

LAND USE LAW

UAP 5554
Professors Paul Mahoney
And Greg Haley

CRN 94854
Fall 2005

Wednesday and Friday 8:00-9:15 am
AA 114

Office Hours:
By
appointment

Required Texts:

Land Use Cases and Materials by Gitelman, Nolon, Salkin and Wright (6th Ed.)
(Referred to a “Gitelman”)
Land Use Law Coursepack (Referred to a “CP”)
Readings from Blackboard
Handouts and other readings as assigned

Optional Text:

Land Use in a Nutshell by Robert R. Wright and Morton Gitelman (4th Ed.)

Course Schedule and Readings

DATE	TOPIC	READING
Wed., Aug. 24	Orientation	
Fri., Aug. 26	Introduction to the Law	Geyer & Richardson, I-VI CP, pp. 1-7
Wed., Aug. 31	Federalism Court System	United States Constitution (http://www.house.gov/Constitution/Constitution.html) Virginia Constitution, Article VII (http://legis.state.va.us/vaonline/1i1g.htm) CP, pp.7-18 Virginia Courts in Brief (http://www.courts.state.va.us/cib/cib.htm)
Fri., Sept. 2	Authority, Legislative Process, Briefing Cases	CP, pp.19-28
Wed., Sept. 7	Intro. To Land Use Law; Property Rights; Origins and Justification for Public Regulation	Gitelman, pp.1-14; pp.15-32

Fri., Sept. 9	Private and Quasi-Regulatory Land Use Control; Nuisance	Gitelman, pp.32-37; 37-42; 49-52
Wed., Sept. 14	Nuisance	Gitelman, pp.55-70
Fri., Sept. 16	Nuisance	Gitelman, pp. 70-93
Wed., Sept. 21	“Private” Land Use Restrictions	Gitelman, pp. 109-111; 115-122; 123-124; 187-194
Fri., Sept. 23	History, Policy and Authority for Local Land Use	Gitelman, pp.195-205 CP, pp. 29-35
Wed., Sept. 28	Players in the Land Use Game	Gitelman, pp. 206-217, 219-224, 229
Fri., Sept. 30	Masterplan; Capital Outlay Program	Gitelman, pp. 230-233, 243-252; Code of Virginia Sec. 15.2-2223 thru 15.2-2232
Wed. Oct. 5	Basics of Zoning	Gitelman 279-291, 300-308; Code of Virginia Sec. 15.2-2280 thru 15.2-2286
Fri., Oct. 7	Relationship between Zoning and the Comprehensive Plan	Gitelman, pp. 309-317, 323-325
Wed., Oct. 12	Zoning Administration and Flexibility – Single Amendments; Judicial Review	Gitelman, pp. 327-332, 1316-1331
Fri., Oct. 14	Contract or Conditional Rezoning	Gitelman, pp. 332-337, 344-349 Code of Virginia Sec. 15.2-2296 thru 15.2-2303
Wed., Oct. 19	Administrative Treatment-Variances, Special Exceptions or Conditional Use Permits	Gitelman, pp. 351-356, 361-363; <i>Cochran v. Fairfax County Board of Zoning Appeals</i> , 267 Va. 756 (2004); <i>Fairfax County v. Southland Corp.</i> , 224 Va. 514 (1982); Code of Virginia Sec. 15.2-2309 thru 15.2-2310
Fri., Oct. 21	Administrative Treatment-Floating Zones, PUDs and Cluster Development	Gitelman, pp. 655-670; 444-452; 674-676
Wed. Oct. 26	Non-conforming Uses, Vested Rights	Gitelman, pp. 371-375; 378 (Discontinuance), 380-391, 538-544; <i>Knowlton v. Browning-Ferris</i> , 220 Va. 571 (1979) Code of Virginia Sec. 15.2-2307
Fri., Oct. 28	Introduction to the Regulation of the	Gitelman, pp. 416-426; Code of Virginia Sec. 15.2-2240 thru 15.2-2279

	Subdivision of Land; Governmental Power to Regulate Subdivisions	Gitelman, pp. 426-429; <i>Hylton Enterprises, Inc. v. Prince William County</i> , 220 Va. 435 (1979), <i>Augusta County v. Countryside Investment Company, Inc.</i> , 258 Va. 497 (1999)
Wed., Nov. 2	Locating Telecommunications Towers	
Fri., Nov. 4	Traditional Exactions and Impact Fees; Denial of Subdivision Approval	Gitelman, pp. 452-474; Code of Virginia Sec. 15.2-2317 thru 15.2-2327 Gitelman, pp. 513-522
Wed., Nov. 9	Introduction to Property Rights and Takings	Gitelman, pp. 938-957, 964-978
Fri., Nov. 11	Takings and Exactions	Gitelman, pp. 491-511
Wed., Nov. 16	Growth Management	Gitelman, pp. 550-566, 576-597, 610-613, 622-623, 676-681, 696-698
Fri., Nov. 18	Growth Management	“ “ “ “
Wed., Nov. 30	Exclusionary Zoning	Gitelman, pp. 1101-103, 1107-1116 Va. Code Sec. 15.2-2291, 15.2-2292
Fri., Dec. 2	Exclusionary Zoning	<i>Dews v. Sunnyvale</i> (N.D. Texas 2000, CP pp.93-108) Gitelman, pp.1193-1201
Wed., Dec. 7	Conclusion	

GRADING:

Class Participation and Assignments	15%
Exam #1	20%
Exam #2	20%
Exam #3	20%
Research Paper	25%

HONOR SYSTEM:

We abide by the University Honor System and expect all students in this class to do also, by adhering to these requirements and reporting any violations by others. For any quizzes, exams and the research paper, you are not allowed to work with anyone else.

For oral presentations on cases students are encouraged to work with the assigned group for that class.

EXAMS:

All examinations will be take-home. You may not work together on examinations. The only person(s) you may consult with respect to the examinations are the instructors. Tentative dates for the examinations: Exam #1: Distributed September 23, 2005, due September 30, 2005. Exam #2: Distributed October 28, 2005, due November 4, 2005. Exam #3 Distributed December 7, 2005, due December 14, 2005.

RESEARCH PAPER:

A RESEARCH PAPER OF 8-12 PAGES WILL BE REQUIRED OF ALL STUDENTS. The topic must be on a land use law issue. More information on this paper will be available as the semester progresses. The topic of the paper MUST be agreed upon in advance by the instructors.

CLASS LISTSERVE AND BLACKBOARD:

We will establish a listserve early in the semester. We will use this listserve to communicate announcements, give details on assignments, answer questions on assignments and examinations, and other similar issues. We will delete any identifying information from individual questions, then post the question and answer on the listserve. We encourage use of the class listserve for class discussions. Therefore you are expected to check your email regularly. We will also use Blackboard for posting much of the course information.

OVERHEADS:

We will prepare overheads that are used in class lectures and discussions. These are primarily outlines for the class materials and are posted on Blackboard as far in advance of class as possible. We recommend that you print the overhead prior to class to minimize note-taking.

DISABILITIES:

If anyone has a disability that requires an accommodation, please let us know so we can work with you.

We reserve the right to make changes to this syllabus, including, but not limited to, the grading, class schedule and readings, in our sole and absolute discretion. We further reserve the right to give pop quizzes on readings for any particular class.