



Legal Foundations of Land Use Planning: Textbook-Casebook and Materials on Planning Law

Jerome G. Rose

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Urban planning is a community process, the purpose of which is to develop and implement a plan for achieving community goals and objectives. In this process, planners employ a variety of disciplines, including law. However, the law is only an instrument of urban planning, and cannot solve all urban problems or meet all social needs. The ability of the legal system to implement the planning process is limited by philosophical, historical, and constitutional constraints.

Jurisprudence is concerned with societal values and relationships that limit the effectiveness of the law as an instrument of urban planning. When law is definite and certain, freedom is enhanced within the boundaries created by the law. This doctrine of Anglo-American law imposes an obligation on courts to be guided by prior judicial decision or precedents and, when deciding similar matters, to follow the previously established rule unless the case is distinguishable due to facts or changed social, political, or economic conditions

The author focuses on seven specific areas of law in relation to land use planning: law as an instrument of planning, zoning, exclusionary zoning and managed growth, subdivision regulations, site plan review and planned unit development, eminent domain, and the transfer of development rights. Jerome G. Rose cites more than one hundred court cases, and the indexed list serves as a useful encyclopedia of land use law. This is a valuable sourcebook for all legal experts, urban planners, and government officials.



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