

# **Planning Law**

Fall, 2014

Wednesdays, 11:00 a.m. – 1:00 p.m.

Ware Lounge

## **Adjunct Professor Andrew Scherer**

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## **Teaching Assistant:**

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**Text:** Mandelker and Payne, Planning and Control of Land Development, Eighth Edition (Lexis Publishing)

Additional materials to be distributed through Courseworks

## **COURSE SYLLABUS**

***(note: assignments subject to change)***

### **Week 1: Wednesday, September 3, 2014**

#### **Introduction**

### **Week 2: Wednesday, September 10, 2014**

#### **Governmental Taking and Regulation of Property**

*Distributed:*

Health Dept. v. Rector of Trinity Church

Kaur v. UDC

Wallach v. Town of Dryden

Writing and Analysis in the Law

**Optional reading/reference:** Outline of U.S. Legal System, U.S. Department of State

**Week 3: Wednesday, September 17, 2014**

**Why Land Use Controls?**

Mandelker, 8th Ed.: pp. 1-24

**Nuisance Law and its Relationship to Land Use Regulation:**

Mandelker, 8th Ed.: pp. 63 - 74

Bove v. Donner-Hanna Coke Corp.

*Distributed:*

Rassier v. Houim

George v. Board of Directors

**Week 4: Wednesday, September 24, 2014**

**Eminent Domain**

Mandelker, 8th Ed.: pp. 74 – 86

Kelo v. City of New London

*Distributed:*

Berman v. Parker

Hawaii Housing Authority v. Midkiff

**Week 5: Wednesday, October 1, 2014**

**Takings and the Police Power:**

Mandelker, 8th Ed.: pp. 86 - 126

Pennsylvania Coal Co. v. Mahon

Village of Euclid v. Ambler Realty Co.

Penn Central Transportation Co. v. City of New York

**First Assignment (Briefing a Case) Due**

**Week 6: Wednesday, October 8, 2014**

**Later Supreme Court Takings Jurisprudence:**

Mandelker, 8th Ed.: pp. 126 - 133; 144 – 160; 172 - 180

Nollan v. California Coastal Commission

Lucas v. South Carolina Coastal Council

Lingle v. Chevron USA, Inc.

**Takings and the New York Court of Appeals**

*Distributed:*

Seawall Associates v. City of New York

**Week 7: Wednesday, October 15, 2014**

**Exclusionary and Inclusionary Zoning**

Mandelker, 8th Ed.: pp. 457 - 505

Southern Burlington County NAACP v. Mount Laurel

*Distributed:*

Suffolk Housing Services v. Town of Brookhaven

**Week 8: Wednesday, October 22, 2014 (take-home mid-term examination handed out)**

**Housing Discrimination**

Mandelker, 8th Ed.: 505 – 536

Village of Arlington Heights v. Metropolitan Housing Development Co.

Huntington Branch NAACP v. Town of Huntington

Larkin v. Michigan Dept. of Social Services

*Distributed:*

Yick Wo v. Hopkins (edited)

Mount Holly Gardens Citizens in Action v. Township of Mount Holly  
(edited)

**Week 9: Wednesday, October 29, 2014 (mid-term due)**

**How Community Concerns Become Legal Issues**

*Distributed Readings TBA*

**Week 10: Wednesday, November 5, 2014**

**Zoning, Families and the First Amendment**

*Families:*

Mandelker, 8th Ed.: pp. 285 - 304

Village of Belle Terre v. Boraas

City of Cleburne v. Cleburne Living Center

*First Amendment Considerations:*

Mandelker, 8th Ed.: pp. 355 – 378

City of Renton v. Playtime Theatres

Civil Liberties for Urban Believers v. City of Chicago

*Distributed:*

City of New York v. Les Hommes

Waller v. City of New York (Occupy Wall Street)

Occupy Boston v. City of Boston

**Week 11: Wednesday, November 12, 2014**

**Environmental Land Use Controls and Environmental Review Requirements  
Aesthetics, Design and Advertising Controls and Historic Preservation**

Mandelker, 8th Ed.: 837 - 850; 883 - 894; 900 - 913

Metromedia, Inc. v. City of San Diego

Figarsky v. Historic District Commission

Fred F. French Investing Co. v. City of New York

**Week 12: Wednesday, November 19, 2014**

**The Zoning Process, Variances, Amendments, and Comprehensive  
Planning**

Mandelker, 8th Ed.: 160 - 172; TBA

Tahoe-Sierra Preservation Council v. Tahoe Regional Planning

Agency

Ecker Bros. v. Calumet County

*Distributed:*

Chinese Staff and Workers Association v. Koch

Chinese Staff and Workers Association v. Burden

Berish v. Southwestern Energy

FPL Farming v. Environmental Processing Systems

Metropolitan Taxicab Board of Trade v. City of NY

NYT: "‘Social Risk’ Test Ordered by China for Big Projects"

**Week 13: Wednesday, November 26, 2014**

Mandelker, 8th Ed.: pp. 537 - 547; 558 - 567; 585 - 605; 643 - 654

Puritan-Greenfield Improvement Ass’n v. Leo

Western Land Equities, Inc. v. City of Logan

Kuehne v. Town of East Hartford

Haines v. City of Phoenix

*Distributed:*

\_\_\_\_\_ Parkview Associates v. City of NY

**Week 14: Wednesday, December 3, 2014 (final exam handed out)**  
**TBA**