



# We Are Family- Or Are We?

**Legal Challenges in Defining “Family”  
in Municipal Zoning Ordinances**

Terrence S. Welch  
Brown & Hofmeister, L.L.P.  
740 E. Campbell Road, Suite 800  
Richardson, Texas 75081  
[www.bhlaw.net](http://www.bhlaw.net)

## ♪♪ We Are Family ♪♪ -Sister Sledge

We are family  
I got all my sisters with me  
We are family  
Get up everybody and sing

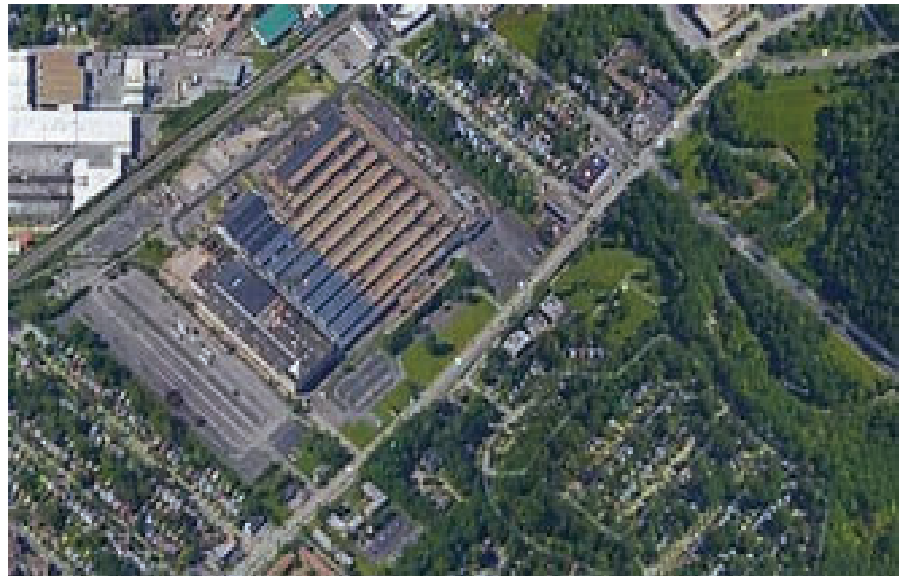
Everyone can see we're together  
As we walk on by  
(And) and we fly just like birds of a feather  
I won't tell no lie  
(All) all of the people around us they say  
Can they be that close?  
Just let me state for the record  
We're giving love in a family dose....



## A Few Statistics about U.S. Families

	1970	2012
<b>“Family” Households</b>	81%	66%
<b>Married Couple with Children</b>	40%	20%
<b>One-person Households</b>	17%	27%
<b>Average Number of Persons per Household</b>	3.1	2.6

# Let's Go Back to Euclid, Ohio in the 1920's



## *Village of Euclid v. Ambler Realty, 272 U.S. 365 (1926)*

<b>1</b>	<b>Supreme Court validated zoning on substantive due process grounds as valid exercise of the police power</b>	
<b>Very deferential to local governments</b>		<b>2</b>
<b>3</b>	<b>Allowed the exclusion of undesirable uses, <u>and protected residential nature of single-family neighborhoods</u></b>	
<b>“Euclidian” zoning born: concept of separating incompatible land uses</b>		<b>4</b>

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: We Are Family, or Are We?

Also available as part of the eCourse

[2022 Land Use eConference](#)

First appeared as part of the conference materials for the  
26<sup>th</sup> Annual Land Use Conference session

"We Are Family, or Are We? "