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702 Planning Law
Case Summary Presentation

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Exclusionary Zoning

- **Southern Burlington County N.A.A.C.P v. Township of MT. Laurel p. 580**
 - Fair Share Obligations
- **Home Builders Association of Northern California v. City of NAPA p. 601**
- **Village of Arlington Heights v. Metropolitan Housing Development p. 613**
 - The Equal Protection Clause

Southern Burlington County N.A.A.C.P v. Township of MT. Laurel p. 580

- Facts

- Mount Laurel sought (unsuccessfully) to promote industrial and high-income residential development through restrictive zoning
- NAACP sued claiming that the sum effect of MT. Laurel's land use policy was discriminatory towards low-moderate income families

- Issue

- May a municipality effectively zone out low-moderate income families from residing in a location?

- Rule/Law

- 14th Amendment – equal protection of law
- Fair Housing Act

- Rationale

- Restrictive Zoning cannot be prohibitive under the 14th Amendment

- Conclusion/ Final Decision

- Mount Laurel ordered to amend zoning ordinances to ensure opportunity for low and moderate families to live in its boundaries

Home Builders Association of Northern California v. City of NAPA p. 601

- Facts

- The City of Napa worked with community groups and passed inclusionary zoning ordinance. Developers must have 10% of new construction as affordable housing.
- Affordable Housing? YES = additional benefits
- Homebuilders Association said that ordinance was a regulatory taking

- Issue

- Homebuilders felt they were being denied due process. Wanted ordinance invalidated

- Rule/Law

- 5th Amendment
- 10th and 14th Amendments

- Rationale

- 5th Amendment – only need to provide just compensation IF depriving SIGNIFICANT enjoyment of property

- Conclusion/ Final Decision

- A zoning ordinance IS VALID under the takings clause IF it advances an important government interest

Village of Arlington Heights v. Metropolitan Housing Development (MHDC) p. 613

- Facts

- MHDC applied for a permit to rezone property to residential from single to multi-family.
- MHDC's intent was to build racially-integrated development.
- The Village Denied the permit

- Issue

- Was the Village's denial racially motivated

- Rule/Law

- 14-Amendment

- Rationale

- Official action will not be held unconstitutional solely because it results in a racially disproportionate impact.

- Conclusion/ Final Decision

- Racial classification may not violate equal protection clause unless the plaintiff shows discriminatory intent and impact

Nassau County v. Willis

District Court of Appeal of Florida 41 So.3d 270 (2010)

Facts

This action concerns the development of a privately-owned site known as Crane Island located in Nassau County.

In 2006, the owners and prospective developers of Crane Island wanted to change its land use designation to develop it more densely.

The Water Management District determined that Crane Island was Uplands and not Wetlands as previously determined allowing it to be zoned as low-density residential per the comprehensive plan.

Issues

How much control does the county have to interpret a comprehensive plan.

Rule of Law

Comprehensive Plan

Conclusion

The initial trial court decision was to reverse policy 1.09.03 stating it led to an "absurd result" because of the extreme differences the land use designations it defined.

After appealing the court reversed its original reversal and upheld policy 1.09.03 following the comprehensive plan.

Rationale behind the final decision

The county followed the requirements of the comprehensive plan (a statutorily mandated legislative plan) regarding the decision of a disinterested party's designation of the site.

City of Cuyahoga Falls V. Buckeye Community Hope Foundation

United State Supreme Court. 538 U.S. 188 (2003)

Facts

In 1995, the City Council of Cuyahoga Falls, Ohio passed an ordinance allowing the construction of a multi-family, low-income housing complex by the Buckeye Community Hope Foundation: a nonprofit corporation dedicated to developing affordable housing. In 1996, a group of citizens filed a formal petition with the city requesting that the ordinance be revoked or submitted for a referendum. The Voters of Cuyahoga Falls passed the referendum, thus revoking the ordinance. Buckeye Foundation filed suit, claiming that by submitting the site plan to voters and rejecting application for building permit, the city violated the equal protection and substantive due process Clause of the Fourteenth Amendment and the fair housing Act.

Issues

If the referendum violates equal protection or substantive due process clause of the Fourteenth Amendment and the Fair Housing Act.

Rule of Law

Equal Protection and Due Process Clause of the Fourteenth Amendment & Fair Housing Act

Conclusion

The Supreme court found the referendum unconstitutional allowing the development to be built.

Rationale behind the final decision

The plaintiffs' claims was dismissed on the premises that :

- ❑ All power stems from the voters, it's lawful to demand for referendum. But referendum is not applicable to administrative acts in Ohio.
- ❑ The city's refusal to issue the permits while the petition was pending in no sense constituted arbitrary conduct. Thus the city may not be found in violation of equal protection or substantive due process unless accompanied by discernable standards or arbitrary and capricious.

Durand v. IDC Bellingham, L.L.C.

Massachusetts Supreme Judicial Court 793 N.E.2d 359 (Mass. 2003)

Facts

The city of Durand rezoned a small piece of land Industrial for the development of a potential power plant to be built by IDC Bellingham, L.L.C. The developer offered a "voluntary gift" of \$8M if the town voted in favor of rezoning.

Issues

Was the offer of \$8M an indication of contract zoning. Did the offer of money influence the voting town meeting members decision to rezone the property.

Conclusion

The court ruled against the presence of contract zoning.

Rationale behind the final decision

Timing is everything. Because the "gift" was "voluntary" and not conditionally required before the vote to rezone the property, it was considered. The defendant did not provide adequate proof that the town was not protecting the health, safety, morals, and welfare by approving the zoning change.

Rule of Law

The Home Rule Amendment

Marks v. City of Chesapeake

United State Court of Appeals, Fourth Circuit. 1989
883 F.2d 308

Facts

In 1982 Steven Marks purchased a residential property and requested the City of Chesapeake to rezone the property for commercial use so that he could operate a palmistry and fortune telling business. The city approved the zoning change through the city council under a conditional use permit (CUP). No member of the public opposed Marks' request. Mark applied for permit, the Planning Commission approved the permit. However, when Marks went back to the city council for final approval, some residents for the first time spoke against the proposed palmistry based on religious prejudice "unwholesome and immoral". Marks' permit application was unanimously denied by the city council on that grounds. Marks claimed that the city's action was arbitrary and capricious and as such violated the substantive due process.

Issues

Is the denial of permit on religious grounds a violation of substantive due process under the Fourteenth Amendment

Conclusion

The federal court's verdict was in favor of the plaintiff. Only nominal charges was awarded

Rule of Law

There was no rational nexus to the city's action: violation of Due Process Clauses of the Fourteenth Amendment

Rationale behind the final decision

The City's denial of Marks's permit based on religious prejudice was a violation of due process. But at the time of the final court's decision, Marks no longer owned the subject property and as such, injunctive relieve was awarded only for attorney's fees and cost because his other claims for compensatory damages as regards to loss of income was too speculative: no evidence.

Village of Willowbrook v. Olech

Supreme Court of the United States, 2000.
528 U.S. 562, 120 S.Ct. 1073, 15L.Ed.2nd 1060.

Facts

Grace Olech, a resident of the Village of Willowbrook, requested the Village to connect her property to the municipal water supply. At first instance, the Village agreed to Olech's request but on the condition that Olech must grant a 33-foot easement. Olech refused to comply with the condition, claiming that the Village only required a 15-foot easement from other residents, and sued the Village for violation of the Equal Protection Clause under the Fourteenth Amendment. The district court dismissed case due to failure to state a cause of action. The United States Court of Appeal for the seventh circuit reversed the judgement, granted certiorari.

Issues

If the Equal Protection Clause under the Fourteenth Amendment requires an individual to state a cognizable claim or cause of action

Conclusion

The plaintiff's allegation are sufficient to state a claim for relief under the Equal Protection Clause.

Rule of Law

14th Amendment.
There is no rational nexus to Village action. Violation of Equal Protection.

Rationale behind the final decision

If an individual alleges that he/she has been intentionally treated differently from other similarly situated individuals and there is no valid reason for that difference. Such evidence is sufficient to state a claim for relief under the Equal Protection Clause.

Kaahumanu v. County of Maui

United States Court of Appeals for the Ninth Circuit 315 F.3d 1215 (2003)

Facts

Pastor Laki Kaahumanu and Sandra Barker arranged wedding ceremonies on Barker's beach front property. In 1998, Baker applied for a Conditional Use Permit (CUP) to continue using the property for wedding ceremonies. After the Planning Commission recommended approval of the CUP, the council denied the permit and fined Barker for continuing to use her property for weddings.

Issues

Can legislative decisions be considered administrative as a defense for making decisions in an elected office position?

Conclusion

Yes, they can be considered administrative and deny the legislative immunity defense under § 1983.

Rule of Law

First Amendment
Fourth Amendment
Fourteenth Amendment
Religious Land Use and Institutionalized Persons Act (RLUIPA)

Rationale behind the final decision

Because the council's decision was focused on the individual property and not the county at large, it was determined that it (their decision) was administrative in nature and not legislative.

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