

ST. LOUIS POST-DISPATCH

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Caution Expected In Land Plans

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Lawyers in this area say that in light of a ruling by the U.S. Supreme Court on Tuesday, local government officials will be extra cautious when considering development proposals.

The decision requires local governments to compensate property owners if those owners are prevented — even temporarily — from developing their land.

“Local officials will have to examine the ruling carefully and have to be even more certain that reasonable use of land is permitted,” said Shulamith Simon, a lawyer in St. Louis who has represented municipalities in zoning fights.

“I think its impact will be to make local zoning authorities more sensitive to the issue,” she continued. “They will have to be extra careful that the parcel could still be used for purposes that make economic sense in relation to surrounding development.”

By a 6-3 vote, the Supreme Court ruled Tuesday that the Constitution required “just compensation” for any “taking” of private property for public use through zoning laws or other regulations.

But Pat Sullivan of the Home Builders Association of Greater St. Louis said the ruling would delight builders because it bars local governments from imposing restrictions that indefinitely delay or bar development.

“If government is going to delay or take away property owners’ rights to develop their land, there ought to be

compensation,” said Sullivan, who is the group’s vice president of governmental affairs.

“Builders will be much more willing to take risks now that it’s been established that they can be compensated if their rights are taken or infringed upon,” he said.

The ruling came as no surprise to Greg Smith, city attorney for Town and Country. He said the decision raised the stakes for communities like Town and Country, which this year adopted a new zoning ordinance.

Town and Country’s ordinance is considered one of the most restrictive among its neighboring municipalities.

But Smith said nothing in the new ordinance prevented development on any land within its boundaries. He said a majority of the aldermen at a meeting Monday even rejected the suggestion that a new flood-plain ordinance eliminate building in the flood plain.

Jim White, assistant St. Louis County counselor, said the decision kept a community’s power over “the regulation and limitation of development.” But he conceded that the decision broke new ground, at least in Missouri.

“Previously, if a zoning ordinance denied all beneficial use of the land, a property owner could sue — but only to get the law declared invalid,” White said.