

UP 511 Law and Planning

Spring 2019 Syllabus

Overview:

This course examines the legal framework within which planning takes place in the United States. It will focus on the important role legal principals play in striking a proper balance between the interests of government in promoting the general welfare through the regulation of the use of land and the interests of private property owners in optimizing the private enjoyment and value of their property. The objectives of the course include preparing professional planners to recognize when planning decisions have legal implications and to promote effective communication with legal counsel to insure that planning actions can withstand legal challenges.

Method:

Students are required to analyze excerpts from actual court decisions that resolve disputes between property owners and governmental entities and from Planning Law articles that discuss trends in Planning Law. The excerpts are primarily found in the required text book for the course, with additional cases and articles to be provided in handouts. From analysis of each court decision, students should be prepared to identify the disputing parties, the competing interests giving rise to the dispute, the legal principals applied by the court to resolve the dispute, and the outcome of the decision. Active class participation is expected from all students in the class. Each student will be expected to be prepared to present a brief summary of the cases assigned for each class period and to respond to questions posed by the instructor about those cases. The quality of each student's class participation shall be a factor in assigning a grade to that student.

Grade:

Informed participation in class.....10%

Points may be deducted for unexcused absences. Students will be assigned to seats they select on the first day of class for the remaining class periods so that participation quality can be recorded on a seating chart.

Grades on three exams taken in class90%

Four exams will be given during the course, including a final exam. Only the top two of the first three exam grades and the final exam will count towards the final grade, with each exam counting 30 percent. The exams will be in an essay format and will involve analyzing fictitious fact situations that present the legal issues presented in the required readings. The exams will be given on the dates noted on the reading list during class periods.

Individual conferences:

The teaching assistant for the course will have posted office hours to answer student's questions about the course, and will be available to assist students in learning how to properly analyze the cases presented in the required reading materials and in conducting independent research.

Meetings with instructor Joe Hooker will be by prior appointment during evening office hours to be announced.

Required Readings: The required readings are available electronically on the course's compass site and a printed course packet with the readings will be made available at the Illini Bookstore.

Additional Optional Readings:

The following resources provide helpful analysis to assist students in understanding the key legal principals presented in the readings.

Anderson's American Law of Zoning

A five-volume set that provides excellent discussions of land use control principals that will be discussed in our readings.

Location: U of I Law Library

Call Number: [KF5698 .A761996](#)

The Zoning Game Revisited, by Richard F. Babcock and Charles L. Siemon

An entertaining, insightful collection of case studies of noteworthy land use disputes in the United States, including a number of cases in this class's required readings. The book is particularly good at describing the human variable underlying the legal disputes and the resolution of the court cases.

Location: City Planning Library

Call Number: [346.73045 B114Z](#)

Location: Law Library

Call Number: [KF5698 .B271985](#)

Land use law by Daniel R. Mandelker. Edition: 4th ed.

An excellent single volume summary of land use law cases and principals.

Location: City Planning Library
Call Number: [346.045 M31211997](#)

Land use and the constitution : principles for planning practice ; edited by Brian W. Blaesser and Alan C. Weinstein

A concise summary of land use legal principals derived from the U.S. constitution written for Planning professionals, including contributions from Professor Clyde Forrest who was the former instructor for this course.

Location: City Planning Library
Call Number: [346.73045 L2293](#)

Location: Law Library
Call Number: [KF5692 .L361989](#)

Zoning and Planning Law Handbook

A compilation of timely Planning Law articles, published annually, providing helpful discussion of significant planning law cases and trends.

Location: Law Library