

LAND USE LAW

UAP 5554
 Professor Richardson

CRN 95115
 Fall 2006

M, W 10:30-11:45 am
 AA 114

Office: 207 Architecture Annex
 231-7508
jessej@vt.edu

*Office Hours:
 Tuesdays
 9:00 am to 10:30 am
 or by appointment

Required Texts:

Land Use Cases and Materials by Gitelman, Nolon, Salkin and Wright (6th Ed.)
 (hereinafter "Gitelman").
 Land Use Law Coursepack.
 Readings posted to 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
Mon., Aug. 21	Orientation	
Wed., Aug. 23	Introduction to the Law	Geyer & Richardson, I-VI (CP, pp. 1-7)
Mon., Aug. 28	Federalism in the United States; The Court System	<i>United States Constitution</i> < http://www.house.gov/Constitution/Constitution.html >; < http://www.house.gov/Constitution/Amend.html >; Va. Constitution, Article VII http://legis.state.va.us/vaonline/li1g.htm ; <i>Gore v. Bush</i> (BB). Geyer & Richardson, VII. (CP, pp. 7-18); <i>Virginia Courts in Brief</i> (http://www.courts.state.va.us/cib/cib.htm).

Wed., Aug. 30	Authority, Legislative Process, Briefing Cases	Geyer, Subdivisions VIII. – XIII (CP, pp. 19-28). (the definitions in XIII. are more for reference than anything else, but you may want to read them over).
Mon., Sept 4	Intro to Land Use Law; Nature of Property Rights; Origins and Justification for Public Regulation Private and Quasi-Regulatory Land Use Control; Nuisance	Gitelman, Chap. I (pp. 1-14); Intro. to Chap. II.A. and B. (pp. 15-25). Gitelman, Chap. II, Sect. 2.A. (pp. 32-37); Gitelman, pp. 37-42; 49-52.
Wed., Sept. 6	More Nuisance	Gitelman, pp. 55-70.
Mon., Sept. 11	More Nuisance	Gitelman, pp. 70-93.
Wed., Sept. 13	“Private” Land Use Restrictions	Gitelman, Gitelman, Chap. II, intro, pp. 109-111; Chap. II, Section B.(1) intro, 123-124; Chap. II, Section B.(6), 187-194.
Mon., Sept. 18	History and Policy of, and Authority for, Local Land Use Regulation The Players in the Land Use Game	Gitelman, Chap. III, Sections A. and B. (pp. 195-205). Excerpt from “Is Home Rule the Answer? An Analysis of the Impact of Dillon’s Rule on Growth Management” (CP, pp. 29-35). Gitelman, Chap. III, Section 3.A. & B. (pp. 206-217); and Section 3.D.(1) and (3) (pp. 219-223; 229)
Wed., Sept. 20	The Masterplan; Capital Outlay Program	Gitelman, Chap. III, Section 4 (pp. 230-233; 243-252); Va. Code Sect. 15.2-2223 - 15.2-2232 (CP, pp. 43-47).
Mon., Sept. 25	The Basics of Zoning	Gitelman, Chap. IV, Sect. 1 (pp. 279-308); Va. Code Sect. 15.2-2280 - 15.2-2286 (CP, pp. 64-67).
Wed., Sept. 27	Relationship Between Zoning and the Comprehensive Plan	Gitelman, Chap. IV, Sect. 2 (pp. 309-317).
Mon., Oct. 2	Zoning Administration and Flexibility- Single Amendments; Judicial Review	Gitelman, Chap. IV, Sect. 3.A. (pp. 327-332); Chap. XII., Section 3.A. (pp. 1316-1331).

Wed., Oct. 4	Contract or Conditional Rezoning	Gitelman, Chap. IV., Section 3.B. (pp. 332-337; 344-349); Virginia Code Sect. 15.2-2296 – 15.2-2303 (CP pp. 71-75).
Mon., Oct. 9	Fall Break	No class
Wed., Oct. 11	Administrative Treatment-Variance and Special Exceptions or Conditional Use Permits	Gitelman, Chap. IV, Sect. 3.C.(1) & (2) (pp. 351-371;); Va. Code Sect. 15.2-2309 – 15.2-2310 (CP, pp.81-82).
Mon., Oct. 16	Administrative Treatment-Floating Zone, PUDs, and Cluster Development	Gitelman, Chap. VI, Section 5.A. (pp. 655-665); Chap. VII, Sect. 4 (pp. 444-452); Chap. VI. Sect. 5.F. 674-676).
Wed., Oct. 18	Nonconforming Uses, Vested Rights	Gitelman, Chap. IV, Sect. 4 (pp. 371-375; 378 (B. Discontinuance); 380-391); Gitelman, Chap. V, Sect. 3 (pp. 538-544); Va. Code Sect. 15.2-2307 (CP, p. 80).
Mon., Oct. 23	Introduction to the Regulation of the Subdivision of Land; Governmental Power to Regulate Subdivisions	Gitelman, Chap. V, Sect. 1.A. & B. (pp. 416-426); Va. Code Sect. 15.2-2240 - 15.2-2278 (CP, pp. 48-64); Gitelman, Chap. V, Sect. C. (pp. 426-429; 438-443).
Wed., Oct. 25	Traditional Exactions and Impact Fees; Denial of Subdivision Approval	Gitelman, Chap. V, Sect. 1.E.(1) and (2). (pp. 452-474); Virginia Code Sect. 15.2-2317 – 15.2-2327 (CP pp. 84-87) Gitelman, Chap. V, Sect. 1.E.4) (pp. 513-522).
Mon., Oct. 30	Introduction to Property Rights and Takings; Eminent Domain	Gitelman, Chap. 2, Sect. 1, pp. 15-32; <i>Kelo v. New London</i> , 125 S.Ct. 2655 (2005) (BB)
Wed., Nov. 1	The Takings Issue	Gitelman, Chap. IX, Sect. 2 (pp. 938-957; 934-938).
Mon., Nov. 6	Takings and Exactions	Gitelman, Chap. V., Sect. 1 (pp.491-511).
Wed., Nov. 8	Growth Management	Gitelman, Chap. VI, (pp. 550-566; 576-97; 610-613; 622-623; 676-681).

Mon., Nov. 13	Growth Management (Con'td)	" " "
Wed., Nov. 15	Exclusionary Zoning	Gitelman, pp. 1107-1116; Va. Code Sect. 15.2-2291, 15.2-2292 (CP, p. 69).
Mon., Nov. 20 and Wed. Nov. 22	NO CLASS Thanksgiving Break	
Mon., Nov. 27	Exclusionary Zoning (Con't); Inclusionary Zoning	<i>Dews v. Sunnyvale</i> (N.D. Texas, 2000). (CP, pp. 93-108). Gitelman, pp. 1193-1201.
Wed., Nov. 29	The Location of Telecommunications Towers	Federal Telecommunications Act (excerpt- 47 USC section 332(c)(7)) (CP, p. 109); <i>AT&T Wireless PCS v. City of Virginia Beach</i> , 155 F.3d 423 (1998) (CP, p. 110-116); <i>Town of Omnipoint v. Omnipoint Communications</i> , 173 F3d 9 (1999) (CP 116-121); <i>USCOC of Virginia RSA #3 v. Montgomery County Bd. of Sup'rs</i> , 343 F.3d 262, C.A.4 (Va.),2003 (BB); <i>Fairfax County, Va. v. Washington, D.C. SMSA L.P.</i> (CP pp. 121-124)
Mon., Dec. 4	Wrap up and Conclusions	Final Examination distributed
Wed., Dec. 6	No class	Work on final exam

FINAL EXAMINATION DUE: Wed., December 13 at 9:45 a.m.

Grading:

Class participation/Assignments	20 %
Midterm Exam #1	20 %
Midterm Exam #2	20 %
Midterm #3	20 %
Final Exam	20 %

HONOR SYSTEM: I abide by the University Honor System and expect all students in my class to do so also, by adhering to the requirements themselves and reporting any violations by others. I WILL REPORT ALL VIOLATIONS THAT I SUSPECT OR BECOME AWARE OF! On any in-class exams or work, take-home exams or homework, you are not to work with anyone else unless explicitly instructed or allowed to do so. Your work should be your own.

EXAMS: All three midterm examinations and the final examination will be take-home. You may NOT work together on examinations. The only person you may consult with respect to the examinations is the instructor. TENTATIVE DATES: Midterm 1: Distributed September 18, due September 25. Midterm 2: Distributed October 16, due October 23; Midterm 3: Distributed Nov. 6, due Nov. 13.

CLASS LISTSERVE AND BLACKBOARD: I will establish a class listserv early in the semester. I use the listserv to communicate announcements, give detail on assignment, answer questions on assignments and examinations, and similar issues. My policy is to delete any identifying information from individual questions, then post the question and my answer on the listserv. I also encourage the use of the class listserv for class discussions. Therefore, you are expected to check your email regularly. I also use Blackboard, on which much course information will be posted.

OVERHEADS: I prepare overheads that I use in class lectures and discussions. These overheads are basically outlines of the class material and are posted on Blackboard as far in advance of class as possible. I recommend that you print the overheads prior to class to minimize note-taking.

CELL PHONES, PDAs and other ELECTRONIC DEVICES, and CLASS DISTURBANCES: All cell phones, PDAs, and other electronic devices **SHALL** be turned off **AND STOWED before entering the classroom** and shall remain off and stowed until class is dismissed. Checking cell phone, IM or email messages during class is unprofessional and rude, and I will NOT tolerate such behavior. Obviously, IMing and similar behavior is even more inexcusable. Talking amongst yourself or otherwise disrupting or disturbing the class falls within the same category.

You should consider class as a professional meeting. I treat you like a professional, and I expect you to act like a professional. If one would check messages during a professional meeting in a job setting, they would very likely find themselves unemployed. Therefore, one violation of this policy shall result in a one letter grade reduction in the violator's final grade. Two violations will result in the violator receiving an "F" as a final grade in this course.

IF you have an EMERGENCY and need to monitor your voice or electronic messages, advise me BEFORE class begins. You may not use emergency or any other excuse after-the-fact.

DISABILITIES/ACCOMODATION: If anyone has a disability that requires accommodation, please let me know and I will work with you.

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

