

LAND USE CONTROL - L608C/D PLANNING LAW - PDD609 FALL 2009 COURSE SYLLABUS

Tuesday/Thursday 9:00 am - 10:40 am – LB 244

Professor Alan Weinstein

Office Hours: M/W 1:30 - 2:30 or other times by appointment

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Course Description

Land Use Control/Planning Law introduces students to the legal and planning concepts that form our system of land use regulation. A major goal of the course is to explore the relationship between legal doctrines and the goals of land-use planning. See the attached Schedule of Classes and Assignments for a list of specific topics covered in the course.

Required Texts

- Mandelker, Payne, Salsich & Stroud *Planning and Control of Land Development: Cases and Materials*, 7th Ed. (LEXISNEXIS 2008).
- Materials posted online via Westlaw's "TWEN" at <http://lawschool.westlaw.com>

Attendance & Class Participation

I circulate an attendance sheet at the beginning of each class. It is your responsibility to sign the sheet to avoid being marked absent. I expect you to attend class regularly and to participate actively in class discussions; however, I will excuse you from attending, or preparing for, two classes – no questions asked -- if you notify me prior to the beginning of class. You may also request to be excused from attending or preparing for a maximum of two additional classes because of illness, personal/family emergencies, or employment obligations. If you exceed the maximum number of permitted/excused absences or failures to prepare your final grade may be reduced one level (e.g. B+ > B).

Assignments, Final Examination and Grading

There will be several brief (1-2 pp.) written class assignments, a required mid-term examination and your choice of either a term paper or final exam. Your final grade in the course will be based 25% on written class assignments, 25% on the mid-term, and 50% on the term paper or final exam; however, in accordance with the grading policies adopted by the faculty, a student's final grade may be raised (e.g. B > B+) or lowered (e.g. B+ > B) one level based on class participation.

Schedule of Classes and Assignments

<u>Dates</u>	<u>Topics and Assignments</u>
8/25	<u>An Introduction to Planning and Land Use Controls</u> <ul style="list-style-type: none">▪ Mandelker, Payne, Salsich & Stroud (MPSS): 1-47.
8/27	<u>Introduction to Law (MUPDD Students Only)</u> <ul style="list-style-type: none">▪ Handout
9/01	<u>Nuisance Law and Eminent Domain Cases</u> <ul style="list-style-type: none">▪ MPSS: 49-80.
9/03	<u>Introduction to Regulatory Takings</u> <ul style="list-style-type: none">▪ MPSS: 80-115.
9/08	<u>The Balancing Approach, <i>Nollan</i>, Compensation</u> <ul style="list-style-type: none">▪ MPSS: 115-142.
9/10	<u><i>Lucas, Tahoe-Sierra and Lingle</i></u> <ul style="list-style-type: none">▪ MPSS: 142-182.▪ <i>Handout Takings Writing Assignment – Due 9/15</i>
9/15	<u>Hand-in and Discuss Takings Writing Assignment Due Process, Equal Protection and Ripeness</u> <ul style="list-style-type: none">▪ MPSS: 182-214.
9/17	<u>Introduction to Control of Land Use by Zoning</u> <ul style="list-style-type: none">▪ MPSS: 217-235.
9/22	<u>How a Zoning Case Gets to Court</u> <ul style="list-style-type: none">▪ MPSS: 235-281
9/24	<u>Regulating Density/Intensity of Use Residential Zoning</u> <ul style="list-style-type: none">▪ MPSS: 281-328.

Dates

Topics and Assignments

- 9/29** **Commercial and Industrial Districts - Non-conforming Uses**
- MPSS: 328-372
- 10/01** **Land Use & the First Amendment: Adult Entertainment**
- MPSS: 372-386.
- 10/06** **Land Use & the First Amendment- Religious Uses**
- MPSS: 386-397.
- 10/08** **Land Use & the First Amendment- Signs Regulations**
- MPSS: 890-916.
- 10/13** **MONDAY SCHEDULE – NO CLASS**
- 10/15** **Environmental Land Use Regulation**
- MPSS: 397-435.
- 10/20** **MID-TERM EXAMINATION**
- 10/22** **Exclusionary Zoning & Affordable Housing Laws**
- MPSS: 437-473.
- 10/27** **Affordable Housing cont'd – Housing Discrimination Law**
- MPSS: 473-512.
- 10/29** **The Zoning Process – The Role of Zoning Change**
- MPSS: 513-554.
- 11/03** **The Zoning Process – Zoning Amendments - Downzoning**
- MPSS: 554-598.
- 11/05** **The Zoning Process – Flexibility Devices – Site Plan Review – Role of the Comprehensive Plan**
- MPSS: 599-634.

Dates

Topics and Assignments

11/10	<u>Initiative & Referendum - Subdivision Controls</u> <ul style="list-style-type: none">▪ MPSS: 634-659 and 661-686.
11/12	<u>Dedications, Exactions and Impact Fees</u> <ul style="list-style-type: none">▪ MPSS: 687-730.
11/17	<u>Planned Communities & PUDs - Growth Management</u> <ul style="list-style-type: none">▪ MPSS: 730-752 and 753-771.
11/19	<u>Growth Management Strategies</u> <ul style="list-style-type: none">▪ MPSS: 771-816.
11/24	<u>Growth Management Strategies</u> <ul style="list-style-type: none">▪ MPSS: 816-838 and 848-865.
11/26	NO CLASS - THANKSGIVING
12/01	<u>Aesthetics & Design Controls</u> <ul style="list-style-type: none">▪ MPSS: 887-890 and 916-939.
12/03	<u>Historic Preservation</u> <ul style="list-style-type: none">▪ MPSS: 939-969
12/15	Final Examination – Deadline for Papers