

SUMMARY OF KEY PLANNING LAW CASES			
SUBJECT MATTER	CASE NAME	CONSTITUTIONAL OR STATUTORY ISSUES	Year of Case
Commercial Rent Control	<i>Lingle</i>	Takings Clause (inapplicability of “substantially advances” test)	2005
Churches	<i>City of Boerne</i>	Religious Freedom Restoration Act (ruled unconstitutional as beyond legislative authority)	1997
Developer Exactions	<i>Del Monte Dunes</i>	Takings Clause (applicability of rough proportionality test)	1999
Developer Exactions	<i>Dolan</i>	Takings Clause (applicability of rough proportionality test)	1994
Developer Exactions	<i>Nollan</i>	Takings Clause (development condition must be sufficiently related to program purpose)	1987
Development Moratorium	<i>First English</i>	Takings Clause (U.S. Constitution compels payment of temporary damages if “taking” found)	1987
Development Moratorium	<i>Tahoe-Sierra</i>	Takings Clause (moratorium not a taking per se)	2002
Endangered Species	<i>Babbitt</i>	Endangered Species Act (destroying habitat can be violation of act)	1995
Differential Treatment and Selective Enforcement	<i>Olech</i>	Equal Protection (violation of equal protection if govt. intentionally treats individual (a “class of one”) differently from others similarly situated and there is no rational basis for the difference in treatment, even w/o showing of govt. ill will or vindictiveness)	2000
Group Homes	<i>Cleburne</i>	Equal Protection (requirement of a special use permit for a group home for the mentally retarded when not required for similar uses violated equal protection)	1985
Group Homes	<i>City of Edmonds</i>	Federal Fair Housing Act (zoning restrictions on unrelated persons living together subject to act)	1995
Growth Management	<i>Ramapo</i>	Due Process; Right to Travel (adequate public facilities program)	1972

		upheld)	
Growth Management	<i>Petaluma</i>	Due Process (system establishing annual building permit cap upheld)	1976
Historic Preservation	<i>Penn Central</i>	Equal Protection; Due Process (New York City's landmarks preservation law upheld as applied to the Grand Central Terminal where owner could transfer development rights)	1978
Housing	<i>Mount Laurel I</i>	Equal Protection (New Jersey Constitution violated if "developing" community fails to accommodate a "fair share" of prospective regional housing needs of low- and moderate-income persons)	1975
Housing	<i>Mount Laurel II</i>	Equal Protection (obligation to accommodate extends not just to "developing" communities but also to all municipalities classified by state as growth areas)	1983
Housing	<i>Arlington Heights</i>	Equal Protection (refusal to rezone to accommodate a low- and moderate-income housing project not violation of equal protection despite adverse, disproportionate impact on African-Americans)	1978
Investment-Backed Expectations	<i>Palazzolo</i>	Takings Clause (takings analysis not irrelevant simply because new owner acquired property after new regulations became effective)	2001
Occupancy Restrictions	<i>City of Belle Terre</i>	Due Process, Equal Protection, Freedom of Association (limit of no more than two unrelated person living as unit not unconstitutional)	1974
Occupancy Restrictions	<i>Moore</i>	Due Process (limit on related persons living together as unit is unconstitutional)	1977
Occupancy Restrictions	<i>City of Edmonds</i>	Federal Fair Housing Act (zoning restrictions on unrelated persons living together subject to act)	1995
Public Use in Eminent Domain	<i>Berman</i>	Public Use Clause (urban redevelopment is public use for purposes of eminent domain)	1954
Public Use in Eminent Domain	<i>Midkiff</i>	Public Use Clause (Hawaiian land reform legislation involved public use)	1984

Public Use in Eminent Domain	<i>Kelo</i>	Public Use Clause (economic development project in absence of blight can be a public use)	2005
Pre-Zoning Regulations	<i>Hadacheck</i>	Due Process (prohibition on certain industrial uses upheld)	1915
Pre-Zoning Regulations	<i>Welsh</i>	Due Process (height limitations upheld)	1909
Restrictions on Land Use	<i>Keystone Coal</i>	Takings Clause (no facial taking where coal mining operations prohibited from causing subsidence damage to surface structures; use of whole parcel considered)	1987
Restrictions on Land Use	<i>Lingle</i>	Takings Clause (requirement that regulation “substantially advances a legitimate state interest” appropriate to analysis under Due Process Clause, not Takings Clause)	2005
Restrictions on Land Use	<i>Lucas</i>	Takings Clause (coastal setback prohibiting all practical use amounts to taking)	1992
Restrictions on Land Use	<i>Palazzolo</i>	Takings Clause (unconstitutional taking may occur even if owner acquired property after land restrictions became effective; uses of whole parcel considered)	2001
Restrictions on Land Use	<i>Penn Central</i>	Takings Clause (balancing test of public and private interests if some practical use remains; whole parcel considered)	1978
Restrictions on Land Use	<i>Stop the Beach Renourishment</i>	Takings Clause (Florida beach restoration legislation did not cause “taking” of beach-front property where state creates dry lands out of submerged land and retains title to them; upland owners have no right to possible future accretions and to maintain contact with the water)	2010
Sexually Oriented Businesses	<i>Young</i>	First Amendment; Equal Protection (regulations requiring separation of adult establishments from certain other uses not unconstitutional)	1976
Sexually Oriented Businesses	<i>City of Renton</i>	First Amendment (adult uses adequately accommodated, regulations upheld as reasonable time, place, & manner restrictions)	1986

Sexually Oriented Businesses	<i>Alameda Books</i>	First Amendment (Los Angeles prohibition against operating more than one SOB in the same building or structure was OK; evidence that a concentration of establishments would increase negative secondary effects could also apply to concentration of operations)	2002
Sexually Oriented Businesses	<i>City of Erie</i>	First Amendment (regulations requiring exotic dancers to wear minimal clothing not violation of freedom of expression)	2000
Signs and Billboards	<i>Taxpayers for Vincent</i>	First Amendment (ban on signs within public rights-of-way not violation of free speech)	1984
Signs and Billboards	<i>Metromedia</i>	First Amendment (ordinance invalidated that placed tighter restrictions on signs bearing non-commercial messages than on commercial billboards)	1981
Transfer of Development Rights	<i>Penn Central</i>	Takings Clause (opportunity for landowner to transfer severable development rights can mitigate impact of development restriction)	1978
Zoning Referendum	<i>City of Eastlake</i>	Due Process Clause (no violation if zoning map may be amended by citizen referendum)	1976

The following cases addressed procedural questions involving takings claims and are not included above:

San Diego Gas (1981), Hamilton Bank (1985), Yolo County (1986), Suitum (1997), Agins (1980).