Euclidian Zoning

Characteristics

• Use, Height, and Area
• Districts are graded: highest to lowest
• Cumulative

Euclidian Zoning Cont’d

Purposes

• Segregation of uses
• Protection of single-family uses
• Low-rise development
• Medium-density population
Authority for Local Zoning Ordinances

- Dillon’s Rule
- Standard Zoning Enabling Act (SZEA).
- Tex. Loc. Gov’t Code, Ch. 211 - the Zoning Enabling Act.

Types of Amendments

- Map
- Text
Village of Euclid v. Ambler Realty, 272 U.S. 365 (1926), p. 50

Figure 11-1
Ambler Realty Property

Euclid Cont’d

Pillars of the Decision

• Nuisance
• Expert opinion
Euclid Cont’d

Level of Judicial Scrutiny

• Legislative
• Arbitrary and capricious/unreasonable
• HSWM
• Federal v. state courts

Euclid Cont’d

Level of Judicial Scrutiny Cont’d

• If a regulation *substantially advances a legitimate state interest*, it will survive a substantive due process challenge.
• Contrast with takings law later in course (*Lingle v. Chevron*)
Euclid Cont’d

Procedural Posture

- Facial v. as applied

Board of Supervisors of Madison County v. Gaffney
422 S.E. 2d 760 (Va. 1992), p. 59

- Permitted Uses – Inclusive Zoning
- Restricted Uses – Exclusive Zoning
- Specifically articulated or enumerated?
**Gaffney Cont’d**

Conservation C-1 Zoning District

- What is the *use*?
- Other options for the landowners?
- Land use as an *ethical* decision?

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**Covington v. Town of Apex,** 423 S.E.2d 537 (N.C. 1992), p. 69

- \( R \) = Residential
- \( O\&I-1 \) = Office & Industrial 1 (moderate intensities with retail uses to service office and institutional development)
- \( B_1 \) = Business 1 (small scale neighborhood businesses servicing commercial and business uses with a wide range of goods and services)
- \( B_2 \) = Business 2 (downtown businesses, high intensity, mixed use, pedestrian-oriented)
- \( LI \) = Light Industrial (sufficient land in appropriate locations for certain types of businesses, light manufacturing, and processing uses that might cause undesirable effects upon residential or commercial uses)
Covington Cont’d

Proposed Amendment

- Appropriateness
- Standard of review
- Level of judicial scrutiny

Covington Cont’d

Minority v. Majority View

- **Minority** View = Covington
  - Spot zoning is **not** illegal *per se*.
  - Must determine if reasonable.
- Majority View = Pharr v. Tippett, 616 S.W.2d 173, 177 (Tex. 1981)
  - A finding of spot zoning ends the discussion.
  - It is illegal *per se*. 
Covington Cont’d

Minority Jurisdiction: Is it Reasonable?

• Size
• Comprehensive plan
• Benefits and detriments
• Relationship to other uses

Spot Zoning in Texas

“an unacceptable amendatory ordinance that singles out a small tract for treatment that differs from that accorded similar surrounding land without proof of changes in conditions. . . . Spot zoning is regarded as a preferential treatment which defeats a pre-established comprehensive plan. . . . It is piecemeal zoning, the antithesis of planned zoning.”

**Covington Cont’d**

Do these pictures resemble what you had envisioned of the area?

*Figure 3-1*

*The Old Post Office*

The post office has been converted to a medical building.

*Figure 3-2*

*Historic Covington*

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