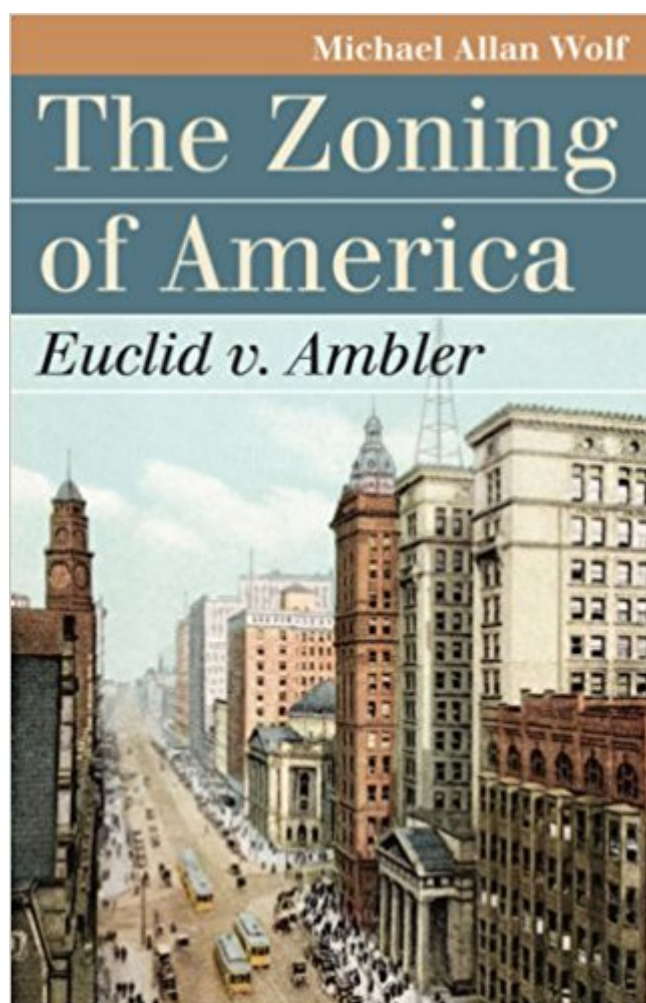


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The Zoning Of America: Euclid V. Ambler (Landmark Law Cases & American Society)



Synopsis

When the Cleveland suburb of Euclid first zoned its land in 1922, the Ambler Realty Company was left with a sizable tract it could no longer sell for industrial use-and so the company sued. What emerged was the seminal zoning case in American history, pitting reformers against private property advocates in the Supreme Court and raising the question of whether a municipality could deny property owners the right to use their land however they chose. Reconstructing the case that made zoning a central element in urban planning for cities and towns throughout America, Michael Allan Wolf provides the first book-length study of the Supreme Court's landmark *Euclid v. Ambler* decision. Wolf describes how the ordinance, and the defense of it, burst onto the national stage and became the focus of litigation before moving all the way to the nation's highest court. He subsequently reveals how and why Justice George Sutherland broke from the Court's conservative bloc to support the urban reform movement eager to protect residential neighborhoods from disturbances created by rapidly expanding commercial, industrial, or multifamily uses of land. Following that decision, America saw the rapid proliferation of zoning ordinances, which greatly increased the power of local government to control and rationalize urban planning. As Wolf attests, many of today's environmental and land use laws might not have been deemed legal had *Euclid v. Ambler* been decided differently. But he also points out the potential dangers that emerged from the decision, such as its anticompetitive impact on the real estate market, its catalyzing effect on suburban sprawl, and its establishment of a legal basis for excluding minority groups from neighborhoods. Wolf's compelling account makes it clear that *Euclid v. Ambler* fundamentally altered how we think about the urban landscape, changed the way our cities and suburbs are organized, and left a long shadow over subsequent cases such as the controversial Supreme Court decision in *Kelo v. New London* (2005).

Book Information

Series: Landmark Law Cases & American Society

Paperback: 204 pages

Publisher: University Press of Kansas (August 14, 2008)

Language: English

ISBN-10: 0700616217

ISBN-13: 978-0700616213

Product Dimensions: 5.7 x 0.6 x 8.2 inches

Shipping Weight: 9.6 ounces (View shipping rates and policies)

Average Customer Review: 4.0 out of 5 stars 3 customer reviews

Best Sellers Rank: #309,254 in Books (See Top 100 in Books) #25 in Books > Law >

Administrative Law > Land Use #295 in Books > Textbooks > Law > Constitutional Law #369 in Books > Law > Legal History

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"After 80 years, Euclid v. Ambler is still the case that defines American land use jurisprudence. Wolf tells a great story, brilliantly showing the intersection of law, politics, and culture."--Lance Liebman, William S. Beinecke Professor of Law, Columbia University "Wonderful and compelling, Wolf's book tells the story of Euclid v. Ambler in detail for the first time."--Daniel R. Mandelker, author of Planning and Control of Land Development "A comprehensive, engaging and thoughtful account of this landmark case."--Alan C. Weinstein, author of Litigation and First Amendment Zoning Issues: Regulation of Signs, Adult Entertainment, and Religious Uses

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This history of the United States Supreme Court decision that defined the American form of land use regulation by zoning provides an interesting introduction to the subject. The book compares land use regulation by private action that was employed in the past with public regulation approved by the Court in this case. My only criticism is that some of the discussions are unnecessarily cumulative.

This is a wonderful book about the most important zoning case in the 20th Century, well ever really. It probably helps if you are an attorney, and a land use attorney at that, but it's a good read, well presented and interesting. The discussion of how the rehearing before the Supreme Court came about, the Bettman brief and the activities of the attorneys for the parties are all illuminating. A good

read!

This book is a blow-by-blow account of *Euclid v. Ambler Realty*, a 1926 case in which the Supreme Court upheld the constitutionality of zoning. Since *Euclid* is the first zoning case I discuss in my property class, I was naturally intrigued by this book- and it was everything I hoped for. This book presents a picture of this case that differs a bit from the picture painted by the Supreme Court. The Court's opinion left me with the initial impression that counsel for Ambler attacked zoning generally; in fact, both sides made more fact-intensive arguments, focusing on the amount of harm done to the individual plaintiff. Wolf also discusses background issues, such as the ideological alignment of the Court. The most liberal justices supported zoning and upheld *Euclid's* ordinance (as did Chief Justice Taft and other right-leaning swing justice), while the most conservative justices dissented. But the Court's opinion was written by Justice Sutherland, one of the Court's more conservative members. How come? Wolf looks at Sutherland's record and shows that Sutherland was less ideological than the other members of the conservative bloc- more of a Rehnquist than a Thomas, so to speak. Finally, Wolf tells us the final story of the Ambler Realty property that *Euclid* sought to protect from industrial intrusion. During World War II, the federal government took over the Ambler Realty site for a aircraft factory, and the land has been used for industrial purposes ever since.

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