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Land Use Law

Class One

Introduction

Review of Structure of City Government and Role as “Creatures of the States”

Discussion re. Police Power; General Over-view of Zoning

Class Two

Constitutional Issues and Zoning

Euclid v. Amber Case

Zoning Basics

Zoning Process/Adoption of Zoning by Local Legislature

Use/Bulk Distinctions; Conformance/Compliance; Enforcement

Class Three

Residential Uses and Zoning Policy

Density - State v. Baker Case

New York City Zoning for Family Units (read statute)

Light and Air issues (20 Pine Street project)

Hotels, Home-Occupation uses and methods of regulating residential uses

Class Four

Commercial Uses

Zoning Classification in New York and Suburban Jurisdictions

Commercial “overlay” districts
“Big Box Stores” vs. Contextual and Neighborhood-oriented Commercial Establishments

Class Five/Class Six

Industrial Uses

Legal performance standards

Mixed-Use Zoning Laws

Religious and “Community Facility” Uses - Zoning Law in NYC

Cornell v. Bagnardi Case

NYC approach to balancing

Class Seven

Regulation of Adult Uses [intersection of Free Speech and Zoning]

Playtime Theatres v. Renton Case

NYC experience - Review NYC Zoning Statute

Disburse or Concentrate; Secondary Effects

Introduction to Environmental Law

City Environmental Quality Review (CEQR)

State and Federal Regulations

Class Eight/Nine

Components of Environmental Law

Impact of Categories and Mitigation

Chinese Staff and Workers v. City of New York Case

Waterfront Zoning

Class Eleven/Twelve

Relief from Strict Application of Zoning

As of Right v. Special Permits

Tullo v. Milburn Township Case

Zoning Variances - Use and Bulk - NYC Boards of Standards and Appeals (B.S.A.)

Interpretation of Zoning - Appeal Cases

Review of NYC B.S.A. *Trump Tower Decision*

New York Article 78 Procedure

Class Thirteen

Exclusionary Zoning

Mount Laurel I Case

Housing Not a Fundamental Right

Fair Share Issues

Mount Laurel II Case

Inclusionary or Mandatory Affordable Housing

New York City experience - Real Inclusionary Housing Statute

Class Forteen

Takings Issue

Dolan v. City of Tigard Case - Rough Proportionality

The Takings Clause - 5th Amendment to the Constitution

Class Fifteen/Sixteen

Eminent Domain

Kelo v. Town of New London case

Class Requirements

Optional Take-Home Mid-Term {handful of short answer questions; choose 2 out of 3 essay questions}

Final Exam {same format}

Class Participation will count for roughly 25% of the grade