UP 513 – LEGAL ASPECTS OF THE PLANNING PROCESS
Fall 2002
2216 A&AB

Professor: Richard K. Norton
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Office hours: By appointment

Graduate Student Instructor: Rebecca Gobeille, rgobeill@umich.edu

Meeting Times:
Monday and Wednesday: 3:00 – 4:30
Wednesday (Discussion): 4:00 – 5:00

This course provides a general overview of the legal aspects of urban and regional planning, including institutional structures, sources of and limits on legal authority, the relationships between planning as a process and legal controls, and traditional and evolving approaches to land use control. In addition, for students taking the course for 3 credit hours, special topics will be addressed in more depth. The principle focus of this course will be on the relationships between planning as a public policy-making process and the laws that both authorize and are used to implement planning initiatives. The requirements for the course are as follows:

Students taking the course for 2 and 3 credit hours:
• Attend the course for the first 10 weeks of the term (3 hours / week)
• Several short graded assignments (discussion questions and case briefs)
• 48 hour take-home exam due at the end of week 10

Students taking the course for 3 credit hours:
• Attend the course for the final 5 weeks of the term (3 hours / week)
• Several short graded assignments (discussion questions)
• Final paper due the last day of class

Required Readings:

Additional materials on reserve at the media union and available online
Course Schedule

For Students Taking the Course for 2 and 3 Credit Hours:

Week 1: Introduction and Basics

4 Sept. (W): Introduction / Course Overview / Historic Origins & Themes

Week 2: Institutions / Legal Process and Reasoning

9 Sept. (M): American law and policy / federalism / intergovernmental relations
Reading: Kuklin & Stemple 73-101
O’Toole 1-31
Juergensmeyer and Roberts (J&R) Chapter 1

11 Sept. (W): Public policy analysis and legal reasoning
Reading: Majone 1-20

11 Sept. (W): Discussion: Briefing cases

Week 3: Sources, Limits, and Exercise of Government Power

16 Sept. (M): Federal constitution, commerce clause, pre-emption, state and local law, administrative law, statutes and regulations
Reading: J&R Chapter 2
Additional materials to be added

18 Sept. (W): (continued)
Reading: MI statutes and regulations

18 Sept. (W): Discussion: Legal research

Week 4: Zoning

23 Sept. (M): Zoning: History, purposes, types
Reading: J&R Chapters 3, 4, and 5

25 Sept. (W): (continued)

Week 5: Subdivision Control / Building Codes

30 Sept. (M): Subdivision control and building codes
Reading: J&R Chapters 7 and 8

2 Oct. (W): Catch-up and review (Expanded Horizons)
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Week 6: Growth Management
7 Oct. (M): Growth management
  Reading: J&R Chapter 9
  Additional material to be added

9 Oct. (W): (continued)

9 Oct. (W): Discussion: Zoning, subdivision controls, and growth management
  compared and contrasted

Week 7: Constitutional and Statutory Limits on Local Land Use Authority
14 Oct. (M): FALL BREAK

16 Oct. (W): Takings, due process, equal protection, and exclusionary zoning
  Reading: J&R Chapters 10 and 6

Week 8: Constitutional and Statutory Limits (cont.)
21 Oct. (M): (continued)

23 Oct (W): (continued)

Week 9: Nuisance / Private Land Use Control / Eminent Domain
28 Oct. (M): Law of nuisance and private land use controls
  Reading: J&R Chapters 14 and 15

30 Oct. (W): Eminent domain
  Reading: J&R Chapter 16

Week 10: Final Topics
4 Nov. (M): Professional ethics: Keeping yourself and commissioners out of trouble
  Reading: to be announced

6 Nov. (W): Alternatives to legal proceedings (mediation, dispute resolution)
  Reading: to be announced
  Take home test assigned

TAKE HOME TEST: DUE FRIDAY 8 NOVEMBER BY 5 PM
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For Students Taking the Course for 3 Credit Hours:

Week 11: Environmental Regulation

11 Nov. (M): Environmental law
Reading: J&R Chapter 11

13 Nov. (W): (continued)

Week 12: Brownfields / Aesthetic Regulation and Historic Preservation

18 Nov. (M): Brownfields
Reading: additional materials to be added

20 Nov. (W): Aesthetic regulation and historic preservation
Reading: J&R Chapter 12

Week 13: Open Space Preservation

25 Nov. (M): Agricultural / open space preservation, taxation as a planning device
Reading: J&R Chapter 13

27 Nov. (W): Thanksgiving Break

Weeks 14 and 15: Additional topics to be announced

FINAL PAPER: DUE WEDNESDAY 11 DECEMBER BY 5 PM