

# MASTER OF URBAN AND REGIONAL PLANNING

## URP 6131 LAND USE PLANNING LAW

### Basic course information

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Spring 2020 academic term  
3 credits  
Letter grading scheme  
No pre-requisites

### Instructor

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#### General

W. Thomas Hawkins, JD, AICP  
Program Director and Lecturer  
Department of Urban and Regional Planning  
College of Design, Construction and Planning

#### Contact

(352) 294-1483 desk  
(352) 377-3141 cell  
431B ARCH  
hawkins@dcp.ufl.edu

#### Office hours

You may call me, send me email, or message me through Canvas during daytime hours (eastern standard time) seven days a week. If I am not immediately available, I will respond to your communication as soon as is practical.

If you would like to meet personally, I am happy to schedule a time convenient to us both to meet in my office. In addition, I strive to be available in my office at the times below.

#### *Walk-in office hours*

Monday	Friday
9 AM to 11 AM	9 AM to 10 AM

### Course information

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#### Description from Graduate Catalog

Introduction to regulatory and nonregulatory techniques of plan implementation. Relationship of law and politics to the planning process. Police power as the basis for regulation. Mandatory planning and status of adopted comprehensive plans.

## Objectives

- You will read and comprehend land use laws in statutes and judicial decisions.
- You will describe or recall key terms and concepts in land use law.
- You will attend a quasi-judicial land use hearing and evaluate whether the local government afforded appropriate due process.
- You will write clearly to describe land use law rules.
- You will apply land use law rules to hypothetical facts to determine whether government actions violate private rights.
- You will write clearly to present your analysis of hypothetical facts against land use law rules.

## Required materials

The course packet, *Land Use Law with a Florida Focus*, includes required readings and assignments.

## Schedule

In class lecture, I will address the following topics in this order. This order of topics also corresponds to the order in which the course packet addresses them. I will announce assignment due dates throughout the semester.

### Topics

Module	Subtopics
Introduction	
Nuisance	Private nuisance and public nuisance Reasonable man doctrine Reasonable use doctrine
Local government land use powers	Dillon's Rule Home rule
Procedural due process	Fairly debatable standard Strict scrutiny standard Distinction between legislative and quasi-judicial decisions Process required in quasi-judicial land use decisions
Florida's framework for planning	
Particular quasi-judicial decisions	Exceptions Variances Spot zoning

Module	Subtopics
Property rights	Eminent domain Per se regulatory takings Ad hoc balancing test for regulatory takings Equitable estoppel Harris Act
Infrastructure finance and permit conditions	Exactions Taxes, assessments, and fees Tax increment financing Community development districts Concurrency Development agreements Contract zoning Restrictive covenants as development conditions
Equal protection	Class based discrimination Classes of one
Substantive due process	Speech Free exercise and RLUIPA
Dormant Commerce Clause	
Establishment Clause	

### Grading policy

The course includes the following assignment categories. The grades you earn on assignments in each category will contribute to your course score in the following proportions.

#### *Proportionate assignment weight*

Assignment	Description	Weight toward final score
Discussions/Attendance	Students enrolled in an online section must participate in class discussions through Canvas. Students enrolled in a residential section must attend class.	10%

Assignment	Description	Weight toward final score
Quizzes	Throughout the semester, I will assign you quizzes through Canvas.	10%
Hypothetical responses	Throughout the semester, I will assign you hypothetical prompts from the course packet.	20%
Quasi-judicial hearing response	I will assign you a quasi-judicial hearing response paper after teaching you about the process required in quasi-judicial hearings.	20%
Midterm exam	I will assign you a midterm examination about halfway through the course.	20%
Final exam	I will assign you a final exam at the conclusion of the course.	20%

***Letter grades and grade points correspond with these scores.***

Grade	Grade points	Score
A	4.00	≥94%
A-	3.67	≥90% and <94%
B+	3.33	≥87% and <90%
B	3.00	≥84% and <87%
B-	2.67	≥80% and <84%
C+	2.33	≥77% and <80%
C	2.00	≥74% and <77%
C-	1.67	≥70% and <74%
D+	1.33	≥67% and <70%
D	1.00	≥64% and <67%
D-	0.67	≥60% and <64%
E	0.00	<60%

## Attendance policy

Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with [university policies that can be found here](#).

If you are enrolled in a residential section of the course, absence from more than 15% of classes will result in you earning no credit for class attendance. If you believe that a specific absence should be excused pursuant to university policies, retain your records related to that absence. If you exceed the permitted number of absences, you may request some absences be excused and may provide supporting documentation.

## Learning management system contains additional course information

The learning management system contains additional course information, including assignment descriptions and details on how the instructor will score individual assignments.

## Additional statements

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Excused absences must be consistent with [university policies in the Graduate Catalog](#) and require appropriate documentation. [Additional information can be found here](#).

[More information on UF grading policy may be found here](#).

## Students requiring accommodations

Students with disabilities requesting accommodations should first register with the [Disability Resource Center](#) (352-392-8565) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

## Course evaluation

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. [Guidance on how to give feedback in a professional and respectful manner is available online](#). Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, [or via this link](#). [Summaries of course evaluation results are available to students here](#).

## University Honesty Policy

UF students are bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code.” On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.” [The Honor Code](#) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor or TAs in this class.

## Software use

All faculty, staff, and students of the University are required and expected to obey the laws and legal agreements governing software use. Failure to do so can lead to monetary damages and/or criminal penalties for the individual violator. Because such violations are also against University policies and rules, disciplinary action will be taken as appropriate. We, the members of the University of Florida community, pledge to uphold ourselves and our peers to the highest standards of honesty and integrity.

## Student privacy

Federal laws protect your privacy with regards to grades earned in courses and on individual assignments. [More information is available here.](#)

## Campus Resources

### *Health and Wellness*

- The [Counseling and Wellness Center](#) provides a variety of services, including mental health counseling. You can contact the Counseling and Wellness Center by telephone at 352-392-1575.
- U Matter, We Care. If you or a friend is in distress, please contact [umatter@ufl.edu](mailto:umatter@ufl.edu) or 352-392-1575 so that a team member can reach out to you.
- You can contact the [University Police Department](#) at 352-392-1111 (or 911 in case of emergency).
- Sexual Assault Recovery Services. You can contact the Student Health Care Center at 352-392-1161.

### *Academic Resources*

- [E-learning technical support](#), 352-392-4357 (select option 2) or [learning-support@ufl.edu](mailto:learning-support@ufl.edu), provides help with Canvas.
- The [Career Resource Center](#), Reitz Union, 352-392-1601, provides career assistance and counseling.
- [Library Support](#) provides various ways to receive assistance with respect to using the libraries or finding resources.
- The [Teaching Center](#), Broward Hall, 352-392-2010 or 352-392-6420, provides help with general study skills and tutoring.
- The [Writing Studio](#), 302 Tigert Hall, 352-846-1138, provides help brainstorming, formatting, and writing papers.
- Complain through [Student Complaints Campus](#).
- Complain through [On-Line Students Complaints](#).