**

**SITE-SPECIFIC ZONING
CONDITIONS, VALIDITY AND
ENFORCEMENT OF—Cont'd**

Confiscatory conditions, **60:13 to 60:15**
 Consent of neighbors, **60:24**
 Costs and expenses, **60:26**
 Density bonus, **60:16**
 Density restrictions, **60:22**
 Details on manner of operation, **60:18**
 Drainage problems, **60:31**
 Economically viable use taking analysis, **60:14**
 Enforcement, **60:39**
 Exactions and impact fees, **60:33**
 Fencing, **60:21**
 Grading of land, **60:27**
 Identity of user or occupant, **60:19**
 Incentive zoning, **60:16**
 Inspections and tests, **60:25**
 Judicial review of conditions imposed, **60:38**
 Landscaping, **60:21**
 Low income housing, **60:29**
 Maintenance and appearance, **60:23**
 Nature and source of power, **60:2 to 60:8**
 Overview, **60:2; 60:9**
 Parking, **60:20**
 Partial benefit-extraction use taking analysis, **60:15**
 Physical invasion taking analysis, **60:13**
 Planned development approval, **60:7**
 Private covenants, conditions inconsistent with, **60:34**
 Reasonableness of conditions, **60:10**
 Revocation, **60:39**
Rezonings (this index)
 Screening, **60:21**
 Sewage problems, **60:32**
 Signage, **60:20.10**
 Site plan review, **60:6**
 Special permits, **60:5**
 Specific types of conditions, generally, **60:18 to 60:39**
 Time limitations on use, **60:36**

**SITE-SPECIFIC ZONING
CONDITIONS, VALIDITY AND
ENFORCEMENT OF—Cont'd**

Traffic, **60:20**
 Transferability or form of ownership, conditions, **60:35**
 Ultra vires zoning conditions, **60:11**
 Unduly burdensome or onerous conditions, **60:12**
 Variances, **60:4**
 Waiver and estoppel, **60:16; 60:17; 60:37**

SITING

Unwanted land uses, **35:18**

SIZE AND SIZE CONTROL

Density and Lot Size, Zoning Control of (this index)
 Mobile homes and manufactured housing, local control of, **28:19**
 Signs and billboards, regulation of, **17:12; 17:16**
 Subdivision control, **89:7**
 Tree and vegetation protection, **20:24**

SKATEBOARD FACILITIES

Accessory uses and zoning, **33:59**

SKETCH PLANS

Subdivision control, **91:4**

SKYDIVING

Accessory uses and zoning, **33:60**

SLEEPING FACILITIES

Clubs and service organizations, zoning for, **27:20**

SMART GROWTH

Growth management, **15:14**

SOCIOECONOMIC VALUES

State environmental impact review, **9:25**

SOIL EROSION

Tree and vegetation protection, **20:8**

SOLID WASTE

Preemption, **48:13**

INDEX

SOUTH CAROLINA

Vested rights and estoppel claims, **70:35**

SOVEREIGN IMMUNITY

Governmental Uses and Zoning
(this index)

SPACIAL INTRUSIONS

Yards, setbacks, and frontage, restrictions on, **53:13**

SPECIAL AIRPORT ZONING

Airports and adjacent lands, **85:7**

SPECIAL AREA PROTECTION

Special zoning districts and discretionary development review, **11:9**

Tree and vegetation protection, **20:29**

SPECIAL DEVELOPMENT REVIEW DISTRICTS

Special zoning districts and discretionary development review, **11:11**

SPECIAL EXCEPTIONS

Parking and parking lots, **83:36**
Public land use controls and private covenants, **82:3**
Public utilities, **78:16**
Traffic conditions and zoning, **84:4**
Zoning districts, **10:29**

SPECIALLY PERMITTED AND CONDITIONAL USES

Generally, **61:1 to 61:50**
Abuse of zoning technique, **61:16 to 61:18**
Airports and adjacent lands, **85:11**
Amendments, distinguished from, **61:12**
Amusements and arcades, **26:22**
Arbitrary zoning scheme, **61:16**
Broadcasting and communications towers, antennae and related facilities, **79:8**
Clubs and service organizations, zoning for, **27:3**
Comprehensive plan, **14:29; 61:20; 61:21**

SPECIALLY PERMITTED AND CONDITIONAL USES—Cont'd

Consent of neighbors, **61:30**
Construction and interpretation of standards, **61:24 to 61:29**
Convenience standards, **61:26**
Declaratory judgments, **55:16**
Delegation of authority for issuance, generally, **61:22**
Demonstrating compliance with standards, **61:34 to 61:37**
Distancing, **61:31**
Distinctions, **61:11 to 61:15**
Environmental impact, **61:42**
Equal protection, **61:19**
Exception, parking, **83:28**
Express standards, necessity of, **61:46**
Fair housing legislation, **25:13**
Flexibility, **61:7**
Floating zones, **45:4; 61:13**
Floodplain and wetland regulation, **7:12**
Function and utilization of regulatory technique, **61:4 to 61:8**
Gasoline stations, zoning for, **34:4**
History of regulatory technique, **61:2; 61:3**
Imposition of conditions on issuance, **61:49**
Interim zoning and building moratoria, **13:6**
Issuance, generally, **61:38 to 61:43**
Judicial review of legislative reservation of power to issue, **61:47**
Legislative reservation of power to issue, generally, **61:44 to 61:48**
Location, **61:31**
Lot size, **61:32**
Mandamus actions, **64:14**
Mobile homes and manufactured housing, local control of, **28:18**
Natural consequences intended, **61:43**
New York City's variations, **61:3**
Nonconforming uses and structures, **73:4**
Nuisances, **61:25**
Overview, **61:1**

**SPECIALLY PERMITTED AND
CONDITIONAL USES—Cont'd**

- Parking, **61:28**
- Planned developments, distinguished from review of, **61:14**
- Planning commissions and planning boards, powers of, **47:9**
- Presumptions and burden of proof, **61:8; 61:34**
- Public interest, **61:27; 61:35**
- Public need standards, **61:26**
- Relation to other zoning techniques, **61:10 to 61:15**
- Religious structures, uses, and displays, local control of, **29:28**
- Reservation of power to issue, generally, **61:44 to 61:48**
- Right to permit, generally, **61:37**
- Sex businesses, bars, and cabarets, **24:29**
- Site plans, distinguished from review of, **61:14**
- Site-specific zoning conditions, validity and enforcement of, **60:5**
- Special overlay zones, distinguished from, **61:15**
- Special problems, **61:6**
- Spot zoning, **61:18**
- Standards for delegation of authority, generally, **61:23 et seq.**
- Status of approved special use, **61:50**
- Subjects of regulation, **61:5**
- Supplemental restrictions, **61:36**
- Supporting findings, necessity of, **61:48**
- Terminology, comment on, **61:9**
- Traffic conditions, **61:28; 61:33; 84:4**
- Variances, distinguished from, **61:11**

SPECIAL NEEDS

- Schools for students with, **30:12**

SPECIAL OVERLAY ZONES

- Specially permitted and conditional uses, **61:15**

**SPECIAL PURPOSE
DEVELOPMENT DISTRICTS**

- Special zoning districts and discretionary development review, **11:10**

**SPECIAL STATE CREATED
DISTRICTS**

- Special zoning districts and discretionary development review, **11:13**

**SPECIAL ZONING DISTRICTS
AND DISCRETIONARY
DEVELOPMENT REVIEW**

- Generally, **10:3; 11:1 to 11:21**
- Authority to establish, **11:14**
- Buffer districts, **11:6**
- Classifications
 - Number and type of, **11:3**
 - Proliferation of, **11:7 to 11:13**
 - Validity of, generally, **11:14 to 11:21**
- Delegation of powers, **11:15**
- Discretionary review, generally, **11:4; 11:5**
- Euclidean zoning, evolution of, **11:2**
- Evolution of Euclidean zoning, **11:2**
- Legitimate public purpose, **11:17**
- Mixed-use districts, **11:12**
- Overview, **11:1**
- Proliferation of classifications, **11:7 to 11:13**
- Public purpose, **11:17**
- Reverse spot zoning, **11:20**
- Rezoning, **38:7 to 38:10; 41:13**
- Sinking districts, **11:6**
- Special area protection districts, **11:9**
- Special development review districts, **11:11**
- Special purpose development districts, **11:10**
- Special state created districts, **11:13**
- Spot zoning, **11:19; 11:20**
- Taking claims, **11:21**
- Theory of districting, **10:3**
- Transitional districts, **11:6**
- Uniformity requirement, **11:16**
- Unreasonableness, **11:18**
- Validity of special districts and classifications, generally, **11:14 to 11:21**

SPECIES CONTROL

- Tree and vegetation protection, **20:25**

INDEX

SPLIT LOTS

- Yards, setbacks, and frontage, restrictions on, **53:19**
- Zoning districts, **10:27; 10:27 to 10:31**

SPORTS FACILITIES

- Accessory uses and zoning, **33:83**

SPOT ZONING

- Comprehensive plan requirements and consistency doctrine, **14:33**
- Floating zones, **45:9**
- Planned unit developments, **88:16**
- Police power and zoning regulation, **1:39**
- Rezoning**s (this index)
- Specially permitted and conditional uses, **61:18**
- Special zoning districts and discretionary development review, **11:19; 11:20**
- Transfer of development rights, **59:23**

STABLES

- Riding horses, accessory uses and zoning, **33:57**

STANDARDS

- Historic preservation law, designation, **19:8; 19:12**
- Newsracks and newsstands, local control of, **18:4 to 18:10**
- Site plan review and approval, **87:10**
- Subdivision control, **89:20; 91:19**
- Zoning districts, split lots, **10:31**

STANDING TO SUE

- Generally, **63:1 to 63:46**
- Aesthetic interests, **63:21**
- Affected private persons, intervention by, **63:42**
- Categories of persons having standing, **63:4 to 63:12**
- Challenge to ordinance on procedural grounds, **63:12**
- Choice of forum: federal or state, **67:2**
- Civic associations, **63:31 to 63:33**
- Class actions, **63:38**

STANDING TO SUE—Cont'd

- Close proximity to locus, **63:18**
- Comprehensive plan requirements and consistency doctrine, **14:27**
- Conditional vendees, **63:7**
- Constitutional claims, **63:5; 63:29**
- Damages arising from competition, **63:34; 63:35**
- Declaratory judgments, **55:4**
- Determination of aggrievement, cases involving, generally, **63:18 to 63:23**
- Discretion of court for intervention, **63:41**
- Enforcement of zoning laws, **65:8; 65:9**
- Environmental interests, **63:21; 63:32**
- Evidence of aggrievement, **63:20**
- Exclusionary zoning cases, **63:36 to 63:38**
- Fair housing legislation, **25:25**
- Federal standing rules in exclusionary zoning cases, **63:36**
- Floating zones, **45:8**
- Historic preservation, **63:22; 63:33**
- Importance of intervention, **63:39**
- Insurance companies, **63:9 to 63:11**
- Intervention in litigation, generally, **63:39 to 63:46**
- Invalidating use of another's land, **63:15 to 63:17**
- Landlord and tenant, **63:10**
- Misuse of public property, **63:23**
- Mortgagees, **63:11**
- Municipalities
 - Generally, **63:24 to 63:29**
 - Intervention by, **63:43**
- Neighboring municipalities, generally, **63:26 to 63:28**
- Nonresidents, intervention by, **63:44**
- Notice to parties of intervention, **63:46**
- Nuisances, **63:14**
- Option holders, **63:8**
- Outside of jurisdiction owners of property, **63:30**
- Overview, **63:1**

STANDING TO SUE—Cont'd

- Owner of locus in question, generally, **63:4; 63:5**
- Persons with other interests in locus, **63:6 to 63:11**
- Planned unit developments, **88:15**
- Pleading aggrievement, **63:20**
- Res judicata and finality of zoning decisions, **68:27**
- Specific aggrievement, showing of, **63:19**
- State court rules in exclusionary zoning cases, **63:37**
- State environmental impact review, **9:34**
- Subdivision control, **91:2**
- Taxpayers, intervention by, **63:45**
- Tests for intervention, **63:40**
- Use of another's land, standing to litigate, **63:13 to 63:17**

STARE DECISIS

- Res judicata and finality of zoning decisions, **68:8**

STATE ENVIRONMENTAL

IMPACT REVIEW

- Generally, **9:1 to 9:39**
- Appropriations, **9:26**
- Burden of proof, **9:28**
- Constitutional law, **9:5**
- Decision making authority of agency, substantive impacts on, **9:30**
- Discretionary EIS, **9:23**
- Environmental impact statements (EIS)
 - Adequacy, **9:14; 9:15**
 - Scope and sufficiency, generally, **9:14; 9:15**
 - SEPA process and requirements, **9:9; 9:11 to 9:13**
 - Submission, generally, **9:4**
 - When an EIS must be prepared, generally, **9:16 to 9:29**
- Exceptions to EIS requirement, **9:17 to 9:20**
- Exemptions from EIS requirement, **9:21**
- Federal law considerations, **9:3 to 9:5**

STATE ENVIRONMENTAL

IMPACT REVIEW—Cont'd

- Integrated or separate actions, **9:27**
- Introduction, **9:1; 9:2**
- Judicial review, generally, **9:34 to 9:39**
- Local land use regulation, effect on, **9:31**
- Mitigation powers, **9:32**
- National Environmental Policy Act (NEPA), **9:3; 9:4**
- Negative declarations and little FONSI, **9:20**
- Notice under SEPA process, **9:7**
- Overview, **9:1**
- Precommitment under SEPA process, **9:8**
- Procedural obligations, **9:29**
- Project modification, **9:18**
- Projects requiring EIS, generally, **9:22 to 9:25**
- Purposes and policies, **9:2**
- Segmentation, **9:19**
- SEPA process and requirements, **9:6 to 9:13; 9:38; 9:39**
- Socioeconomic values, projects affecting, **9:25**
- Standard of judicial review, **9:36**
- Standing, judicial review of, **9:34**
- Statutes of limitation, judicial review of, **9:35**
- Substantive impacts on powers and laws, **9:30 to 9:33**

STATE OR REGIONAL

REGULATORY PROGRAMS

- Vested Rights and Estoppel Claims** (this index)

STATE PREEMPTION

- Generally, **48:1 to 48:32**
- Agriculture and farming, **48:22**
- Airports and adjacent lands, **85:3**
- Amusements and arcades, **26:20**
- Aviation, **48:11**
- Banking, **48:28**
- Billboards, **48:12**
- Broadcasting and Communications Towers, Antennae and Related Facilities** (this index)

INDEX

STATE PREEMPTION—Cont'd

Cemeteries, **48:19**
Child day care centers, **48:21**
Commerce clause preemption, **48:32**
Day care centers, **48:21**
Enforcement of zoning laws, **65:6**
Environmental protection, **48:17**
Express preemption, generally, **48:2**
Farming and agriculture, **48:22**
Firearms, **48:24**
Firearms (this index)
Fireworks, **48:23**
Floodplain and wetland regulation, **7:15**
Governmental uses and zoning, **76:10**
Group homes, **48:8**
Guns. **Firearms** (this index)
Hazardous waste, **8:24; 8:62 to 8:66; 48:14**
Home rule powers, conflict with, **48:4**
Housing, **48:9**
Implied preemption, generally, **48:3**
Initiative and referendum, zoning and planning by, **46:17**
Junkyards, **48:13**
Landfills, **48:13**
Liquor establishments, **48:20**
Local interests, consideration of, **48:5**
Marijuana and tobacco, **48:27**
Mining, **48:18**
Miscellaneous undesirable land uses, **48:29**
Mobile homes and manufactured housing, **28:29**
Noise controls, **48:26**
Overview, **48:1**
Public utilities, **78:3**
Roads, **48:10**
Schools, **48:7**
Sewers and septic tanks, **48:15**
Sex businesses, bars, and cabarets, **24:44**
Signs, **48:12**
Single-family zoning and alternative residential uses, **23:29**
Solid waste, **48:13**

STATE PREEMPTION—Cont'd

State preemption of local regulation, generally, **48:1 et seq.**
Timber, **48:25**
Tobacco and marijuana, **48:27**
Traffic conditions and zoning, **84:19**
Undesireable land uses, **48:29**
Utilities, **48:6**
Waters and watersheds, **48:16**
Wetlands and waters, **48:16**
Wharves, **48:16**

STATE SITING LEGISLATION

Hazardous waste and protection of groundwater, **8:61 to 8:66**

STATE SOVEREIGNTY TEST

Governmental uses and zoning, **76:15; 76:16**

STATEWIDE AND REGIONAL LAND USE CONTROLS

Generally, **36:1 to 36:33**
Appeals, **36:19**
California-Nevada compact for Lake Tahoe region, **36:15**
Classification, **36:12 to 36:20**
Concurrency requirements, **36:28**
Consistency of actions, **36:30**
Consistency of local plans with statewide and regional goals, **36:23 to 36:25**
Critical resources, regulation of, **36:20**
Dispute resolution, **36:32**
Environmental goals, local inability, **36:7**
Euclidean zoning, limitations on, generally, **36:3 to 36:10**
Euclidean zoning, planning context, **36:8**
Exclusionary effects of local zoning, **36:9**
Exclusionary local policies, oversight of, **36:31**
Florida, **36:18**
Goals and policies, **36:22**
Growth boundaries, **36:29**
Growth management regulations, **36:10**

**STATEWIDE AND REGIONAL
LAND USE CONTROLS**

—Cont'd

- Hawaii, **36:12**
- Home rule and governmental fragmentation, **36:4 to 36:7**
- Introduction, **36:1**
- Limitations on euclidean zoning, **36:3 to 36:10**
- Local plans and regulations, oversight of, generally, **36:21 to 36:33**
- Local zoning, ascendancy, **36:2**
- Maine's unorganized townships, **36:14**
- Major development projects, regulation of, **36:16 to 36:19**
- Major projects, local inability, **36:5; 36:6**
- New York, Adirondacks region, **36:13**
- Plans and planning, generally, **36:21 to 36:33**
- Procedural requirements for local planning, **36:26**
- Regional growth management, **36:33**
- Subdivision control, **90:26**
- Substantive requirements for local planning, **36:27 to 36:30**
- Vermont, **36:17**

STATUTE OF LIMITATIONS

- Judicial review, **62:7 to 62:11**
- State environmental impact review, **9:35**

**STATUTES AND STATUTORY
PROVISIONS**

- Enactment of zoning ordinances, **12:1 to 12:4**
- Exemptions
 - Public utilities, **78:5**
- Governmental uses and zoning, **76:8 to 76:10**
- Growth management, **15:6 to 15:12**
- Interim zoning and building moratoria, **13:10; 13:11**
- Judicial review, **62:2; 62:3**
- Nonconforming uses and structures, **72:4**

**STATUTES AND STATUTORY
PROVISIONS—Cont'd**

- Passage of zoning measures, **32:16**
- Rezoning, **37:12; 39:7**
- Site plan review and approval, **87:6; 87:7**
- Vagueness of Statute or Ordinance** (this index)
- Vested rights and estoppel claims, **70:4 to 70:6**
- Wildlife protection, **21:21 to 21:24**

STAY OF PROCEEDINGS

- Declaratory judgments, **56:4**

STEEP SLOPES

- Subdivision control, **90:20**

STIPULATIONS

- Res judicata and finality of zoning decisions, **68:37**

STOP GAP ORDINANCES

- Incorporation and annexation zoning issues, **35:10**

STOP WORK ORDERS

- Building permits, **69:19**

STORAGE

- Accessory uses and zoning, **33:61**
- Commercial vehicles, accessory uses and zoning, **33:19**
- Trailers, accessory uses and zoning, **33:62**

**STREETS, ROADS, AND
HIGHWAYS**

- Buildings not on improved streets, permits, **50:5 to 50:8**
- Preemption, **48:10**
- Subdivision control, **89:8; 90:16; 90:30 to 90:33**
- Zoning districts, **10:20**

**STRICT CONSTRUCTION
DOCTRINE**

- Interpretation and Construction** (this index)

STRICT LIABILITY

- Hazardous waste and protection of groundwater, **8:13**

INDEX

SUBDIVISION CONTROL

Adequacy of standards, **90:4**
Adjacent land, impact on, **90:10**
Administrative actions, review of,
91:17 to 91:19
Application of standards, **90:5**
Approval
 Authority, generally, **89:19 to 89:21**
 Process, generally, **91:4 to 91:6**
Board of appeals, powers of, **90:51**
Bonds and undertakings, **91:16; 91:22**
Boundary of lot adjustments, **89:18**
Campsites, **89:12**
Changes in subdivision regulations and zoning, **91:28 to 91:30**
Cluster development, **90:49**
Compliance with other controls, **90:24**
Comprehensive or master plan, **90:25**
Conditions, validity of, **90:41**
Condominiums and cooperatives, **89:11**
Consent. Approval, above
Constitutional law, **90:39**
Definitions of regulated subdivisions, generally, **89:6 to 89:18**
Denial of applications, grounds for, generally, **90:24 to 90:40**
ItDolan/it nexus test, **90:46**
Drainage, **90:16; 90:34**
Easements of public access, **90:33**
Enabling authority, **89:2**
Enabling statutes, generally, **89:1 to 89:5**
Enforcement, generally, **91:20 to 91:25**
Environmental protection, **90:15; 90:27 to 90:29**
Exactions and impact fees, **90:43**
Extraterritorial jurisdiction, **89:21; 90:23**
Federal nexus tests, **90:44 to 90:47**
Fees and charges, **91:12**
Filed maps, vested rights under, **91:27**
Final decisions, **91:17**

SUBDIVISION CONTROL—Cont'd

Finality of approval, **91:15**
Findings supporting decisions, **91:14**
Fire protection, **90:14**
Flooding, **90:34**
Floodplain and wetland regulation, **7:22**
Forfeiture of prior approval, **91:31**
Frontage, **90:19**
Future public uses, **90:12**
Gift, transfers by, **89:13**
Historic preservation, **90:22**
Impact fees, **90:43**
Improvements, **90:32; 90:42**
Inaction, approval by, **91:7 to 91:11**
Incentive conditions, **90:47**
Judicial construction, **89:10 to 89:12**
Lot size, **90:9**
Mandamus actions, **64:13**
Maps, relation to official map, **50:3**
Maps, vested rights under, **91:27**
Minor subdivisions or short plans, **89:14**
Mobile home parks, **89:12**
ItNollan/it nexus test, **90:45**
Nonresidential subdivisions, **89:9**
Number of lots, **89:7**
Overview, **89:1**
Overview
 Procedures and enforcement, **91:1**
 Substantive standards, **90:1**
Parks and playgrounds, **90:37 to 90:39**
Partitioning, **89:15**
Performance bonds, **91:16; 91:22**
Poor planning, **90:21**
Preliminary plans and final plans, **91:5; 91:6**
Private associations, approval by, **90:52**
Private rights, effect on, **90:17**
Procedures and enforcement, generally, **91:1 to 91:31**
Proper versus irrelevant consideration, generally, **90:6 to 90:23**
Proposed zoning change, **90:13**

SUBDIVISION CONTROL—Cont'd

- Public facilities and amenities, **90:37 to 90:40**
- Public land use controls and private covenants, **82:3**
- Purpose of subdivision law, **89:3**
- Relation to private covenants, **89:5**
- Relation to zoning, **89:4**
- Required information, **90:7**
- Resubdivision, **89:16**
- Review of proposed subdivision application, generally, **90:2 to 90:23**
- Sale of lots, **89:7**
- Sanctions for failure to comply, **91:20; 91:21**
- Schools, **90:40**
- Securing development as approved, **91:22 to 91:25**
- Severance, **89:15**
- Sewerage, **90:18; 90:36**
- Site plan approval and processes, **87:5**
- Site plan approval and review, **91:10**
- Size of lots, **89:7**
- Sketch plans, **91:4**
- Special treatment of minimal subdivisions, **89:14 to 89:17**
- Standards for approval or review, **89:20; 91:19**
- Standing for subdivision approval, **91:2**
- Statewide or regional plan, **90:26**
- Steep slopes, **90:20**
- Streets, roads, and highways, **89:8; 90:16; 90:30 to 90:33**
- Substandard lots, **49:13**
- Substantive standards, generally, **90:1 to 90:52**
- Supplementing local standards, **90:3**
- Testamentary disposition, transfers by, **89:13**
- Time or date
 - Inaction, approval by, **91:7; 91:8**
 - Preliminary plans and final plans, timing process for, **91:6**
- Traffic impact, **90:11**
- Tree and vegetation protection, **20:20**
- Vacation of plat, **89:17**

SUBDIVISION CONTROL—Cont'd

- Variance, **90:48 to 90:50**
 - Various statutory definitions
 - Generally, **89:6**
 - Vested rights, **70:24; 91:26 to 91:31**
 - Waiver
 - Subdivision standards, **90:50**
 - Time period for approval by inaction, **91:8**
 - Water courses, impact on, **90:8**
 - Water facilities and supply, **90:35; 90:36**
 - Widening of adjacent streets, **90:31**
 - Wildlife protection, **21:71**
- SUBSTANDARD LOTS**
- Generally, **49:1 to 49:33**
 - Abandonment of lot lines, **49:28**
 - Additional land, opportunity to purchase or sell, **49:30**
 - Back-to-back lots, **49:19**
 - Checkerboarding for vested rights, **49:18**
 - Confiscatory taking, **49:10; 49:11**
 - Constitutionality of minimum requirements, **49:9 to 49:13**
 - Contiguous lot developed, **49:17**
 - Corner lots, **49:6**
 - Definitions
 - Frontage, **49:7**
 - Width, **49:7**
 - Different zoning districts or jurisdictions, lots in, **49:21; 49:22**
 - Equitable servitudes, **49:8**
 - Estoppel, **49:12**
 - Exemptions granting vested rights, generally, **49:24 to 49:28**
 - Frontage, defined, **49:7**
 - ItFulling v Palumbo/it doctrine, **49:32**
 - Grandfather provisions, **49:25**
 - Loss of exemption, **49:28**
 - L shaped lots, **49:19**
 - Merger, generally, **49:14 to 49:23**
 - Minimum area and frontage, zoning for, generally, **49:2; 49:5**
 - Neighborhood, character of, **49:31; 49:32**

INDEX

SUBSTANDARD LOTS—Cont'd

- Noxious use justification for confiscatory taking, **49:11**
- Problems presented by, **49:4**
- Public purposes for regulations, **49:3**
- Reasonableness, **49:9; 49:15**
- Recorded lots at specified time, **49:27**
- Reduced area or frontage, exemptions granting, **49:26**
- Related owners of record, **49:20**
- Self-created hardship, **49:33**
- Separate ownership requirement, merger and, **49:14 to 49:23**
- Subdivision requirements, merger and, **49:13**
- Substantive due process, **49:9**
- Tax foreclosure, title through, **49:23**
- Undeveloped lots, **49:16**
- Unreasonable as applied, **49:9; 49:15**
- Variance, relief through grant of, **49:29 to 49:33**
- Vested rights, generally, **49:12; 49:18; 49:24 to 49:28**
- Width, defined, **49:7**

SUBSTANTIAL EVIDENCE

- Judicial review, **62:43**

SUBSTANTIVE DUE PROCESS

- Generally, **3:1**
- Density and lot size, zoning control of, **51:14**
- Height of buildings and structures, zoning controls on, **52:4; 52:5**
- Occupancy, ownership, rental housing, and conversions, regulation of, **81:19**
- Substandard lots, **49:9**
- Yards, setbacks, and frontage, restrictions on, **53:9**

SUMMARY JUDGMENT

- Declaratory judgments, **55:19**

SUNDAY CLOSURE LAWS

- Religious structures, uses, and displays, local control of, **29:5**

SUNSHINE LAWS

- Board of appeals, **57:71**

SUPERFUND

- Hazardous waste and protection of groundwater, **8:30**

SUPREME COURT DECISIONS

- ItCleburne/it decision, equal protection, **4:2**
- Signs and billboards, regulation of, **17:5**

SURVEYS AND SURVEYORS

- Expert witnesses, **67:16**

SUSPENSION

- Revocation and Suspension** (this index)

SWIMMING POOLS

- Accessory uses and zoning, **33:82**

SYMBOLS OR DISPLAYS

- Religious structures, uses, and displays, local control of, **29:7 to 29:10**

TAKING OF PROPERTY

- Constitutional Taking Claims** (this index)
- Eminent Domain Proceedings** (this index)
- Historic Preservation Law** (this index)
- Regulatory Takings** (this index)

TARGETED GROWTH STRATEGIES

- Wildlife protection, **21:74**

TAXATION AND TAXPAYERS

- Constitutional and legislative limitations on zoning, **2:22 et seq.**
- Incentives, historic preservation law, **19:50**
- Partial benefit-extraction claims, **6:60**
- Public Land Use Controls and Private Covenants** (this index)
- Sex businesses, bars, and cabarets, **24:34**
- Standing to sue, **63:45**
- Transfer of development rights, **59:24**
- Wildlife Protection** (this index)

TECHNIQUES OF ZONING

Police power and zoning regulation,
1:19 to 1:33

TELECOMMUNICATIONS

**Broadcasting and Communications
Towers, Antennae and Related
Facilities** (this index)

TELEVISION

**Broadcasting and Communications
Towers, Antennae and Related
Facilities** (this index)

**TEMPORARY OR CONDITIONAL
ZONING**

Interim zoning and building
moratoria, **13:6**

TEMPORARY TAKINGS

Interim zoning and building
moratoria, **13:17**
Taking claims, **6:27; 6:28**
Wrongful land use regulation, remedies for, **66:19**

TENNIS COURTS

Accessory uses and zoning, **33:83**

TERMINATION

**Nonconforming Uses and
Structures** (this index)

TERMINOLOGY

Police power and zoning regulation,
1:34 to 1:40
Specially permitted and conditional
uses, **61:9**

TESTAMENTARY DISPOSITION

Subdivision control, **89:13**

TESTS

Inspections and Tests (this index)

THIRD PERSONS

Incorporation and annexation zoning
issues, **35:12**

TIMBER

Tree and Vegetation Protection
(this index)

TIME OR DATE

Board of Appeals (this index)

TIME OR DATE—Cont'd

Comprehensive plan requirements
and consistency doctrine, **14:15**

Enactment of Zoning Ordinances
(this index)

Judicial Review (this index)

Mobile homes and manufactured
housing, local control of, **28:23**

Nonconforming uses and structures,
74:22

Rezoning (this index)

Sex businesses, bars, and cabarets,
24:42

Signs and billboards, regulation of,
17:21

Site-specific zoning conditions, validity and enforcement of, **60:36**

Subdivision Control (this index)

Vested rights and estoppel claims,
70:15

TIME-SHARING

Constitutional and legislative limitations on zoning, **2:17**

Occupancy, ownership, rental housing, and conversions, regulation of, **81:10**

Single-family zoning and alternative residential uses, **23:13**

TITLE EXCEPTION

Floodplain and wetland regulation,
title exceptions, **7:48**

TITLE SEARCHERS

Expert witnesses, **67:16**

TOBACCO PRODUCTS

Sign and billboard regulation, **17:24**
State preemption, **48:27**

TORT ACTIONS AND CLAIMS

Building permits, **69:11**
**Wrongful Land Use Regulation,
Remedies for** (this index)

**TOXIC SUBSTANCES CONTROL
ACT**

Generally, **8:47**

INDEX

TRAFFIC CONDITIONS AND ZONING

- Generally, **84:1 to 84:20**
- Adequate traffic management or infrastructure, zoning as improper substitute for, **84:9 to 84:14**
- Approval of zoning classification, **84:7**
- Challenging existing zoning classification, **84:16**
- Conditional uses, **84:4**
- Development exactions related to traffic conditions, **84:20**
- Discrimination, **84:12**
- Expert testimony, **84:8**
- Growth, limitation on, **84:10**
- Increase in traffic, **84:11**
- Mobile homes and manufactured housing, local control of, **28:9**
- Nonconforming use, **84:18**
- Off-site traffic or highway changes, approval conditioned on, **84:7**
- Overview, **84:1**
- Planning board actions, **84:6**
- Preemption by state of local traffic control, **84:19**
- Public purpose, generally, **84:2 to 84:8**
- Rezoning, **84:15; 84:17**
- Site-specific zoning conditions, validity and enforcement of, **60:20**
- Special exceptions, **84:4**
- Specially permitted and conditional uses, **61:28; 61:33**
- Standard or ground for zoning, generally, **84:3 to 84:7**
- Subdivision control, **90:11**
- Use classification, unsuitableness of, **84:12**
- Variances, **84:5**

TRAFFIC ENGINEERS

- Expert witnesses, **67:14**

TRAILERS

- Accessory uses and zoning, **33:62; 33:63; 33:78**
- Aesthetics and land use regulation, **16:19**

TRAILERS—Cont'd

- Due process and zoning, **3:12**
- Parking or storage
 - Accessory uses and zoning, **33:62**
- Rental or sale of, accessory uses and zoning, **33:63**

TRANSFER OF DEVELOPMENT RIGHTS

- Generally, **59:1 to 59:26**
- Affordable housing, **59:11**
- Agricultural preservation, **59:8**
- Amenities, **59:11**
- Antitrust laws, development rights and, **59:26**
- Approval at receiving site, securing of, **59:15**
- Authority for enactment, **59:3; 59:4**
- Constitutional taking claims, relation to, generally, **6:44; 59:16 to 59:20**
- Construction and interpretation, **59:14**
- Density transfers and density bonuses, distinguished from, **59:12; 59:13**
- Distinctions, **59:12; 59:13**
- Due process, **59:21**
- Ecological areas, protection of, **59:10**
- Historic preservation, **59:7**
- Illegal spot zoning, **59:23**
- Improper zoning, **59:22**
- Issues related to development transfer programs, generally, **59:14 to 59:26**
- Just compensation for taking, **59:18**
- Merits of claim, **59:17**
- Method and function, **59:2**
- Nature and validity, generally, **59:5 to 59:11**
- ItNollan/it nexus test, **59:19**
- Open space protection, **59:9**
- Overview, **59:1**
- Programs, generally, **59:2 to 59:13**
- Regulated securities, development rights as, **59:25**
- Rezoning, **41:14**
- Ripeness of claim, **59:20**
- Spot zoning, **59:23**

TRANSFER OF DEVELOPMENT RIGHTS—Cont'd

- Taxable interests, development rights as, **59:24**
- Urban redevelopment, **59:6**
- Validity, generally, **59:5 to 59:11**
- View protection, **59:9**
- Zoning Enabling Act as authority for enactment, **59:4**

TRANSITIONAL DISTRICTS OR ZONES

- Police power and zoning regulation, **1:33**
- Special zoning districts and discretionary development review, **11:6**
- Zoning districts, **10:9**

TRANSPORTATION

- Public utilities, **78:13**

TRAVEL AGENCY

- Accessory uses and zoning, **33:64**

TREATY POWER

- Wildlife protection, **21:16**

TREE AND VEGETATION PROTECTION

- Generally, **20:1 to 20:82**
- Accidental cutting, **20:34**
- Administrative measures, enforcement, **20:72**
- Aesthetic values, **16:11; 20:4 to 20:6**
- Afforestation, **20:32**
- Agricultural exemptions, **20:52**
- Air pollution, **20:9**
- Buffer requirements, **20:28**
- Certificates of occupancy, **20:71**
- Charter authority, **20:21**
- Clean Water Act, **20:47**
- Climate moderation, **20:10**
- Community-wide economic impact, **20:17**
- Compensation mechanisms, **20:77 to 20:81**
- Complements to regulation, **20:73 to 20:82**
- Construction hazards, **20:37**

TREE AND VEGETATION PROTECTION—Cont'd

- Construction protection measures, generally, **20:33 to 20:38**
- Density clustering, **20:80**
- Department of Transportation Act, **20:45**
- Developed parcels exemptions, **20:54**
- Development activity, **20:30**
- Differential assessment, **20:78**
- Diseased/dangerous trees exemptions, **20:55**
- Distance control, **20:28**
- Distinct identity, creation of, **20:6**
- Early takings, **20:65**
- Economic considerations, **20:15 to 20:17; 20:61**
- Ecosystem protection, **20:13**
- Education, **20:82**
- Enabling authority, **20:18 to 20:21**
- Endangered Species Act, **20:48**
- Energy conservation, **20:10**
- Enforcement, generally, **20:68 to 20:72**
- Environmental protection, enabling authority, **20:19**
- Environmental values, **20:7 to 20:13**
- Exactions, **20:67**
- Excavation, **20:35**
- Exemptions, generally, **20:50 to 20:55**
- Federal agencies, **20:43 to 20:49**
- Fines and penalties, **20:70**
- Flexibility of standards, **20:62**
- Forestry exemptions, **20:52**
- Grade changes, **20:36**
- Health benefits, **20:14**
- Historical associations, **20:26**
- Home rule, **20:21**
- Impact injuries, **20:34**
- Incentives, **20:74 to 20:76**
- Intermodal Surface Transportation Act, **20:46**
- Land acquisition, **20:81**
- Landscaping, **20:75**
- Land use regulatory incentives, **20:76**
- License and permit reviews, generally, **20:56 to 20:62**

INDEX

TREE AND VEGETATION

PROTECTION—Cont'd

- Local agencies, **20:41**
- Local examples, **20:58 to 20:60**
- Maintenance after development, **20:39**
- Modern taking, **20:66**
- Monitoring construction, **20:38**
- National Environmental Policy Act, **20:44**
- Noise buffers, **20:11**
- Nollan rational nexus test, **20:67**
- Nursery exemptions, **20:52**
- Parcel size exemptions, **20:53**
- Permit/plan review, local standards, **20:59**
- Permit reviews, standards for, **20:56 to 20:62**
- Planning, enabling authority, **20:20**
- Private property, generally, **20:23 to 20:39**
- Pruning, **20:31**
- Public purpose, establishment of, generally, **20:3 to 20:17**
- Public utilities and agencies, generally, **20:40 to 20:49**
- Real estate values, **20:16**
- Regulatory examples, **20:49**
- Regulatory takings, **20:64**
- Replacement and mitigation, local standards, **20:60**
- Residential exemptions, **20:51**
- Scale/liveability, **20:5**
- Securities, **20:71**
- Size control, **20:24**
- Soil erosion and pollution control, **20:8**
- Special area protection, **20:29**
- Special features exemptions, **20:54**
- Special places, creation of, **20:6**
- Species control, **20:25**
- Specimen and special trees, **20:23**
- Standards for permit reviews, **20:56 to 20:62**
- State agencies, **20:42**
- State preemption, timber, **48:25**
- Subdivision laws, enabling authority, **20:20**

TREE AND VEGETATION

PROTECTION—Cont'd

- Taking issue, generally, **20:63 to 20:67**
- Transferable development rights, **20:79**
- Tree cover protection, **20:27**
- Types of property and activities subject to control, generally, **20:22 to 20:55**
- Validity, **20:57**
- Validity of conservation ordinances in general, **20:2**
- Visual values, **20:4 to 20:6**
- Water conservation, **20:12**
- Water pollution control, **20:8**
- Wildlife protection, **20:13; 21:57**
- Woodland protection, **20:27**
- Zoning laws, enabling authority, **20:20**

TRESPASS

- Hazardous waste and protection of groundwater, **8:14**

TRIAL DE NOVO

- Judicial review, **62:49**

TRIAL PREPARATION

- Choice of forum: federal or state, **67:5**

ULTRA VIRES ISSUES

- Constitutional and legislative limitations on zoning, **2:9**
- Exclusionary zoning, **22:28**
- Rezoning, **44:3**
- Site-specific zoning conditions, validity and enforcement of, **60:11**

UNCLEAN HANDS

- Wrongful land use regulation, remedies for, **66:60**

UNDER COLOR OF STATE LAW

- Wrongful land use regulation, remedies for, **66:30**

UNDERGROUND INJECTION CONTROL

- Hazardous waste and protection of groundwater, **8:42**

UNDERTAKINGS

Bonds and Undertakings (this index)

UNDERWATER LAND

Extraterritorial land use controls, **35:5**

UNDESIREABLE LAND USES

State preemption, **48:29**

UNIFORMITY REQUIREMENT

Equal protection, **4:8**
Special zoning districts and discretionary development review, **11:16**

UNIQUE HARDSHIP

Parking and parking lots, **83:35**

UNITED STATES COURTS

Jurisdiction of, **1:43**

UPZONING

Police power and zoning regulation, **1:38**
Rezoning, **38:12**

URBAN GROWTH BOUNDARIES

Wildlife protection, **21:73**

URBAN REDEVELOPMENT

Transfer of development rights, **59:6**

U.S. FISH AND WILDLIFE SERVICE

Wildlife protection, **21:42**

U.S. FOREST SERVICE

Wildlife protection, **21:43**

USE CLASSIFICATIONS OR RESTRICTIONS

Building permits, **69:26**
Traffic conditions and zoning, **84:12**
Wildlife protection, **21:55**

USED CAR LOTS

Accessory uses and zoning, **33:65**

USE VARIANCES

Variations (this index)

U SHAPED LOTS

Yards, setbacks, and frontage, restrictions on, **53:16**

UTILITIES

Public Utilities (this index)

VACATION OF PLAT

Subdivision control, **89:17**

VAGUENESS OF STATUTE OR ORDINANCE

Broadcasting and communications towers, antennae and related facilities, **79:11**
Enforcement of zoning laws, **65:36**
Presumptions affecting ordinances, **5:21**
Sex businesses, bars, and cabarets, **24:20**

VALIDITY

Density and Lot Size, Zoning Control of (this index)
Development Agreements (this index)
Exclusionary zoning, **22:2 to 22:6**
Extraterritorial land use controls, **35:7**
Historic Preservation Law (this index)
Newsracks and newsstands, local control of, **18:14**
Presumptions affecting ordinances, **3:15; 5:2 to 5:5**
Rezoning, **44:8**
Single-family zoning and alternative residential uses, **23:31 to 23:33**
Site plan review and approval, **87:11**
Special zoning districts and discretionary development review, **11:14 to 11:21**
Transfer of Development Rights (this index)
Wildlife Protection (this index)

VALIDITY AND ENFORCEABILITY

Development agreements
Applicability of Supreme Court exactions jurisprudence, **71:5**

INDEX

VARIANCES

- Generally, **58:1 to 58:24**
- Airports and adjacent lands, **85:12**
- Amount of hardship, **58:8; 58:10**
- Area variances, **58:14 to 58:17**
- Board of Appeals** (this index)
- Broadcasting and communications towers, antennae and related facilities, **79:7**
- Bulk, building area, and floor size, control of, **54:5**
- Classification of variances, **58:1 to 58:4**
- Clubs and service organizations, zoning for, **27:25**
- Contiguous land, use of, **58:19**
- Declaratory judgments, **55:7 to 55:9; 55:17**
- Definitions, **58:1; 58:5**
- Delay, loss of rights through, **58:24**
- Direct relation of hardship to owner's land, **58:18 to 58:20**
- Distinctions, **58:3; 58:4; 58:6**
- Eminent domain proceedings, **75:7; 75:9**
- Fair housing legislation, **25:13**
- Floodplain and wetland regulation, **7:11**
- Grant of variance, effect of, **58:23; 58:24**
- Hardship
 - Direct relation of hardship to owner's land, **58:18 to 58:20**
 - Necessity of, generally, **58:5; 58:8**
 - Nonuse or area variances, **58:15**
 - Owner's affirmative act, creation by, **58:21**
 - Self-created hardship, **58:21; 58:22**
 - Use variances, **58:10 to 58:12**
- Height of buildings and structures, zoning controls on, **52:14**
- Inherently beneficial use, **58:13**
- Leases and land use restrictions, **80:6**
- Nonconforming Uses and Structures** (this index)
- Nonuse or area variances, **58:14 to 58:17**

VARIANCES—Cont'd

- Notice or knowledge of zoning limitations, purchase with, **58:22**
 - Owner's affirmative act, creation by, **58:21**
 - Parking and parking lots, **83:27; 83:32 to 83:35**
 - Personal plight of owner, **58:20**
 - Politics and other considerations, **58:2**
 - Public benefit or detriment from non-use or area variance, **58:16**
 - Public land use controls and private covenants, **82:3**
 - Public utilities, **78:15**
 - Regulatory taking, hardship compared to, **58:7**
 - Rezoning, **38:20**
 - Self-created hardship, **58:22**
 - Site-specific zoning conditions, validity and enforcement of, **60:4**
 - Specially permitted and conditional uses, **61:11**
 - Subdivision control, **90:48 to 90:50**
 - Traffic conditions and zoning, **84:5**
 - Unique and unnecessary nature of hardship, **58:11; 58:12; 58:18**
 - Use variances
 - Generally, **58:9 to 58:13**
 - Board of appeals, **57:20 to 57:23**
 - Nonconforming Uses and Structures** (this index)
 - Parking and parking lots, **83:33**
 - Zoning plan, promotion of, **83:34**
 - Yards, setbacks, and frontage, restrictions on, **53:8**
 - Zoning plan, promotion of, **83:34**
- ### VEGETATION
- Tree and Vegetation Protection** (this index)
- ### VEGETATIVE BARRIERS
- Wildlife protection, **21:59**
- ### VEHICLES AND AUTOMOBILES
- Accessory uses and zoning
 - Car washes, **33:17**
 - Commercial vehicles, parking or storage, **33:19**

VEHICLES AND AUTOMOBILES
—Cont'd

- Accessory uses and zoning—Cont'd
 - Parking, **33:47**
 - Rentals, **33:11**
 - Trailer parking, **33:62**
 - Used car sales, **33:65**
- Aesthetics and land use regulation, **16:19**
- Car washes, **33:17**
- Clubs and service organizations, zoning for, **27:15**
- Commerical vehicles, parking or storage of, **33:19**
- Electric vehicle charging stations, zoning, **34:13**
- Gasoline Stations, Zoning for** (this index)
 - Parking
 - Accessory uses and zoning, **33:47**
 - Rental
 - Cars, accessory uses and zoning, **33:11**
 - Trailers, accessory uses and zoning, **33:63**
 - Trailers
 - Parking or storage, **33:62**
 - Rental or sale of, **33:63**
 - Used car sales, **33:65**
 - Vehicle, defined, **86:2**
 - Wildlife protection, vehicular access, **21:61**

VENDING MACHINES

- Accessory uses and zoning, **33:66**

VERMONT

- Statewide and regional land use controls, **36:17**

VESTED RIGHTS AND ESTOPPEL CLAIMS

- Generally, **70:1 to 70:36**
- Amusements and arcades, **26:21**
- Building permits, **69:20**
- California regulatory programs, vested rights under, **70:32**
- Compelling public interest exception to point-in-time judicial doctrines, **70:18**

VESTED RIGHTS AND ESTOPPEL CLAIMS—Cont'd

- Concept and context of vested rights, **70:2 to 70:10**
- Constitutional taking claims, **6:65**
- Costs and expenses, **70:19; 70:23**
- Creation of protected property interest, **70:3**
- Definition, **70:2**
- Delay in permit issuance, **70:27**
- Enforcement of zoning laws, **65:30**
- Equitable estoppel, **70:9; 70:26 to 70:30**
- Exceptions to point-in-time judicial doctrines, **70:17; 70:18**
- Exemptions, **70:5; 70:11 to 70:15**
- Florida regulatory programs, vested rights under, **70:33**
- Good faith, **70:17; 70:30**
- Hazardous waste and protection of groundwater, **8:58**
- Honest error, **70:29**
- Impact fees, **70:25**
- Interpretation and construction of exemption provisions, **70:14**
- Judicial decision, securing by, **70:7 to 70:10**
- Massachusetts regulatory programs, vested rights under, **70:36**
- New York regulatory programs, vested rights under, **70:34**
- Nonconforming uses and structures, **72:2 to 72:4**
- Overview, **70:1**
- Point-in-time judicial doctrines, vested rights by, generally, **70:16 to 70:25**
- Revocation of valid permit, **70:28**
- Securing vested rights, **70:4 to 70:6**
- South Carolina regulatory programs, vested rights under, **70:35**
- State or regional regulatory programs, vested rights under, generally, **70:31 to 70:36**
- Statute or ordinance, securing by, **70:4 to 70:6**
- Subdivision approval, **70:24**
- Subdivision control, **91:26 to 91:31**

INDEX

VESTED RIGHTS AND ESTOPPEL CLAIMS—Cont'd

Substantial reliance after issuance of permit, **70:20 to 70:25**

Time limitation periods for exemptions, **70:15**

VETERINARIAN

Accessory uses and zoning, **33:67**

VIDEO GAMES

Accessory uses and zoning, **33:68**

VIEW PROTECTION

Height of buildings and structures, zoning controls on, **52:12**

Transfer of development rights, **59:9**

VIRTUAL REALITY

Augmented reality, amusements and arcades, **26:30**

VISUAL VALUES

Tree and vegetation protection, **20:4 to 20:6**

VOLUME

Nonconforming uses and structures, **73:15**

WAIVER AND ESTOPPEL

Broadcasting and communications towers, antennae and related facilities, **79:37; 79:41; 79:45**

Enactment of Zoning Ordinances (this index)

Enforcement of zoning laws, **65:28 to 65:32**

Fair housing legislation, **25:15**

Parking and parking lots, **83:11**

Promissory Estoppel (this index)

Site-specific zoning conditions, validity and enforcement of, **60:16; 60:17; 60:37**

Subdivision Control (this index)

Substandard lots, **49:12**

Vested Rights and Estoppel Claims (this index)

WARRANTIES

Leases and land use restrictions, **80:3**

WASTE DISPOSAL SITES

Exclusionary zoning, **22:14**

WATER CONSERVATION

Tree and vegetation protection, **20:12**

WATER FACILITIES AND SUPPLY

Public utilities, **78:14**

Subdivision control, **90:35; 90:36**

WATER QUALITY AND POLLUTION CONTROL

Constitutional taking claims, **6:43**

Tree and vegetation protection, **20:8**

WATERS AND WATERSHEDS

Preemption, **48:16**

Subdivision control, **90:8**

Wildlife protection, **21:58**

WEAPONS AND FIREARMS

Accessory uses and zoning, **33:31**

State preemption, **48:24**

WELLHEAD PROTECTION AREAS

Hazardous waste and protection of groundwater, **8:44**

WETLANDS

Floodplain and Wetland Regulations (this index)

WHARVES

Preemption, **48:16**

WHOLE PARCEL ANALYSIS

Taking claims, **6:33**

WIDENING OF ADJACENT STREETS

Subdivision control, **90:31**

WILDERNESS SCHOOLS

Schools, educational facilities, and accessory uses, local control of, **30:10**

WILDLIFE PROTECTION

Generally, **21:1 to 21:89**

Acquisition programs, **21:38; 21:81**

Aesthetic resources, **21:13**

Agricultural zoning, **21:66**

Biodiversity, **21:8**

WILDLIFE PROTECTION—Cont'd

Buffer areas, **21:59**
 Bureau of Land Management, **21:44**
 Capital improvements planning,
 21:75
 Charter authority, **21:25**
 Clean Air Act, **21:39**
 Clean Water Act, **21:39**
 Clustering, **21:78**
 Commerce power, **21:18**
 Comprehensive, ecosystem-wide
 approach, **21:8**
 Constitutional limitations, generally,
 21:26 to 21:31
 Construction activity, controls on,
 21:64
 Dedications of land, **21:86**
 Defining, **21:3**
 Density bonuses, **21:77**
 Density restrictions, **21:56**
 Development districts, **21:88**
 Development rights, purchases of,
 21:85
 Development standards, **21:62**
 Due process, **21:27**
 Easements, **21:85**
 Economic importance, **21:12**
 Ecosystem management, **21:8**
 Enabling authority, **21:15 to 21:25**
 Enabling authority of state, **21:20**
 Endangered species protection
 Generally, **21:47**
 Endangered Species Act, **21:34;**
 21:35
 Environmental purposes, **21:11**
 Equal protection, **21:31**
 Exactions, takings through, **21:30**
 Federal government
 Generally, **21:32 to 21:45**
 Acquisition and designation
 programs, **21:38**
 Clean Air Act, **21:39**
 Clean Water Act, **21:39**
 Commerce power, **21:18**
 Enabling authority, **21:15 to 21:19**
 Endangered Species Act, **21:34;**
 21:35
 Habitat conservation plan, **21:35**

WILDLIFE PROTECTION—Cont'd

Federal government—Cont'd
 Lacey Act, **21:36**
 National Environmental Policy
 Act, **21:41**
 National estuary program, **21:40**
 Property power, **21:17**
 Role of, generally, **21:6**
 Statutes, **21:33 to 21:37**
 Tax and spend powers, **21:19**
 Treaty power, **21:16**
 Fees, **21:86**
 Fee simple purchase, **21:82**
 Fencing controls, **21:60**
 General welfare, **21:14**
 Grants, **21:80**
 Growing interest, **21:2**
 Growth management, **21:49; 21:72**
 to **21:75**
 Habitat acquisition programs, **21:48**
 Home rule, **21:25**
 Impact fees, **21:86**
 Incentives, **21:76 to 21:79**
 Integrated approaches, **21:65 to**
 21:70
 Intergovernmental agreements,
 21:24; 21:89
 Introduction, **21:1 to 21:8**
 Lacey Act, **21:36**
 Land use planning, **21:49**
 Leasebacks, **21:84**
 Limitations and restrictions, **21:52;**
 21:55; 21:56
 Loans, **21:80**
 Local government role, **21:21 to**
 21:25; 21:53
 Local initiatives, reliance on
 Generally, **21:5 to 21:7**
 Federal government, role of, **21:6**
 Land use control, expansive use of,
 21:7
 National Environmental Policy Act,
 21:41
 National estuary program, **21:40**
 National park service, **21:45**
 National role in preserving wildlife
 habitat, generally, **21:32 to**
 21:45

INDEX

WILDLIFE PROTECTION—Cont'd

Open space purchase programs, integration into, **21:83**
Open space zoning, **21:66**
Overlay districts, **21:68 to 21:70**
Overview, **21:1**
Park, integration into, **21:83**
Performance zoning, **21:67**
Phasing of development, **21:63**
Policy acts, **21:50**
Pollution prevention laws, **21:39; 21:40**
Private conservation efforts, state support of, **21:51**
Property power of federal government, **21:17**
Public access, controls on, **21:61**
Public purpose, establishment of, **21:10 to 21:14**
Regulatory tools, generally, **21:53 to 21:89**
River corridor standards, **21:58**
Sellbacks, **21:84**
State role in preserving wildlife habitat, generally, **21:46 to 21:89**
Statutory provisions, **21:21 to 21:24**
Subdivision regulation, **21:71**
Taking of private property, **21:28 to 21:30**
Targeted growth strategies, **21:74**
Tax and spend power, **21:19**
Taxing and assessment districts, **21:87**
Threats to wildlife, generally, **21:4**
Transferable development rights, **21:79**
Treaty power, **21:16**
Tree and vegetation protection, **20:13; 21:57**
Urban growth boundaries, **21:73**
U.S. Fish and Wildlife Service, **21:42**
U.S. Forest Service, **21:43**
Use restrictions, **21:55**
Validity of wildlife preservation laws, generally, **21:9 to 21:25**
Vegetative barriers, **21:59**
Vehicular access, controls on, **21:61**

WILDLIFE PROTECTION—Cont'd

Watershed protection standards, **21:58**
Zoning tools, generally, **21:54 to 21:64**

WILLFUL OR MALICIOUS ACTS

Wrongful land use regulation, remedies for, **66:16**

WOODLAND PROTECTION

Tree and vegetation protection, **20:27**

WRITTEN FINDINGS

Planned unit developments, **88:7**

WRONGFUL LAND USE

REGULATION, REMEDIES FOR

Generally, **66:1 to 66:61**
Abstention doctrine, **66:42**
Antitrust challenges to anticompetitive land use controls, generally, **66:54 to 66:61**
Attorneys' fees, **66:52**
Breach of contract or agreement, **66:10**
Building contractor, tortious actions by, **66:13**
Collateral estoppel, **66:43**
Compensatory damages under Section 1983, **66:47**
Conspiracies to violate equal protection, **66:53**
Damages under Section 1983, **66:46 to 66:48**
Defenses
Generally, **66:42 to 66:53**
Antitrust liability, defenses to, **66:59; 66:60**
Ripeness, **66:18**
Tort liability, generally, **66:5; 66:6**
Denial of permits and approvals, **66:8**
Deprivation of federal right, **66:31**
Designer, tortious actions by, **66:13**
Discretion, **66:15**
Duty owed, **66:3**
Elements of Section 1983 actions, **66:29 to 66:32**
Eleventh amendment, **66:35**
Equal protection, **66:53**

**WRONGFUL LAND USE
REGULATION, REMEDIES
FOR—Cont'd**

- Exemptions to antitrust liability, **66:59**
- Exhaustion of state remedies, **66:44**
- Federal government
 - Civil rights actions, generally, **66:23 to 66:41**
 - Defense of lack of jurisdiction in federal courts, **66:42; 66:43**
 - Section 1983 actions, federal officials as parties to, **66:36**
- ItFirst English/it issues, **66:20; 66:21**
- Governmental immunity. Immunities, below
- Immunities
 - Generally, **66:38 to 66:41**
 - Antitrust liability, **66:58**
 - Tort liability, generally, **66:6; 66:14 to 66:16**
- Jurisdiction, **66:24; 66:42; 66:43**
- Just compensation for regulatory takings, **66:17 to 66:22**
- Limitations and restrictions, **66:49 to 66:52**
- Local governments
 - Immunities, **66:39 to 66:41**
 - Parties to Section 1983 actions, **66:34**
- Misrepresenting zoning regulations, **66:9**
- Multi-state agencies as parties to Section 1983 actions, **66:35**
- Negligence, **66:11; 66:16**
- Neighboring landowner, tortious actions by, **66:12**
- Overbroad remedial orders, **66:60**
- Overview, **66:1**
- Parties to Section 1983 actions, **66:33 to 66:37**
- Post-deprivation state remedies, adequacy of, **66:45**
- Precondemnation activities, **66:22**
- Private parties
 - Parties to Section 1983 actions, **66:37**
 - Tortious actions by, **66:12; 66:13**

**WRONGFUL LAND USE
REGULATION, REMEDIES
FOR—Cont'd**

- Procedural defenses to tort liability, **66:5**
 - Proximate cause, **66:4; 66:32**
 - Punitive damages under Section 1983, **66:48**
 - Regulatory takings, just compensation for, generally, **66:17 to 66:22**
 - Res judicata, **66:43**
 - Ripeness defense, **66:18**
 - Section 1983 actions, generally, **66:25 to 66:37**
 - States as parties to Section 1983 actions, **66:35**
 - Temporary takings, **66:19**
 - Tort actions and land use controls, generally, **66:2 to 66:16**
 - Types of tortious government conduct, **66:7 to 66:11**
 - Unclean hands, **66:60**
 - Under color of state law, **66:30**
 - Willful or malicious acts, **66:16**
- YARDS, SETBACKS, AND
FRONTAGE, RESTRICTIONS
ON**
- Generally, **53:1 et seq.**
 - Constitutional taking claims, **53:10**
 - Construction and interpretation, generally, **53:12 et seq.**
 - Corner lots, **53:17**
 - Delegation of powers, **53:20**
 - Frontage requirements, generally, **53:22 et seq.**
 - L shaped buildings, **53:15**
 - Multiple buildings on lot, **53:21**
 - Multiple lots, **53:19**
 - Overview, **53:1**
 - Parking areas or lots, **53:14**
 - Public purpose, **53:2**
 - Reasonableness of, **53:5 et seq.; 53:22 et seq.**
 - Side yards, **53:18**
 - Spacial intrusions, **53:13**
 - Specific uses, restrictions on, **53:7**
 - Split lots, **53:19**

INDEX

**YARDS, SETBACKS, AND
FRONTAGE, RESTRICTIONS
ON—Cont'd**

- Substantive due process, **53:9**
- Taking claims, **53:10**
- U shaped lots, **53:16**
- Variance requests, **53:8**
- Yards and setbacks, restrictions on,
generally, **53:2 et seq.**

**YOUNG v AMERICAN MINI
THEATRES**

- Sex businesses, bars, and cabarets,
24:12

ZONING

- Authority for requirements, parking
and parking lots, **83:6**
- Commission, enactment of zoning
ordinances, **12:2**
- Districts
 - Generally, **10:1 to 10:31**
 - Boundaries
 - Advantages and uses of maps,
10:13
 - Construction of zoning map
 - Aides to construction of map,
10:16
 - Authority, **10:18**
 - Designating of, **10:11 to 10:18**
 - Distinctions in zoning district
boundaries, **10:6**
 - Establishing zoning district
boundaries, **10:7**
 - Legislative discretion, **10:12**
 - Selecting and location of, **10:19
to 10:22**
 - Typicality controls, zoning
maps, **10:14**
 - Buffer strips, **10:10**
 - Buffer zones, **10:8**
 - Comprehensive plan, relationship
of districts to, **10:5**
 - Consequences of establishment of
districts, generally, **10:23 to
10:31**
 - Constitutional and legislative limi-
tations on zoning, **2:12**
 - Construction of maps
 - Boundaries, above

ZONING—Cont'd

- Districts—Cont'd
 - Due process and zoning, **3:6; 3:7**
 - Euclidean zoning, **10:2**
 - Greener pasture lawsuits, **10:23**
 - Hardship, **10:30**
 - Legislative discretion, boundaries,
10:12
 - Location of boundaries, **10:19 to
10:22**
 - Maps
 - Boundaries, above
 - Railroads, **10:21**
 - Requirement of zoning districts,
generally, **10:4**
 - Rivers, streams, and shorelines,
10:22
 - Selecting and location of bounda-
ries, **10:19 to 10:22**
 - Separation of incompatible uses,
10:1
 - Special exception, **10:29**
 - Special Zoning Districts and
Discretionary Development
Review** (this index)
 - Split lots, **10:27; 10:27 to 10:31**
 - Standards, split lots, **10:31**
 - Streets and highways, **10:20**
 - Theory of districting, **10:1 to 10:7**
 - Transitional zoning, **10:9**
 - Two districts, property in, gener-
ally, **10:25 to 10:28**
- Electric vehicle charging stations,
34:13
 - Gasoline Stations, Zoning for** (this
index)
 - Historic preservation law, evolution
with, **19:14**
 - Official maps, relation to, **50:4**
 - Ordinances, see more specific topics
throughout this index
 - Regulation
 - Generally, **1:1 to 1:43**
 - Administrative review, **1:6**
 - Authorized objectives, **1:12**
 - Buffer zones, **1:20**
 - Comprehensive plan, **1:35**
 - Conditional zoning, **1:21**
 - Conditions, zoning with, **1:22**

ZONING—Cont'd

- Regulation—Cont'd
 - Contract zoning, **1:23**
 - Cumulative zoning, **1:24**
 - Dawn of zoning, **1:2**
 - Delegation of authority, **1:9**
 - Discretion, **1:14**
 - Downzoning, **1:37**
 - Enabling Act, limitations of, **1:11; 1:12**
 - Euclidean zoning by fixed rules, **1:4**
 - Exclusionary zoning, **1:17**
 - Fiscal zoning, **1:18**
 - Flexibility of zoning concepts, **1:14**
 - Floating zones, **1:25**
 - Holding zones, **1:26**
 - Impact zoning, **1:27**
 - Implementation and administration, **1:3**
 - Incentive zoning, **1:28**
 - Inclusionary zoning, **1:29**
 - Interim zoning, **1:30**
 - Judicial review, **1:6**
 - Jurisdiction of United States courts, **1:43**
 - Land use before zoning, **1:1**
 - Limitations of Enabling Act, **1:11; 1:12**
 - Mining and extraction activities, **77:2 to 77:7**

ZONING—Cont'd

- Regulation—Cont'd
 - Municipalities, police power of, **1:7**
 - Nature and operation of zoning ordinances
 - New zoning concepts, **1:13**
 - Nonconforming uses and structures, **73:3**
 - Operation of zoning, **1:5**
 - Overlay zones, **1:31**
 - Overview, **1:1 to 1:7**
 - Performance zoning, **1:32**
 - Piecemeal zoning, **1:36**
 - Planning and zoning, relationship between, **1:41 to 1:43**
 - Police power in land use, **1:8**
 - Reverse spot zoning, **1:40**
 - Short zoning, **1:16**
 - Spot zoning, **1:39**
 - Strategies, generally, **1:16 to 1:18**
 - Techniques of zoning, **1:19 to 1:33**
 - Terminology of zoning, **1:34 to 1:40**
 - Transitional zones, **1:33**
 - United States courts, jurisdiction of, **1:43**
 - Upzoning, **1:38**
 - When zoning procedures must be followed, **1:10**
 - Tree and vegetation protection, **20:20**
 - Zoning plan, promotion of, parking, **83:34**