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Zoning Law and Practice (E. C. Yokley, 1953)

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return to the express limits set by the Constitution. The instant
decision demonstrates clearly that the Court has no intention of im-
posing any restrictions on the right of the homesteader to transfer
his personality freely by will.

GEORGE W. ENGLISH, III

BOOK REVIEWS

ZONING LAW AND PRACTICE. By E. C. Yokley. Charlottesville: The
xxvi, 484, 474, appendices, index. $25.00.

There are few problems more vexing to municipalities today than
those which arise out of the enactment and enforcement of zoning
legislation. Zoning—the government regulation by district, under
the police power, of height, bulk, and utilization of buildings, the
uses to which land may be put, and the density of population—has
become a twentieth century urban necessity. Today even the smaller
cities have been forced to recognize that properly drafted and ad-
ministered zoning legislation is imperative for orderly and economical
community development. Counties, too, have begun to see the need
of land use control. Proper zoning is good business.

Zoning and planning are not synonymous terms; zoning is the tool,
the machinery, by which the community plan can be implemented.
Yet without effective zoning the community plan might as well never
have been drafted in the first place. Zoning is the key on which all
else depends.

Each urban area faces problems which differ in kind and degree
from those of other municipalities. Possibly one of the most consis-
tent mistakes which has been made by cities in drafting zoning ordi-
nances has been to take over verbatim, except for the placement of
the various zones, ordinances from other cities. Zoning ordinances
must be tailored in each instance to the needs of the community in-
volved. Throughout the United States today numerous cities are in
the process of redrafting their zoning ordinances in the light of the
experiences of the past score of years. Such appraisals are imperative.
Municipalities engaged in such an onerous and vitally necessary chore
will find aid in the second edition of *Zoning Law and Practice*. The first edition of this well-known treatise has been widely used by bench and bar, and it is to be expected that the second edition will find a similar acceptance.

The new edition has been presented in two volumes. As a consequence the author has been able to expand the treatment accorded topics in the earlier work. A number of new topics, such as those dealing with airport zoning, have been added. The second edition, like the first, is conventionally organized. There are few, if any, topics on the legal aspects of zoning which have not been considered in at least some detail.

The reviewer recognizes only too well the problem involved in writing a general treatise in any field of law. The differences in constitutional framework, statutes, judicial interpretation, and usage among the forty-eight states are so great as to render perilous the drawing of generalizations. Mr. Yokley's ability to sail a rather successful line between the Scylla of minutiae and the Charybdis of generalizations so broad as to be impractical is impressive. The treatise will provide an excellent starting point for those persons doing research looking toward the solution of local zoning problems. Yokley has based his conclusions upon a defensible selection of representative cases and practices from all jurisdictions. The fact that there may be local exceptions to any of his conclusions in no wise detracts from the basic worth of the treatise.1

There is another factor of merit. Yokley's topic is a legal one, yet he writes from a perspective which is not confined to law alone. He exhibits a considerable understanding of zoning problems that are other than legal in their bases. He recognizes that the necessities of urban concentration have occasioned and will occasion in the future an alteration of what might at one time have been thought to be immutable legal rules. His broad background as a municipal attorney and as general counsel for the Southern Building Code Congress undoubtedly contributed to the broad conceptual framework of the volumes.

In future editions Yokley might want to consider the possibility of placing more emphasis on the newer techniques of drafting zoning

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The imperative need for revision of zoning ordinances is being felt in many localities. The drafters of the new ordinances, or revisions to the old ones, will certainly be members of the legal profession. It is not, therefore, out of place to argue that some of these new techniques should find their place in legal treatises. Many of the newer ordinances are including, as an integral part of the ordinance, sketches illustrating the complicated (to a layman and some lawyers!) language of the ordinance. These illustrations are not alone of the plot-plan type, some of which appear in Yokley's work, but include perspective sketches as well. Too, some of the newer ordinances provide a tabular summary of the allowable uses, restrictions, and other ordinance data relating to the various zones.

The materials on the enactment and amendment of zoning legislation might benefit from the inclusion of some small discussion on the construction and utilization of land use maps. Basically these maps are an engineering problem, but their drafting is not at all a difficult proposition if a good base map of the community is available. A good land use map must be the foundation of any sound city planning and zoning ordinance. Such a map, it may be noted parenthetically, almost always dramatizes a fact well known to those closely associated with planning and zoning problems—most present-day city ordinances are so drafted that the municipality is unbelievably overzoned for industry and business.

Municipal attorneys and other members of the bar who have frequent zoning cases will certainly want to utilize this latest addition to the body of literature on zoning. Interested laymen will find the volumes written in language that they too can generally understand. Zoning will become more, not less, important in the future. Increased co-operation between the city planners on the one hand and the bar on the other is necessary if the full potentialities of zoning are to be realized.

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