

# BADM 6940

## Land Use Law

### Course Syllabus for Spring 2014

**Lectures:** W 4:00pm-6:45pm  
950 Seventeenth Street, Suite 1600, Denver, Colorado 80202

**Instructor:** Thomas Ragonetti

**Office:** 950 Seventeenth Street, Suite 1600, Denver, Colorado 80202

**Office Hours:** By appointment

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#### **Description and Objective:**

This course examines the Federal, state and local regulations governing land use in the United States and surveys the basic principles of urban planning and public finance. The course describes the basic tools that governments use to control land use: Euclidean zoning, nuisance law, police power, eminent domain and takings, planned unit developments, historic preservation, wetlands and flood zones, airports, endangered species, view restrictions, and environmental law. The course then reviews the literature on growth management and sustainable real estate development. Finally, the course examines the techniques that governments and real estate developers use to finance new construction: public finance, urban renewal and special districts.

#### **Required Materials:**

Materials will be provided one week in advance of class via email.

#### **Disability Statement:**

If you qualify for accommodations because of a disability, please submit a letter from Disability Services to me in a timely manner so that your needs be addressed. Disability Services determines accommodations based on documented disabilities. Contact: 303-492-8671, Center for Community N200, or see <http://www.Colorado.EDU/disabilityservices>.

If you have a temporary medical condition or injury, see the guidelines at <http://www.colorado.edu/disabilityservices/go.cgi?select=temporary.html>.

#### **Absences Due to Religious Observances:**

Campus policy regarding religious observances requires that faculty make every effort to deal reasonably and fairly with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. If you have a conflict with a test or assignment for this course because of a religious obligation, see me to schedule an alternative date. For details see [http://www.colorado.edu/policies/fac\\_relig.html](http://www.colorado.edu/policies/fac_relig.html).

**Classroom Behavior:**

Students and faculty each have responsibility for maintaining an appropriate learning environment. Those who fail to adhere to such behavioral standards may be subject to discipline. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, color, culture, religion, creed, politics, veteran's status, sexual orientation, gender, gender identity and gender expression, age, disability, and nationalities. Class rosters are provided to the instructor with each student's legal name. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records. For policies governing classroom behavior, see <http://www.colorado.edu/policies/classbehavior.html> and [http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student\\_code](http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student_code).

**Policy on Discrimination and Harassment:**

The University of Colorado Boulder (CU-Boulder) is committed to maintaining a positive learning, working, and living environment. The University of Colorado does not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status in admission and access to, and treatment and employment in, its educational programs and activities. (Regent Law, Article 10, amended 11/8/2001). CU-Boulder will not tolerate acts of discrimination or harassment based upon Protected Classes or related retaliation against or by any employee or student. For purposes of this CU-Boulder policy, "Protected Classes" refers to race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, or veteran status. Individuals who believe they have been discriminated against should contact the Office of Discrimination and Harassment (ODH) at 303-492-2127 or the Office of Student Conduct (OSC) at 303-492-5550. Information about the ODH, the above referenced policies, and the campus resources available to assist individuals regarding discrimination or harassment can be obtained at <http://www.colorado.edu/odh>.

**Honor Code Policy:**

All students of the University of Colorado at Boulder are responsible for knowing and adhering to the academic integrity policy of this institution. Violations of this policy may include: cheating, plagiarism, aid of academic dishonesty, fabrication, lying, bribery, and threatening behavior. All incidents of academic misconduct shall be reported to the Honor Code Council ([honor@colorado.edu](mailto:honor@colorado.edu); 303-735-2273). Students who are found to be in violation of the academic integrity policy will be subject to both academic sanctions from the faculty member and non-academic sanctions (including but not limited to university probation, suspension, or expulsion). Other information on the Honor Code can be found at <http://www.colorado.edu/policies/honor.html> and at <http://www.colorado.edu/academics/honorcode/>.

**Course Requirements and Grading:**

The final grade will be based on a seven-day take home exam (80% of grade) and class participation (20% of grade).

**Expected Grade Distribution:**

The faculty of the Leeds School of Business has established grading guidelines for all courses and degree programs offered by the Leeds School. The maximum average Grade Point Average for an elective course in the MBA program is 3.6. I intend to follow the established Grading Guidelines.

## Schedule of Classes, Course Outline and Assignments

<b><u>Class #</u></b>	<b><u>Class Description</u></b>
1	<ul style="list-style-type: none"> <li>- Introduction and brief history of city planning movement</li> <li>- Context and players: governments, governmental bodies and officials; power formulas</li> </ul>
2	<ul style="list-style-type: none"> <li>- Basic tools: Euclidean zoning               <ul style="list-style-type: none"> <li>• Nuisance law, Police Power, <u>Euclid</u></li> <li>• Euclidean theory and comprehensive plans</li> </ul> </li> </ul>
3	<ul style="list-style-type: none"> <li>• Use regulation</li> <li>• Regulation of physical parameters</li> <li>• Changes and exceptions; spot zoning &amp; contract zoning</li> </ul>
4	<ul style="list-style-type: none"> <li>• Shortcomings (practical issues)</li> <li>• PUD's</li> </ul>
5	<ul style="list-style-type: none"> <li>- Basic tools: subdivision regulations: history and workings &amp; CC&amp;Rs</li> </ul>
6 & 7	<ul style="list-style-type: none"> <li>- Basic issues:               <ul style="list-style-type: none"> <li>• Rationality; due process and Section 106</li> <li>• Takings                   <ul style="list-style-type: none"> <li>▪ Basic analysis &amp; illustrations</li> <li>▪ The "takings tree"</li> <li>▪ The <u>per se</u> rules</li> <li>▪ The exactions cases</li> </ul> </li> </ul> </li> </ul>

8	<ul style="list-style-type: none"> <li>• Vested rights <ul style="list-style-type: none"> <li>▪ Rule, issues and illustrations</li> <li>▪ Responses <ul style="list-style-type: none"> <li>▶ Statutory</li> <li>▶ Development agreements</li> </ul> </li> </ul> </li> </ul>
9	<p>– Advanced and specialized tools (workings &amp; issues):</p> <ul style="list-style-type: none"> <li>• Advanced: <ul style="list-style-type: none"> <li>▪ Performance and form-based zoning</li> <li>▪ TDR's</li> <li>▪ Exactions, linkages and impact fees</li> </ul> </li> </ul>
10	<ul style="list-style-type: none"> <li>• Growth Management</li> </ul>
11	<ul style="list-style-type: none"> <li>• Specialized: <ul style="list-style-type: none"> <li>▪ Historic preservation</li> <li>▪ Wetlands and flood zones</li> <li>▪ Airports</li> <li>▪ Endangered species</li> <li>▪ View restrictions</li> <li>▪ Land use and environmental law</li> </ul> </li> </ul>
12	<p>– Basics of public finance, urban renewal (and tax increment financing) and special districts</p>
13	<p>– Advanced issues:</p> <ul style="list-style-type: none"> <li>• First Amendment issues</li> <li>• “Family” issues, the Federal Fair Housing Act and low income housing</li> </ul>
14	<p>– Review and questions</p>