

URP 6603: Development Review, Spring Semester 2016

(Section 1E90)

Monday 10th Period (5:10 - PM), Wednesday 10-11th Period (5:10 – 7:05 PM)

439 Arch. Building

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Description:

Urban planners must know *how* and *why* jurisdictions at all levels throughout the US regulate the development of lands (and buildings). To this end, the course is designed to introduce students to the concepts and processes of Development, Regulation and Control. We focus on the theory and practice of development control, with special attention devoted to local and state laws, policies and practices.

Attendance is Mandatory:

One unexcused absence is permitted. (Note that this includes unexcused field trips.) On your second unexcused absence there will be an automatic 1 letter grade reduction to your final grade (thus, an “A” will be lowered to a “B”, and so on). Moreover, I expect you to get to class on time and to be prepared to participate.

Practical Considerations

At a very practical level, the course aims to provide students with a basic understanding of land development regulation. Since planning is inherently a political process, we will also consider the implications of politics and socio-economic influences on land and building oversight by government.

Prerequisites

None, but enrollment is limited to graduate students.

Grading

1. Journal	15%
2. Public Meetings	15%
3. Skit	15%
4. Paper	20%
5. Final Exam	20%
6. Attendance and Participation	<u>15%</u>
	100%

Course Grading Scale

93- 100 =	A
90- 92 =	A-
87- 89=	B+
83- 86=	B
80- 82=	B-
77- 79=	C+
73- 76=	C
70- 72=	C-
67- 69=	D+
63- 66=	D
<u>60- 62=</u>	<u>D-</u>
<59 or less=	E

Professional Work Policy and Papers

I expect students to hand in their work on time and will reduce individual project grades for late submissions. Work must be in professional formats and appearance (that is, typed, unless otherwise specified) and include references where appropriate. **Important: I will not accept papers without names and page numbers on each page. (Just use headers.)**

The final paper must be 5-7 pages (Max.), excluding bibliography and illustrations, and must be properly referenced and discusses some of the principles or issues that we covered this semester in class. All students must tell me in writing by Feb 17, what their topic will be. On Monday March 7, and Wednesday March 9, students will present a 5-10 minute verbal *summary* of progress on their paper in class.

Student Honor Code and Academic Honesty:

Students MUST follow the University's policy regarding cheating and the use of copyrighted materials. Please consult the graduate catalog or visit <http://www.dso.ufl.edu/stg/> for more information. The University of Florida has a strong anti-plagiarism policy, which is described in detail in sections 2 and 3 of the Student Honor Code, above.

Accommodations for Students with Disabilities:

Students requesting classroom accommodation must first register with the Dean of Students Office. That office will provide documentation to the student who must then provide this documentation to the Instructor when requesting accommodation.

Assignments

- 1) **Journal**: Students must keep a journal in which he/she keeps class notes, assignments and 1-page reaction papers to guest lecturers. The journal should also be used to record questions that you have about issues that were not answered or discussed (to your satisfaction) in class. **(15 points)**
- 2) **Public Meetings**: Students must attend three (3) public meetings during this semester. Write a one page (max) description of the meeting which must include, a) the name of the board or agency under whose aegis the meeting is conducted, (b) the date(s) of the meeting, (c) your notes as to what the meeting was about and what happened, and (d) a summary of the results of the meeting. **(15 points)**
- 3) **Regulatory Skit**: I will assign teams to develop a regulatory skit that involves a conflict among a petitioner (a citizen), a representative of a public agency that has input into a land development process, and a senior planner (or planning manager) in a US jurisdiction. The skit must have a beginning, middle and end and illustrate an issue that we have discussed in class or is pertinent to land development. **(15 points)**
- 4) **Final Paper**: There are many interesting topics in land and development regulation (e.g. takings, exclusionary zoning, “moral” zoning, eminent domain, etc.) Focus on a topic and write a research paper of 5-7 pages (not counting bibliography and illustration, if any) and submit it by April, 29. **(20 points)**
- 5) **Final Exam**: **(20 points)**
- 6) **Attendance and class participation** I believe that students learn as much (or more) from interaction with their colleagues as from anything else. For that reason, students will be graded on their attendance and class participation. **(15 points)**

Required readings: (on-line and free)

The US Constitution (Skim but pay special attention to the Bill of Right and especially Amendments 4, 5, 10, and 14). Be able to recite one of these from memory.

<http://www.ushistory.org/documents/amendments.htm#amend10>

Chapter 163, Florida Statutes, Part I, (Skim this)

https://www.lawserver.com/law/state/florida/statutes/florida_statutes_chapter_163_part_i

(Pay particular attention to 163.2514, definitions)

Chapter 163, Florida Statutes, Part III

https://www.lawserver.com/law/state/florida/statutes/florida_statutes_chapter_163_part_iii

(Focus on FS 163.356 -163.450)

City of Gainesville Development Review processes

http://www.cityofgainesville.org/Portals/0/plan/docs/GIS_Brochure_Guide-to-Development-Review-Process.pdf

Alachua County Growth Management

<https://growth-management.alachuacounty.us/development/review/process/>

Recommended

New York City:

A History of Zoning <http://www.nyc.gov/html/dcp/html/zone/zonehis.shtml>

American Planning Association, 2006. *Planning and Urban Design Standards*. John Wiley & Sons, Inc.

Babcock, Richard F. (1969) **The Zoning Game: Municipal Practices and Policies**, University of Wisconsin Press. (Madison, Wisconsin) **This is a classic work in the field.**

Goodman, William I and Freund, Eric C. (1968), **Principles and Practice of Urban Planning ICMA, Washington, D.C. Classic work: every planner should have this volume in their library**

Juergensmeyer, Julian C. and Roberts, Thomas E. (2013) **Land Use and Development Regulation, Third Edition**. West Publishing Co.

Merriam, Dwight, (2005) **The Complete Guide to Zoning**, McGraw Hill, New York

Williams, Norman, (1966) **The Structure of Urban Zoning: and its dynamics in urban planning and development**. Buttenheim Publishing Co., New York, NY. (One of Professor Bartley's favorite texts)

Course Outline: This syllabus is my plan for the semester. All plans must be flexible to accommodate changes, especially unanticipated ones. This syllabus is no different.

Week 1: (Weds, Jan 6)

Introduction to Land Use Regulation and Control

Territoriality

Why should governments have the power to regulate development and land planning?

Sources of power in the US to regulate land

Inherent and Implied Powers

Local government charters

Home Rule

Why plan: what are its functions?

The *practice* of planning

“Planning is political” E.R. Bartley

Who are planners and where do they come from?

Week 2: (Mon. Jan. 11 – Weds, Jan 13)

History of Planning and Development Regulation (before the 20th Century)

History of Codes and Development Review Processes

The Colonial Planning Period

Sanitary Reform Movement

City Beautiful Movement

Planning Commissions

Early City Plans

Rational, comprehensive planning

Can planning be *truly* rational?

Can Planning be comprehensive? (Can anything be truly *comprehensive*?)

Comprehensive planning as legal documents

Plans as *optional* policy

Plans as *mandatory* policy documents

Incentive-based comprehensive plans

Implications of consistency in planning and especially rat.comp, planning

What is *consistency*?

“Smart growth” and new urbanism

Background of Local Government Planning and Regulation in the United States

Week 3: (Mon, Jan. 18 NO CLASS), (Class on Weds, Jan 20)

How are Planning and Zoning related?

What is zoning and why should governments have the power to zone land?

Brief history of zoning

Some Purposes of Zoning

General purposes

Preservation of property values

Preservation of Character and Aesthetics

Traffic Safety

Public health

Regulation of competition
Zoning as a means of increasing the tax base
Promotion of morals
Growth Management

Week 4: (Mon, Jan. 25 – Weds, Jan 27)

Promulgation of zoning ordinances in the US

Euclid and Nectow

Zoning displaces planning (at least initially)

Standard Zoning Enabling Act

Alternatives to Zoning and the Standard Act

Model Land Development Code

Wipeouts and Windfalls Recaptures

Types of Zoning

General Types of Zoning

Use Zoning

Permitted Uses

Regulating Use but not Ownership

Cumulative and Exclusive Use Zoning

Higher and Lower Use Zones

Intensive and Un-intensive Zones

Exclusive and Cumulative Use Zones

Accessory Uses and Home Occupations

Week 5: (Mon, Feb 1-Weds, Feb 3)

Floor Area Ratios

Flexibility of Zones

Floating zones

Conditional Zoning

General Rezoning Processes
Incentive Zoning
Performance Zoning
Interim, Overlay and Moratoria

Week 6: (Mon, Feb 8- Weds, Feb 10)

Government and Community Uses
Non-Conforming Uses
Zoning Processes: Development Permission
Exclusionary and Inclusionary Zoning

Week 7: (Mon, Feb 15-Weds, Feb 17)

Plats and Plat maps

Subdivisions

General Subdivision Control Law

Subdivision history

Definition of subdivision

Relation to planning

Relation to zoning

Approval Processes

Week 8: (Mon, Feb. 22-Weds, Feb. 24)

Planned Urban Development (PUDs)

Definition and History

Zoning and PUDs

Legal status of PUDS

PUD approval process

~~~~~ **Week 9: (Mon, Feb 29 – Weds, March 4) BREAK WEEK, NO CLASS** ~~~~~

**Week 10: (Mon, March 7– Weds, March 9)**

Monday, March 7

Class brief presentations on final papers (5-10 minutes each, max)

Building and Development Codes

**Read:** City of Gainesville and Alachua County Building and Land Development Review Processes (see websites in required readings)

Weds, March 9:

- First hour: Class brief presentations on final paper continued as necessary (5-10 min. each, max).
- Second hour: **Guest Speaker**, Ralph Hilliard, Planning Manager, City of Gainesville

**Week 11: (Mon, March 14- Weds, March 16)**

Mon, March 14: Growth Management and Smart Growth

Weds, March 16: **Guest Speaker**: Steven Lachnicht (Alachua County Growth Management)

**Week 12: (Mon, March 21- Weds, March 23)**

Constitutional Limitations of Land Use Controls

Regulation of Environmentally Sensitive Lands

Aesthetic and Historic Preservation

**Week 13: (Mon, March 28-Weds, March 30)**

Agricultural Land Protection and Preservation

Nuisances

**Week 14: (Mon, April 4 - Weds, April 6)**

Private Land Use Controls

Eminent Domain

**Week 15: (Mon, April 11-Weds, April 13)**

Presentations all week

**Week 16: (Mon, April 18- Weds, April 20)**

Monday, April 18: Review for Final Exam

Weds, April 20: CLASSES END

**Monday: April 25: Final Exam**

**Friday: April 29: Hand in Journals and Final Papers**

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**Hammurabi's Building Code\***

- If a builder build a house for someone and complete it, he shall give him a fee of two shekels in money for each sar of surface. (What is a SAR?)
- If a builder build a house for someone, and does not construct it properly, and the house which he built fall in and kill its owner, then that builder shall be put to death.
- If it kill the son of the owner the son of that builder shall be put to death.
- If it kill a slave of the owner, then he shall pay slave for slave to the owner of the house.
- If it ruin goods, he shall make compensation for all that has been ruined, and inasmuch as he did not construct properly this house which he built and it fell, he shall re-erect the house from his own means.
- If a builder build a house for someone, even though he has not yet completed it; if then the walls seem toppling, the builder must make the walls solid from his own means.\*



(\*Hammurabi 1792-1750 BC)

