

UT PL 06 Public and Private Land Use Control Study Guide

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Term	
condemnation	Falls under police powers. A government entity, such as a city, goes through condemnation actions to take property for public use. One example is the obtaining of land next to a street for the purpose of widening the street. Condemnation occurs when a local, state, or federal government seizes private property and reimburses the owner. The power (the right) of the government to do this actions is called eminent domain. Eminent Domain means that the government takes private property for public use.
conditional use permit	A one-time exception for use of a property for a purpose it is not zoned for. Granted temporarily.
escheat	If a person dies without a will or heirs to receive the property, their property is taken by the state. Escheat is the reversion of property to a state when that property is lacking claimants or heirs. The property can be unclaimed for several reasons, but most often it is because the address of the owner is unknown
inverse condemnation	When the land adjacent to condemned land is devalued by that condemnation, that land can be requested by the owner to be taken by the state as well. Inverse condemnation is a term used in the law to describe a situation in which the government takes private property but fails to give the proper funds as the compensation required by the 5th Amendment of the Constitution. If this occurs the property's owner has to sue to get the required compensation that is due to the owner
nonconforming use	A property that used in a way that it was previously zoned for. Use in this manner may continue until the property is transferred to a new owner, at which point it must conform to the new zoning regulations.
Several types of Zoning	There are several common types of zoning:ResidentialRecreationalCommercialIndustrial
variance	A special exception given for how property may be used without having to rezone it. Rarely granted, on a case by case basis. The fact or quality of being different, divergent, or inconsistentthe state or fact of disagreeing or quarreling
Concept	
Building Code Variance	Special permission to use a building for a purpose other than the code it was built for. An example might be using a previously residential property for commercial purposes. This is most often done at the edge of zones, where commercial ventures are expanding into residential areas. A variance is a deviation from the set of rules a municipality applies to land use and land development, typically a zoning ordinance, building code or municipal code
Building Codes	Requirements that must be met when building new commercial or residential buildings in order to ensure that they are livable. Building codes are sets of regulations governing the design, construction, alteration and maintenance of structures. They specify the minimum requirements to adequately safeguard the health, safety and welfare of building occupants
Emergency	A police power that allows emergency personnel and equipment to act on an emergency basis without prior permission to enter the property. For example, if the only way firefighters can access a neighbor's house that is on fire is by tearing down your fence to get through to it, they have the

Legislative action grants government the police power of enforcing or imposing regulations in

Licensing

power to do that.

certain industries.

The government's power to regulate behavior and enforce order within their territory for the benefit of the health, safety, morals, and general welfare of their inhabitants. Includes the powers of licensing, emergency, and zoning.
Laws affecting the use and possession of land itself fall under the umbrella of "land use laws."
Sometimes land you own may be used by someone who does not legally own or possess your land.
This may include public entities, such as the government or city workers, or individuals who may frequent the land in a variety of settings, such as mail carriers, service workers, and even trespassers. There are special rules concerning land use in all states.
A revitalization of older properties and areas.
The police power of determining how property may be used. The purpose is to put a use in place for each part of a community, keeping each area congruous to improve overall value and enjoyment. This purpose is granted to the city by the state.
Agriculture: Barns, farms, animals, and other related use. Uses code A.
Commercial: Business operational use.
Industrial/Manufacturing: Areas set aside for production and transportation. Uses code M.
Residential: Single-family housing and multi-family housing. Uses code R.
Special Purpose: Churches, government buildings, hospitals, and other miscellaneous uses important to the community. Uses code S.
An area zoned for a specific use or purpose. Commercial, residential, and agricultural zones are examples of how zones may be designated. Zoning District: Also referred to as Euclidean zoning, is a tool of urban planning that controls land uses in within a cityLand uses were divided into residential, commercial and industrial areas, now referred to as zones or zoning districts in cities