Overview:

This course examines the legal framework within which planning takes place in the United States. It will focus on the important role legal principles 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 read and analyze excerpts from actual appellate court decisions that resolve disputes between property owners and governmental entities and excerpts from books written by Professor Eric Freyfogle of the University of Illinois Law School and Professor James W. Ely Jr. of the Vanderbilt Law School that provide a useful historical and philosophical context for the interplay between private property rights and government regulation of land uses.

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 exams taken in class .............................................90%

The exams will be in an essay or short answer format and will involve analyzing fictitious fact situations that present the legal issues presented in the required readings. Three exams will be given on the dates noted on the reading list during class periods. A final exam will be given on the final exam date assigned for the class. Only the two
highest grades on the 3 regular exams will count towards the student’s final grade. Students satisfied with the grades on the first two exams can choose not to take the 3rd regular exam. The two highest regular exam grades and the final exam grade will each be considered as 30% for the final grade, for a total of 90%.

Individual conferences:

The Instructor, Joe Hooker, will be available to meet with students during evening office hours to be announced, by prior appointment, to answer questions students might have about proper preparation for class and the legal principles addressed in the reading materials.

Required Readings: All required readings will be provided on-line on the Compass site for the Course, organized individually by the class date scheduled for review in class, and also compiled in a comprehensive reader that may be downloaded and taken to a commercial print-copy shop for printing. Most readings are actual appellate court decisions, abridged to focus on key legal principles. Additional required readings include an introductory chapter authored by the Instructor, and excerpts from The Guardian of Every Other Right: A Constitutional History of Property Rights, by Professor of Law at Vanderbilt Law School and from The Land We Share: Private Property and the Common Good and Private Property- Correcting the Half-Truths, by Professor Eric Freyfogle of the University of Illinois Law School.

Additional Reading Resources:

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


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

**Location:** City Planning Library  
**Call Number:** 346.045 M312l1997

*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 the late 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