Taggart Law Library Research Guide #4: Land Use Planning

There are many different sources available to you to conduct land use planning research in the Taggart Law Library. If you need assistance locating or using any of these sources, do not hesitate to consult a librarian.

**Secondary Sources:**

- **Treatises:** Legal treatises, or books, are often a good way to begin researching a legal topic. These treatises can be one volume or multi-volume, and may be updated with pocket parts or as part of a looseleaf service. They provide a discussion of the law in that area and can give you citations to cases, statutes, and regulations, as well as references to other research materials.

A few of the treatises on land use planning available at the Taggart Law Library include:


- **Browsing the Stacks:** Sometimes by browsing the stacks in a particular area, you can find something better than what you were originally looking for! Here are the call numbers and locations of some land use planning subjects:

<table>
<thead>
<tr>
<th>Call No.</th>
<th>Subject</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>KF 5599</td>
<td>Eminent domain—United States</td>
<td>Law North</td>
</tr>
<tr>
<td>KF 5692— KF 5700.5</td>
<td>Land use—law and legislation—United States Zoning law—United States</td>
<td>Law North</td>
</tr>
<tr>
<td>KFO 458</td>
<td>Land use—law and legislation—Ohio Zoning law—Ohio</td>
<td>Law South</td>
</tr>
</tbody>
</table>
Of course, you can always use POLAR, the online catalog, to find books, call numbers, and locations.

POLAR Screen Shot—Taking Sides on Takings Issues

- **Encyclopedias**: Legal encyclopedias provide general overviews of legal topics and references to other research materials. These encyclopedias will have a subject index to help you find entries by topic. For example, if you wanted to look up the topic “Land-Use Planning” in the index, it might lead you to the encyclopedia’s article “Public Lands” or “Eminent Domain,” which you could then look up in the appropriate encyclopedia volume.

Taggart Law Library has two popular national legal encyclopedias:

  - **American Jurisprudence, 2nd ed.** (AmJur2d)—Law North (also available on Lexis and Westlaw)
  - **Corpus Juris Secundum** (CJS)—Law North (also available on Westlaw)

There are also encyclopedia sets available for many states if your research focus is state-specific. **Ohio Jurisprudence** (OJur), for example, is an Ohio legal encyclopedia. State encyclopedias can be found in the state materials section on the south side of the library.

- **A.L.R. Annotations**: Experts in a particular area of the law write the annotations, or articles, found in *American Law Reports*. They usually focus on a very narrow area of the law and can provide case citations and references to other secondary sources. Annotations can be found topically using the index or from citations found in other secondary sources. Looking up the topic “Land Use Control” in the index, for example, would lead you to 123 ALR 5th 349, an annotation titled “Validity, Construction, and Application of Adequate Public Facilities Statutes or Ordinances.”—Law South (also available on Lexis and Westlaw)
• **Research Guides/Bibliographies:** Sometimes helpful research sources for a particular area of the law have already been pulled together by someone else. An example of a research guide on land use planning is:


**Journal Articles**

Articles from legal journals and law reviews can also be helpful in explaining an area of the law and providing research references. Articles can often be more current and more narrowly focused than books. For example, on the earlier topic of “Land Use,” the article “The U.S. Regulatory Takings Debate Through an International Lens” from the Winter 2011 issue of *The Urban Lawyer* might be helpful.

**How do I find journal articles on my topic?**

There is usually a two-step process to finding journal articles:

1. Use a print or online index to find citations to articles by topic
2. Go to a print or online journal to get the full text of the article

For the above example, this process would look something like this:

- **Look in index under “Land Use” topic to find “The U.S. Regulatory Takings Debate...” article**
- **Go to the correct issue of the *Urban Lawyer* to get the actual article**

• **Print and Online Journal Indexes:**

  *Index to Legal Periodicals and Books* (Beige in color)
  - Articles indexed by subject and author from 1886-present; citations only—*Law North* (also available electronically through library’s Subscription Services page)

  *Current Law Index* (CLI—Red & black in color)
  - Articles indexed by subject, author, and title from 1980-present; citations only—*Law North* (also available electronically through library’s Subscription Services page as LegalTrac)
Index to Foreign Legal Periodicals (Burgundy in color)
- Articles indexed by subject, geographical area, and author from 1960-present —
  Law North (also available online through library’s Subscription Services page)

Online indexes can be accessed at the law library from our home page. (See below)

Where do I go to get the full text of articles?
- **Bound Periodicals and Law Reviews**: Shelved in alphabetical order by journal title—Law North
- **Law Reserve**: The most current issues of our periodicals are kept on reserve. If the article is recent and you can’t find it on the shelves, ask at the Circulation Desk.
- **LEXIS and Westlaw**: Both LEXIS and Westlaw have databases for law reviews and journals. Coverage varies by title.
- **HeinOnline**: Full text of law reviews and journals; coverage varies by title—available at the law library from the Library Subscription Services web page (see next page)
- **JSTOR**: Scholarly journal archive featuring full text page images of articles from journals in economics, history, political science, sociology, and many other disciplines; coverage varies by title—available through the Library Subscription Services web page (see next page)
- **Google Scholar**: Searches scholarly literature (books, articles, etc.); search results include citations and links to full text. “OLinks” linking feature shows print and online access to materials at ONU and OhioLINK. Available at http://scholar.google.com.
Hein Online and JSTOR

- **Foreign Law Guide**: Searchable database of the current codes and basic legislation of countries around the world; online version of the treatise by Reynolds and Flores. [Click here for off-campus access.]
- **HeinOnline**: Full-text page images of law reviews and journals, the CFR, Federal Register, U.S. Code, Statutes at Large, and much more. [Click here for off-campus access.]
- **Index to Legal Periodicals & Books (Wilson)**: Searchable index of English language legal periodicals and books from 1908-present; selected full text available from 1995-present. [Click here for off-campus access.]
- **InfoTrac/Legal Trac**: LegalTrac is a searchable index of law reviews, legal newspapers, bar association journals, and international legal journals; InfoTrac is a searchable index of general news and periodical articles; both contain selected full text articles from 1980-present. [Click here for off-campus access.]
- **JSTOR**: Full-text page images of academic journals across many disciplines, including the humanities, natural sciences, and social sciences. [Click here for off-campus access.]
- **Labor Relations Reporter/Labor & Employment Law Library**: Contains analysis, current awareness, court decisions, laws, regulations, and agency decisions about labor and employment issues. [Click here for off-campus access.]

- **Land Use Law Periodicals**: There are several periodicals dealing with land use issues. Some of these titles are listed below, with the law library's holdings provided where applicable.

  - **Journal of Land Use and Environmental Law**: publication of Florida State University (vol. 1-current in Law Periodicals; also available online at HeinOnline, Westlaw, Lexis, and at [http://www.law.fsu.edu/journals/landuse/backissues.html](http://www.law.fsu.edu/journals/landuse/backissues.html))

  - **Journal of the American Planning Association** (vol. 46-49 in Law Periodicals; also available online in Westlaw and Academic Search Complete)

  - **Land Use Law and Zoning Digest**: Monthly publication of the American Planning Association; ceased publication in 2003

  - **Urban Land**: Monthly publication of the Urban Land Institute


  - **Urban Lawyer**: Quarterly publication of the ABA Section on Local Government Law (vol. 1-current in Law Periodicals; also available online at Hein Online and Academic Search Complete)
**Zoning and Planning Law Report**: Monthly publication of West (Clark Boardman) that summarizes and analyzes major cases (available on Westlaw)

**Case Law**

Sometimes you might want to read cases to find out how the courts have dealt with your land use planning topic.

**How do I find cases dealing with my topic?**

- **Secondary Sources**: As mentioned earlier, many secondary sources provide case citations. Examples include treatises, legal encyclopedias, ALR annotations, and journal articles.

- **West Digests**: A tool to help you find cases by subject. They are arranged by predefined topics and subtopics and there are index volumes with each digest set to help you access these topics.

  For example, if you looked up “Land Use” in a West digest index, it could lead you to the topic of “Eminent Domain.” You could then go to the appropriate volume of the digest (topics are arranged alphabetically) to find that topic. “Eminent Domain” is further divided into subtopics that are called key numbers. West key numbers will have a key symbol next to the number of the subtopics that looks something like this:

  ![Key Number 2](image)

  Key number 2 under “Eminent Domain,” for example, deals with what constitutes a taking as well as distinguishing between police and other powers. You could go directly to that key number in the digest and find short summaries of cases, as well as case citations.

  Because there are different types of courts and jurisdictions, there are different digest sets, including:

  - **State digests**: West digests for individual states located with state materials (Law South)
  - **Supreme Court Digest**: Supreme Court cases (Law South)
  - **Federal digests**: Only federal cases (Law South)
  - **Decennial Digests**: West-reported state and federal cases in all 50 states (Law South)

  West digest sets can also help you find a case by name, such as *Kelo v. New London*. They normally have a Table of Cases volume (or volumes) where you can search by case name in alphabetical order.

- **Online Sources**:

  - **Court Web Sites**: More and more courts, including the U.S. Supreme Court, are now providing their opinions on their official web sites. This can be a good source for finding recent cases, but coverage of past cases is probably limited.
LEXIS and Westlaw: Cases can be found in these online databases by citation, by party name, or by using various search strategies.

Casemaker: Online database of opinions from federal and selected state courts (including Ohio). Can be accessed for free by students who are Ohio State Bar Association members by using your last name and member number. Linked on the Library Subscription Services page and also available at http://www.ohiobar.org

Statutes

- **United States Code (USC):** Arranged topically with 51 titles, there are two annotated versions of the United States Code, United States Code Annotated (USCA—burgundy in color) and United States Code Service (USCS—black). They are produced by different publishers and can differ in the annotations they provide, so it’s a good idea to check both sets.

  Some statutes dealing with land use issues can be found in Titles 30 and 43. Other statutes may be found elsewhere—use the index volumes at the end of the set to find what you need, or there are volumes listing acts by popular name (National Historic Preservation Act, etc.) We keep copies of both sets in the Law South stacks.

- **State codes:** Annotated state codes work very much like the federal codes, but may have a different topical organization. For example, in Ohio, statutes dealing with township zoning are contained in Chapter 519 of the Ohio Revised Code. The Taggart Law Library has state codes for all 50 states in the state materials section on the south side.

- **Online sources:** The U.S. Code and state codes can be found online in various places. LEXIS and Westlaw offer annotated codes, while unannotated versions can be found elsewhere. An excellent online source for recent legislation and Congressional information is the Thomas web site, http://thomas.loc.gov, which is maintained by the Library of Congress.

Regulations

Administrative regulations are very similar to statutes, except they are produced by administrative agencies (e.g. the Environmental Protection Agency—EPA) instead of legislatures. There are two main sources for federal administrative regulations:

- **Code of Federal Regulations (CFR):** Codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. The CFR is organized into 50 titles, which represent broad subject areas. Regulations concerning public lands, for example, are contained in Title 43 of the CFR. The CFR publishes its own index, and there is now a multi-volume index to the CFR published by West. GS 4.108—Law Documents (North)

The CFR is available online in the following places:
  - HeinOnline: exact page images from 1938-2009
  - Lexis: current and historical, 1981-present
Westlaw: current and historical, 1984-present

- **Federal Register (FR):** The official daily publication for the Rules, Proposed Rules, and Notices of federal agencies and organizations, as well as Executive Orders and other Presidential Documents. The Federal Register is also the place to find agency contact information. The Federal Register has monthly and annual indexes in print to find materials by agency or subject. **GS 4.107—Law Documents (North).**

  The Federal Register is also available online in the following places:
  - HeinOnline: exact page images from volumes and annual indexes, 1936-present
  - Lexis: 1936-present (FEDREG database)
  - Westlaw: 1936-present (FR-ALL database)

- **Agency Documents:** Documents of state and federal administrative agencies may also be useful sources in your research. The law library has collections of selected federal government documents in print, microform, and online formats. They can be found by searching POLAR by keyword, title, or author (by using the specific agency or department name as the author—e.g., United States Department of Agriculture). Government documents in print and microform can be found on the north side of the library.

  Some agency documents and decisions can be found online. One good source for finding agency decisions online is through the University of Virginia Library at [http://www.lib.virginia.edu/govdocs/fed_decisions_agency.html](http://www.lib.virginia.edu/govdocs/fed_decisions_agency.html). Lexis and Westlaw also have databases of agency documents.

**Selected Links to Land Use Planning Websites:**

- When using the Internet for research, be sure to carefully evaluate the websites you are using to determine how authoritative they are and any potential bias they may have on the topic you are researching.

**ABA Section of State and Local Government Law**—Contains abstracts of articles in recent issues of *The Urban Lawyer*, as well as other information related to land use.  
[http://www.americanbar.org/groups/state_local_government.html](http://www.americanbar.org/groups/state_local_government.html)

**American Planning Association (APA)**—“A nonprofit public interest and research organization committed to urban, suburban, regional, and rural planning.”  
[http://www.planning.org/](http://www.planning.org/)

**Environmental Law Reporter** (available through Library Subscription Services page)—Current awareness tool of the Environmental Law Institute that features federal, state, and international materials.  
[http://www.elr.info/welcome.cfm](http://www.elr.info/welcome.cfm)

**Federal Agency Websites**—
  - Environmental Protection Agency: [http://www.epa.gov/](http://www.epa.gov/)
Department of Housing and Urban Development:  http://www.hud.gov/

**Land Use Law**—Website maintained by Prof. Daniel Mandelker of the Washington Univ. School of Law that contains articles, cases, ordinances, statutes, plans, and other supplementary materials related to land use law, as well as many helpful links.

http://landuselaw.wustl.edu

**Law about...Land Use**—Overview of land use law produced by Cornell University’s Legal Information Institute (LII). Links to federal and state statutes, regulations, and judicial decisions, and other resources.

http://www.law.cornell.edu/wex/Land_use

**Urban Land Institute (ULI)**—A nonprofit research and education organization whose mission is to “provide responsible leadership in the use of land to enhance the total environment.”

http://www.uli.org/

**Writing Resources**

Once you have finished researching your topic, you may want help in writing your paper. Listed below are some resources at the Taggart Law Library to assist you with questions you may have about writing in general and legal writing specifically.

**Style Guides and Citation Manuals**

*ALWD Citation Manual: A Professional System of Citation*, 4th ed. Association of Legal Writing Directors and Darby Dickerson.

KF 245.A45 2010—Law Reference


KF 245.U54 2010—Law Reserve and Law Reference (multiple copies)


KF 250.G37 2002—Law North and Law Reference


**Writing Guides**


KF 250.V6 2010—Law Reserve (multiple copies) and Law Reference
KF 250.C45 2007—Law North and Law Reserve

Effective Legal Writing: For Law Students and Lawyers, 5th ed. Gertrude Block.
KF 250.B6 1999—Law Reserve

Elements of Legal Writing. Martha Faulk and Irving M. Mehler.
KF 250.F38 1994—Law North (also available as an e-Book in POLAR)

KF 250.N48 2009—Law Reserve

KF 250.F35 2011—Law Reserve and Law Reference

If you have more questions or need more help after looking at this research guide, please stop by the law library reference desk. Our librarians are ready to assist you with your research!