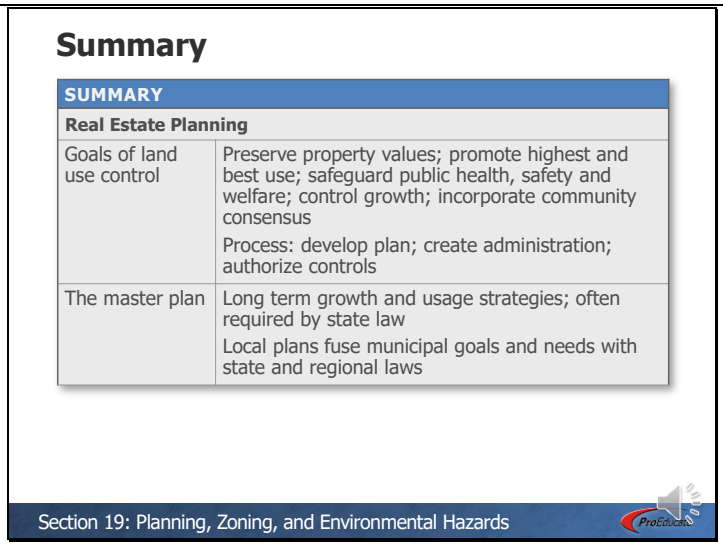
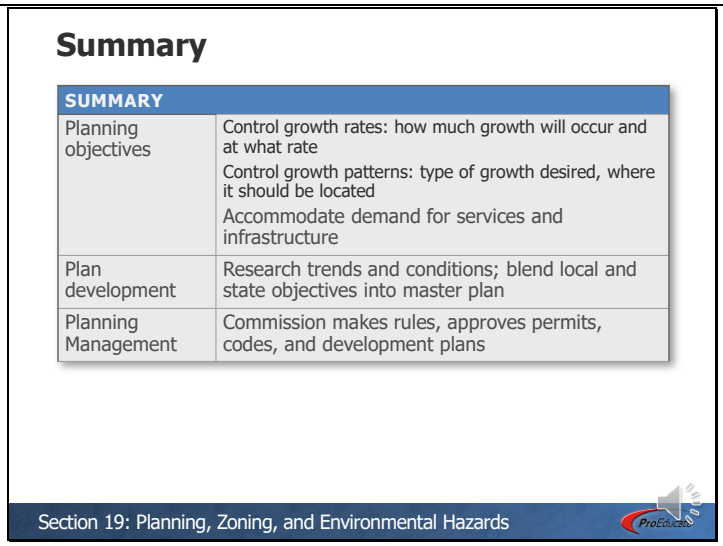
SLIDE 10

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) was enacted in 1980 and regulates hazardous waste disposal. It also called the Superfund

Additionally, CERCLA assigns liability for cleanup costs associated with contaminated property

Slide 1	
Slide 2	

Slide 3

Summary

SUMMARY	
Public Land Use Control	State laws; local regulations, zones, codes; public ownership; private restrictions
Zoning	"Police power" granted by state-level enabling acts; zoning ordinance: creates zones, usage restrictions, regulations, requirements
Types of zone	Residential, commercial, industrial, agricultural, public, PUD
Zoning administration	Zoning Board of Adjustment oversees rule administration and appeals Nonconforming use: legal if use prior to zone creation; variance: exception based on hardship; special exception: based on public interest; amendment: change of zones; rezoning

Section 19: Planning, Zoning, and Environmental Hazards

Slide 4

Summary

SUMMARY	
Subdivision regulation	Plat of subdivision and relevant requirements must be met and approved; must meet FHA requirements for insured financing
Building codes	Comprehensive onsite and offsite construction and materials standards; must be met to receive certificate of occupancy
Public Acquisition and ownership	Eminent domain: public power to acquire property for public use

Section 19: Planning, Zoning, and Environmental Hazards

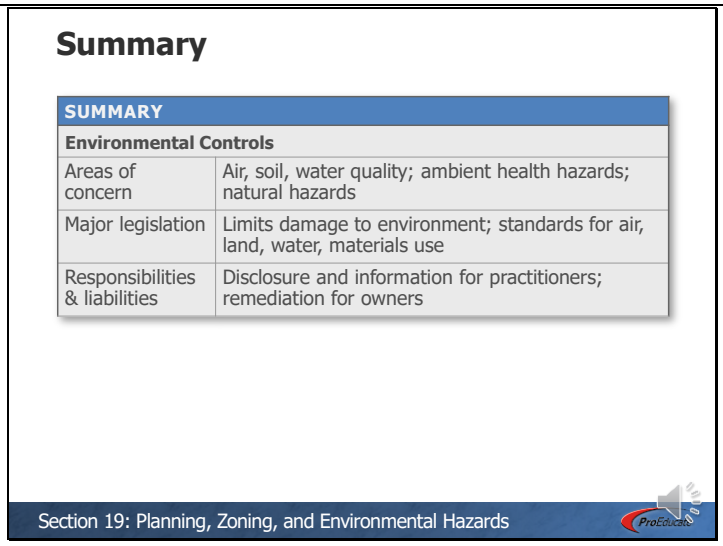
Slide 5

Summary

SUMMARY	
Private Land Use Control	
Deed restriction	Single-property use restriction as stipulated in a deed; may not be discriminatory
Declaration restriction	Use restriction in multiple-property declarations; enforced by court injunction
Deed condition	usage restriction that can trigger repossession by a previous owner if violated

Section 19: Planning, Zoning, and Environmental Hazards

Slide 6


Summary
SUMMARY
Environmental Controls
Areas of concern
Air, soil, water quality; ambient health hazards; natural hazards
Major legislation
Limits damage to environment; standards for air, land, water, materials use
Responsibilities & liabilities
Disclosure and information for practitioners; remediation for owners
Section 19: Planning, Zoning, and Environmental Hazards
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