FIRST WEEK’S ASSIGNMENT

LAND USE  FALL 2015

PROF. AUDREY G. MCFARLANE
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Class meetings:  Mon. Wed. 7:45pm – 9:00pm

Classroom: AL 603

Office hours: Mon. & Wed. right after class or

email for an appointment

Course Website: http://lawschool.westlaw.com

Required: 

ROBERT C. ELLICKSON, VICKI L. BEEN, LAND USE CONTROLS: CASES AND MATERIALS
(4TH ED. 2014) (Main Text)

Recommended Treatise: DANIEL R. MANDELKER, LAND USE LAW (5TH ED., 2005-DATE)
available on reserve in the library.

COURSE WEB SITE: http://lawschool.westlaw.com for Course Syllabus, Web Handouts (required supplemental reading) and Web Discussion. Please register for the TWEN Land Use course website using the email address that you check the most frequently.

BOOKS

Required: ROBERT C. ELLICKSON, VICKI L. BEEN, LAND USE CONTROLS: CASES AND MATERIALS (4TH ED. 2014) (Main Text)

Recommended Treatise: DANIEL R. MANDELKER, LAND USE LAW (5TH ED., 2005-DATE) available on reserve in the library.

REQUIRED READING

August 17, 2015

1. Introduction to the Regulation of Land Use: Private Property, Local Government and the Community - pp. 1-14; 23-26; pp. 31-32(top) 45-50; Web Handout

   a. ANDREW F. POPPER, PATRICIA E. SALKIN, DAVID AVITABLE, A COMPANION TO BORDERING ON MADNESS: AN AMERICAN LAND USE TALE, 4-12 (2d. ed. 2008) (Web Handout)

   b. Western PCS BTA v. Town of Steilacoom, 199 U.S. Dist. LEXIS 9068 (W.D. Wa. 1999) (Web Handout)

   c. TIMOTHY BEATLEY, ETHICAL LAND USE: PRINCIPLES OF POLICY AND PLANNING, 3-4, 13-16 (1994) (Web Handout)

August 19, 2015

2. The Underpinnings of Zoning:

   a. Land Use in the Absence of Zoning – Nuisance and non-zoning approaches to land use – 639(bottom)- 641(top); 643-646; 580-584

      i. Bernard Siegan, Non-Zoning in Houston, p.643 What are the pros and cons of adopting Houston’s approach to land management. Is there is a difference between who is advantaged and disadvantaged by zoning?

      ii. Virginia Postrel, A Tale of Two Town Houses: Real estate may be as important as religion in explaining the infamous gap between red and blue states, ATLANTIC MONTHLY (November 2007) (Web Handout)

   b. Replacing the Common Law with Statutory Regulation (Zoning): pp. 86-104(top) Two questions to consider:

      i. Should the Supreme Court have ruled in favor of the intrusion into private property rights through zoning?
ii. How was it possible for Ambler Realty Co. to lose and, just two years later, for Nectow to win? Was it better facts? Different court composition? or something about the constitutional challenge raised in each case?