

 FLORIDA ATLANTIC UNIVERSITY	COURSE CHANGE REQUEST Graduate Programs	UGPC Approval _____ UFS Approval _____ SCNS Submittal _____
	Department School of Urban and Regional Planning College Design and Social Inquiry	Confirmed _____ Banner Posted _____ Catalog _____
Current Course Prefix and Number URP 6131	Current Course Title Legal Aspects of Planning	
<i>Syllabus must be attached for ANY changes to current course details. See Guidelines. Please consult and list departments that may be affected by the changes; attach documentation.</i>		
Change title to: Change prefix From: _____ To: _____ Change course number From: _____ To: _____ Change credits* From: _____ To: _____ Change grading From: _____ To: _____ <small>*Review Provost Memorandum</small>	Change description to: Change prerequisites/minimum grades to: delete URP 6101 prerequisite Change corequisites to: Change registration controls to: Please list existing and new pre/corequisites, specify AND or OR and include minimum passing grade.	
Effective Date (TERM & YEAR) Fall 2017	Terminate course List final active term	
Faculty Contact/Email/Phone Dr. Steven Bourassa/sbourassa@fau.edu/74279		
Approved by Department Chair <u>Steven C. Bourassa</u> <small>Digitally signed by Steven C. Bourassa DN: cn=Steven C. Bourassa, o=Florida Atlantic University, ou=School of Urban and Regional Planning, email=sbourassa@fau.edu, c=US Date: 2017.02.17 11:58:52 -05'00'</small>	Date _____ 2/17/2017 _____ 2/18/17 _____ 2/20/17 _____ 3-29-2017 _____ 3-29-17 _____ _____ _____	
College Curriculum Chair <u>Diane Sherman</u> <small>Digitally signed by Diane Sherman Date: 2017.02.18 14:32:24 -05'00'</small>		
College Dean <u>Wesley Hawkins</u>		
UGPC Chair <u>Wm R McDaniel</u>		
Graduate College Dean <u>[Signature]</u>		
UFS President _____		
Provost _____		

Email this form and syllabus to UGPC@fau.edu one week before the UGPC meeting.

URP 6131
Legal Aspects of Planning
Spring 2017

Instructor: Peter J. Henn, J.D., AICP
Email: PHenn@FAU.edu
Cell : (561) 558-3884
Office Location: SO-284. Tuesday/Thursday Noon-3:00 PM or by appointment
Course Location: AL 342
Course Time: 6:30pm-9:20pm Tuesdays
Credits: 3

Course Description

Planning does not take place in a theoretical vacuum; it is limited by both legal and political constraints. Many great planning ideas- even those that may be good for the public interest- cannot move forward because they either (1) violate the legal rights of private individuals or other aspects of the law and/or (2) lack political and community support. If other courses in the FAU School of Urban and Regional Planning teach you how to “color within the lines,” this course will teach you how to “establish those lines.” Although land use and zoning attorneys (and judges) are ultimately responsible for upholding the law, planners must have a good working knowledge of how the law impacts planning in order to be effective in their profession. Although this course is *not* a law school class, it will provide a legal framework and knowledge of land use and zoning law that is usually reserved for upper-level law school students; but there will be an added emphasis on planning theory and planning application as well.

Course Objectives

1. Understand in general how the law impacts and shapes planning and, thus, impacts the development, and redevelopment, of cities.
2. Understand specific aspects of zoning and land use controls and how they shape planning and limit development.
3. Understand how politics and community support, or lack thereof, can impact planning and, thus, development.
4. Understand that it is better to avoid a land use dispute with the community by working with them on planning and development projects than it is to litigate the matter in a courtroom, even when the law may be on your side.
5. Understand that it is better to settle a land use dispute with local government than it is to continue with lengthy and expensive litigation.
6. Understand the structure of a form-based zoning code.

Course Textbook and Readings:

There are two required textbooks for the course:

1. Dawn Jourdan and Eric J. Strauss, *Planning for Wicked Problems: A Planner's Guide to Land Use Law*, Routledge (2016).
2. John J. Delaney, Stanley D. Abrams and Frank Schnidman, *Handling the Land Use Case* (Chapter 1 only), Thomson West (2007). *****DO NOT PURCHASE THIS BOOK—A FREE COPY WILL BE PROVIDED TO YOU IN CLASS**

In addition to these textbooks, there will be class notes, articles, and reports assigned in different classes. These readings will be handed out in class and/or available on Canvas or available online. At a minimum, the following will be included:

1. First, Fifth and Fourteenth Amendments to the United States Constitution (find on-line).
2. City of Boca Raton, Florida Code of Ordinances, Chapter 28- Zoning, Article X (Multifamily Residential Districts) and Article XI (Business and Commercial Districts) (locate at www.municode.com).
3. Planning, legal and settlement documents associated with Carillon Major PUD Amendment, Seminole County, Florida
4. City of Asheville, North Carolina River Arts District Form-Based Code, work-in-progress- not adopted (located at www.ashevollenc.gov)

Grading

The course includes a combination of lectures by the instructor and class discussions. The course is an exercise in reading, thinking, writing, and sharing ideas rather than passive listening. Students should read the required readings *before* class and participate in class discussions. The following grading system will be used to determine the final grade:

Written Assignments (90%)

Mid-Term Exam	45%
Form-Based Code Project	45%

Verbal Assignments (10%)

Class Participation	10%
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Total	100%
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Final grades will be assigned as follows:

A	94-100 points
A-	90-93 points
B+	87-89 points
B	84-86 points
B-	80-83 points
C+	77-79 points
C	74-76 points
C-	70-73 points
D+	67- 69 point
D	64-66 points
D-	60-63 points
Fail	< 60 points

Grades that fall in between letter grade assignments will be rounded according to the following criteria: Grades that end with .50 or above will be rounded up and grades that end with any value below .50 will be rounded down. For example 93.50 will be rounded to 94, which is A. 93.47 will be rounded to 93, which is A-.

Mid-Term Exam:

The mid-term exam will be a take-home exam and have both short answer and essay questions. The exam will include materials covered in class and in the assigned readings.

Form-Based Code Project:

Prepare a form-based zoning code for an urban area that needs redevelopment and present it to the class.

Attendance and Class participation:

Attendance will be taken at every class during the semester; in total attendance and class participation will be 10% of your overall grade. If you are not able to attend a

class due to medical emergency please notify the instructor as soon as possible. You need to demonstrate a proof of your absence from the doctor; otherwise you will not receive the credit for the missed attendance. Attendance is not limited to showing up in the beginning of the class, it also includes showing up on time and staying until the end. Together with attendance, participation is also important. Participation is engaging in class discussions and asking questions.

Course Webpage and Communication

A course website is available at FAU Canvas. Course syllabus and necessary materials will (may) be posted there. All course updates will (may) be added on Canvas as an announcement. The instructor will (may) use your FAU address to communicate with you. Check your FAU email regularly. This is very important.

Cellular Phones and Laptop Computers

During the class period, turn off your cellular phones and laptop computers. During the class period, you *may not* take notes on your laptops (bring paper and pen). Email, chatting, and surfing on the web are strictly prohibited during the class period.

Information for Students with Disabilities

In compliance with the Americans with Disabilities Act Amendments Act (ADAAA), students who require reasonable accommodation due to a disability to properly execute coursework must register with Student Accessibility Services (SAS)- in Boca Raton, SU 133 (561-297-3880); in Davie, LA 203 (954-236-1222); or in Jupiter, SR 110 (561-799-8585)- and follow all SAS procedures.

Course Work Schedule

Please see attached. Subject to change by the Instructor.

Week	Date	6:30pm – 7:20pm	7:30pm – 8:20pm	8:30pm- 9:20pm
1	10-Jan	Course Overview	Handling the Land Use Case	(cont.)
2	17-Jan	Handling the Land Use Case	(cont.)	(cont.)
3	24-Jan	Wicked Problems- Chapters 1/2/3	(cont.)	Carillon Major PUD Amendment- Staff Report
4	31-Jan	Wicked Problems- Chapters 4/5	(cont.)	Carillon Major PUD Amendment- Staff Report
5	07-Feb	Wicked Problems- Chapters 6/7/8	(cont.)	Carillon Major PUD Amendment- Litigation
6	14-Feb	Wicked Problems- Chapters 9/10	(cont.)	Carillon Major PUD Amendment- Litigation
7	21-Feb	Wicked Problems- Chapters 11/12/13/14	(cont.)	Carillon Major PUD Amendment- Settlement Agreement
8	28-Feb	TAKE-HOME MID-TERM EXAM- NO CLASS		
9	7-Mar	SPRING BREAK – NO CLASS		
10	14-Mar	Review Mid-Term Exam	(cont.)	(cont.)
11	21Mar	Overview of Form-Based Codes	(cont.)	Asheville Form-Based Code
12	28-Mar	Work on Form-Based Code		
13	04-Apr	Work on Form-Based Code		
14	11-Apr	Work on Form-Based Code		
15	18-Apr	Work on Form-Based Code		
16	25-Apr	Reading Period		
17	02-May	Presentations of Form-Based Codes		