UP 211 – Local Planning, Government, and Law  
Instructor: Ben LeRoy  
Fall 2019  
M, W 3:30-4:50 PM

COURSE SYLLABUS

COURSE OVERVIEW

The purpose of this course is to provide students with a basic understanding of the governmental structure, legal aspects, and practice of local planning, with special emphasis on zoning and land development regulation. This course explores the civic and legal bases for the field of urban planning at a basic level. More detailed exploration of legal topics pertaining to the practices of zoning, subdivision/development regulation, and comprehensive planning will follow. Throughout the course, we will explore questions about how policy goals are given the force of law, who participates in that process and who does not, and to which populations the benefits and burdens of the law flow. This course is intended for undergraduates in Urban and Regional Planning and related fields. The course provides a foundation for students interested in pursuing more advanced studies in land use law and urban planning. It will also provide practical knowledge for students seeking careers in local government planning. Prior knowledge of urban planning principles is helpful, but not essential.

ABOUT THE INSTRUCTOR

I am an Associate Planner with the City of Champaign Planning and Development Department. I have held this position since 2013, when I graduated from the University of Illinois with both a Master of Urban Planning and a Juris Doctor (law degree). My work primarily involves land use, bicycling, and pedestrian issues, and I look forward to sharing some of my real-world experiences with you as we explore local government and urban planning through the lens of the legal system.

Because my full-time job is with the City of Champaign, I do not have an office on campus and have other duties in addition to our course. I encourage you to email me at bleroy@illinois.edu as a first option if you need to get in touch about the course. However, if you need more immediate attention or if I have failed to respond to your email in a timely fashion, you may contact me at the office either via email (ben.leroy@champaignil.gov) or phone (217-403-8800) between the hours of 8 AM and 5 PM M-F.
COURSE OBJECTIVES

The course objectives are to understand:

1. The Civic and Legal Basis for Planning
   We will look at governmental structures at the federal, state, local, and regional levels as they pertain to the field of planning. We will review the federal and state constitutional principles that guide the practice of planning and zoning, including property rights, due process, equal protection, religious freedom, public purpose, and free speech. Students will follow local planning issues to learn about local governments in action.

2. Legal Topics Within the Practice of Planning
   We will explore a range of legal topics that pertain to the practice of planning, zoning, and development as manifested in the common law. Topics include eminent domain, regulatory takings, impact fees, religious freedom, nuisance law, inclusionary zoning, free speech and signage regulation, historic preservation, and environmental law. Students will learn from a variety of primary and secondary sources, including state and federal legislation and judicial decisions and local land use regulations.

3. Legal Processes Within the Practice of Planning
   We will investigate different legal processes within the practice of planning, including by-right development, various methods of relief from zoning laws, changes to ordinance language, enforcement, conflict between competing sets of rules, administrative discretion, private legal rules, and lawsuits.

4. An Overview of Subdivision Regulations
   We will study the legal tools for subdividing land and preparing sites for development, including the legal basis for the control of land division (Plat Act), linkage to comprehensive planning and zoning, subdivision layout, the platting process, and public improvements. Current trends in street, sewer, and stormwater management design will be discussed. Students will conduct a subdivision platting exercise based on a real-life example.

5. Zoning: Use, Bulk, and Design
   We will explore various tools and concepts from the realm of zoning, using Emily Talen’s City Rules and the City of Champaign Zoning Ordinance as a practical guide. Topics to be covered include the origins of zoning, use, bulk, and design regulations, nonconformities, and special applications of zoning. Additionally, we will discuss the relative merits of complexity vs. simplicity in a zoning code and the way zoning can produce unintended consequences. Students will conduct a zoning exercise based on a real-life example.

6. An Overview of Comprehensive Planning
   We will look at the role of comprehensive planning in development regulation and growth management, primarily reviewing local examples. We will discuss the legislative basis for comprehensive planning, topic-specific plans adopted as elements of a comprehensive plan, and the relationship of comprehensive planning to zoning and subdivision regulations. We will also discuss the role of public participation in generating large-scale plans.
7. **Racial and Socioeconomic Impacts of Planning Law and Practices**
   We will explore the contributions of municipal planning to historical and existing patterns of racial and socioeconomic segregation, using Richard Rothstein’s *The Color of Law* and additional articles as our guides. We will seek to answer questions about whose interests the law actually serves, who is able to navigate processes vs. who is shut out by processes, and whether planners have ethical obligations to proactively remedy injustice.

8. **The Role of the Planner**
   Throughout the course, we will explore issues that arise for planners as they practice their craft, including balancing your technical expertise against conflicting direction from the public and/or elected officials, the tradeoffs involved in creating new plans vs. implementing existing plans, and understanding how planners mesh with other participants in the planning and development process: architects, developers, engineers, and neighbors.

9. **International Planning Comparisons**
   Although this course is focused on American planning law and practices, students will have the opportunity to compare planning laws and practices from other nations. Such comparisons offer a lens for assessing the effectiveness of traditional American planning norms in achieving goals that exist across nations, including housing affordability, environmental sustainability, growth management, and transportation access and efficiency.

**ORGANIZATION AND APPROACH**

The course is designed as a participatory lecture. I will identify required readings and present lecture materials for each class meeting. Students will be asked to participate in the lecture in a variety of ways, from individual question-and-answer to small group breakout discussions. Guest lecturers are scheduled for certain special topics and some core lessons. You are required to complete all readings, assignments, and exams, and participate in class discussions and presentations.

**COURSE REQUIREMENTS**

Requirements for UP 211 students are as follows:

**Attendance**

Regular attendance and participation is an essential component of your success in this class. However, as in the professional world, perfect attendance is neither realistic nor expected. Therefore, while attendance will be taken and forms a component of your final grade, you are entitled to **four absences** without a negative impact on your grade. Unlike some other courses, this course does not distinguish between “excused” and “unexcused” absences as you are entitled to four penalty-free absences for any reason that arises. Accordingly, you do not need to email me to explain your absences either before or after the fact. Absences in excess of four will result in a lower course grade, unless such absences are the result of a serious medical or family emergency. Finally, attendance is taken at the beginning of class, so please ensure that you are in
the classroom ready to learn by 3:30 PM. Please contact me as soon as possible if you believe you will have difficulty meeting attendance requirements.

**Participation**

Participation involves discussion in class as well as presentation of assigned oral reports throughout the semester. Both physical presence and mental engagement are essential to successful participation. When presenting to the class, place yourself in the role of a planning professional: be friendly and outgoing, speak clearly, and adopt a respectful and semi-formal tone with your audience. While your classmates are presenting, reciprocate their professionalism by listening attentively and respectively, and asking on-point questions. Active, constructive participation as both a presenter and a listener will enhance your grade. Poor participation will have a detrimental effect on your grade.

**Readings**

Students are required to complete assigned readings prior to class in order to better follow the lecture materials and to participate more successfully in class discussion. Completion of readings will contribute to mastery of the exams and the course final.

**Assignments**

Students will complete several assignments over the duration of the course. More specific information will be provided for each assignment when assigned.

*Subdivision Exercise*

Students will be given an exercise requiring the analysis of subdivision platting requirements for a local development example.

*Zoning Exercise*

Students will be given an exercise requiring the identification and analysis of the zoning requirements for a local development example.

*Local Board/Commission Meeting Analysis*

Students will work in groups to learn about and attend a meeting of a local elected or appointed board or commission. Students will report on the substantive matter(s) being considered by the board as well as the decision-making procedures being employed in the adjudication of the case. This assignment will involve a group presentation and an individual paper.

*Current Planning Issues in the News*

Identify a recent or ongoing planning and/or land use law issue in a municipality, regional government, or state. Select a topic that is of particular interest to you and which relates to topics covered in class. Provide a written summary and brief oral presentation summarizing the topic, showing how it relates to the course and encouraging class discussion.
Memo to Plan Commission
Assume the role of a practicing planner and write a memo to the Plan Commission examining an assigned topic of local planning importance.

Exams

Three short essay/short answer exams will be administered over the duration of the course. Each exam will largely test material from the class lectures and readings assigned since the previous exam, but both the second and third exam will include some material from prior units. Exam will be administered in class; if you are unable to take an exam due to illness, you must contact the instructor in advance to determine what alternative arrangements may be made.

Final Exam

There is no final exam for this course.

GRADING

As discussed above, this course requires you to participate in class as both a presenter and a listener, to demonstrate your factual knowledge through three exams, and display your analytical skills through a variety of exercises and papers. If you attend class regularly, participate in discussions, and complete all of the assignments and examinations in a timely manner, you will be successful in this class and have a good mastery of the subjects covered.

1. Attendance and Participation (see guidelines above) 10%
2. Subdivision Exercise 7.5%
3. Zoning Exercise 7.5%
4. Local Board/Commission Meeting Analysis 15%
5. Current Planning Issues in the News 10%
6. Memo to Plan Commission 20%
7. Exams 30%

READINGS, ONLINE RESOURCES, AND NOTE TAKING

This course has a Compass page containing certain readings and course documents. This is my first year using Compass, so I apologize in advance if you have trouble navigating the course page. Should you run into difficulties with Compass, please contact me so I can address it. This course employs a variety of readings ranging from academic to practical. Readings are listed in the syllabus and are either posted on Compass, linked directly from the syllabus, or come from one of three required course books. These books should be available from the Illini Union Bookstore. They are also easily found at online retailers. The assigned books are:

   [Note: I will be teaching from the 2007 printing of this book, but if you use a more recent one or a (slightly) earlier one, you will be fine]


Additional resources you may find helpful during the course include:

- The City of Champaign Champaign Zoning Ordinance (Ch. 37) and Subdivision Regulations (Ch. 31), both of which can be accessed at [https://library.municode.com/il/champaign/codes/code_of_ordinances](https://library.municode.com/il/champaign/codes/code_of_ordinances).
- The City of Champaign’s *Champaign Tomorrow* Comprehensive Plan, which can be accessed at [http://champaignil.gov/planning/long-range-planning/comprehensive-plan/](http://champaignil.gov/planning/long-range-planning/comprehensive-plan/).
- Various City of Urbana documents, available at [www.urbanaillinois.us](http://www.urbanaillinois.us).

Many of our readings this semester will be electronic, with the remainder coming from our three assigned texts. I encourage you to bring your reading material to each class session, as you'll be able to follow the lecture better if you can revisit the reading in real time. I recommend bringing a laptop or tablet, but of course you can print electronic readings if you prefer. If you do not have a laptop or tablet and you are worried about the burden of printing electronic readings, let me know and we can work on strategies to minimize this burden.

When I ask you to "skim" a reading, it will almost always be the text of an actual law: the US Constitution, the Illinois Constitution, a zoning ordinance, etc. Just get a sense of the broad structure of the law by paying attention to headings and subheadings. You don't need to read everything in depth. If I want you to know a section of a law in depth, I will ask you to read it instead of skimming it.

Some thoughts on note taking: Consider taking some outline-style notes as you do the readings. Most good nonfiction writing is structured via an outline format, and many of our readings will be explicit about this through the use of headers and sub-headers. Jotting a few notes about the main points of the readings as you read them is a good way to understand the material or realize where you may have questions.

Try to structure your in-class notetaking in an outline rather than a running narrative. This is an acquired skill, so don't worry if it takes you awhile to get the hang of it. I structure my lectures outline style: I'll introduce a broad topic, talk about some subtopics underneath that topic, move on to another broad topic, etc. Often my lecture outline will roughly follow the outlines I pull from the readings, so that's another reason that thinking about the readings in outline-style may help you. I utilize the computer in class to show videos, maps, and other visuals, but I rarely use Powerpoint to share text. However, I make frequent use of the whiteboard and put important concepts and topics on the board throughout each class period. Please don't hesitate to ask me to explain a concept further if you don't understand it the first time around. I am here to help you make sense of all the information in the course!
If you leave a lecture feeling confused, consider skimming or rereading the assigned reading afterwards. When I was in school, I experienced several lectures where I was confused by both my initial reading and the in-class lecture. Revisiting the reading a second time often helped things click for me.

**SUPPORTING YOU**

Students registering with Disability Resources & Educational Services (DRES) may utilize many different types of academic accommodations. I encourage you to explore DRES if you need accommodations including (but not limited to) note-taking services and testing accommodations. I am happy to provide accommodations upon the provision of a Letter of Academic Accommodations from DRES. If you require accommodations, please provide your letter to me at your earliest convenience so we can work out a plan together. I am unable to provide accommodations without such a letter from DRES.

Attending college is an exciting time for students and families; ideally, it is a period of experimentation and exploration, an advancement of one's education, and a step forward toward a career and independence. We also recognize it can be a stressful period. Many students are balancing family, work, financial, and other obligations, which can lead to physical and emotional distress. As members of the Illinois community, students and staff have an obligation and responsibility to care for each other and be concerned for the well-being of others. If you know someone in distress, you may be in a position to offer support or guide the person to an appropriate resource. You are not alone, and the resources discussed on these pages — the [Office of the Dean of Students](https://www.odee.uiuc.edu), [Student Assistance Center](https://www.odee.uiuc.edu/services/student-assistance-center), [Emergency Dean Program](https://www.odee.uiuc.edu/services/emergency-dean-program), and [Behavioral Intervention Team](https://www.odee.uiuc.edu/services/behavioral-intervention-team) — are here to help.

The [Student Assistance Center](https://www.odee.uiuc.edu/services/student-assistance-center) serves as the first point of contact for students who call, email, or walk in to the Office of the Dean of Students. The Assistant Deans help students understand university policies and procedures, educate them about and connect them to campus resources, and support students in crisis. Students visit the Student Assistance Center regarding a broad range of issues which may be impacting their academic performance including those related to health/mental health, course attendance issues, questions about where to go on campus to seek different services, options for withdrawing from the university, or because they need help and just aren’t sure where to go. The Student Assistance Center helps students find their way!

**OFFICE HOURS**

Office hours with the instructor or the teaching assistant are by appointment. The best times for the instructor are immediately following class, after 6:00 PM on Tuesdays and Thursdays, and on weekends, but please don’t hesitate to propose alternate times if necessary. The best way to reach the instructor is at [bleroy@illinois.edu](mailto:bleroy@illinois.edu). If you do not hear back from the instructor within 24 hours you may also email [ben.roy@champaignil.gov](mailto:ben.roy@champaignil.gov) (this email account is not checked on weekends). Frankie Lewington, our TA, can be reached at [fil2@illinois.edu](mailto:fil2@illinois.edu).
COURSE SCHEDULE

Monday, August 26
Class Introduction
- Reading: Talen, Chapter 1
- Reading: Granola Shotgun, “Let’s Cut the Crap and Embrace Reality”
  - Note: Follow any links within this post that you find interesting -- this blog is entertaining and always includes lots of good photos

I. Civic and Governmental Structures
Wednesday, August 28
- Reading: Excerpts from Chemerinsky Constitutional Law casebook
- Reading: Skim US Constitution. Pay attention to what each Article and Amendment is about, generally.

Monday, September 2
LABOR DAY – NO CLASS

Wednesday, September 4
Civics 102: Illinois Constitution, Illinois Legislation, Municipal Authority, Legislative Tracking and Case Access, State Controls over Municipal Authority (e.g. HB 2001)
- Reading: Excerpts from Briffault and Reynolds State and Local Government Law casebook
- Reading: Illinois State Constitution: skim Articles I, II, IV, V, VI, and Amendments; read Article VII “Local Government”
- Reading: Skim Oregon HB 2001
- Reading: City Observatory article about Oregon HB 2001
- Assignment Begins: Current Planning Issues in the News

II. Legal Bases and Topics
Monday, September 9
Property, Common Law, Legal Challenges, Judicial Standards, Forms of Relief, Delegation of Power
- Reading: Nolon, Chapters 1 and 11

Wednesday, September 11
Vagueness, Procedural and Substantive Due Process
- Reading: Nolon, Chapter 5
- Reading: Hanna v. City of Chicago
- Reading: Klaeren v. Village of Lisle
- Reading: Village of Belle Terre v. Boraas

Monday, September 16
Guest Lecture from Sen. Scott Bennett – The Legislative Process
- Assignment Begins: Local Board/Commission Meeting Analysis
**Wednesday, September 18**
Just Compensation / Takings, Public vs. Private Interests, Redevelopment, Impact Fees
- Reading: Nolon, Chapter 5
- Reading: Nolon, Chapter 4, Section 4 “Exactions”.
  - The “Exactions” section may have a different chapter or section number if you are using a different edition of the book, but it’s the same material.
- Reading: *Penn Central Transportation Co. V. New York City*
- Reading: Strong Towns, “Impact Fees Don’t Mean Development is Paying for Itself”

**Monday, September 23**
Equal Protection, Freedom of Religion, RLUIPA, Free Speech, Billboards and Signage, Adult Uses, Liquor Licensing
- Reading: Nolon, Chapter 6
- Reading: Nolon, Chapter 8, Sections 7 & 8 only (“Exclusionary Zoning” and “Inclusionary Zoning”)
- Reading: Excerpt from Elliott *A Better Way to Zone*
- Reading: APA Summary of Reed v. Gilbert (pages 1, 10, and 11 only)
- Reading: *News-Gazette* article “Downtown: My, How You’ve Grown”
- Reading: Skim City of Champaign Liquor License Schedule

**Wednesday, September 25**
Guest Lecture from Tom Yu – The Role of the Municipal Attorney
- Reading:

**Monday, September 30**
EXAM 1

**III. Themes for Practicing Planners (Part 1)**

**Wednesday, October 2**
Parking requirements, street design, and working with engineers
- Reading: Strong Towns, “The Stroad” (watch the video on the page as well)
- Reading: Champaign Manual of Practice, Chapters 8 & 9. Pay particular attention in Chapter 8 to Section 8.00 A1, A2, A3, B2, C1, Section 8.01, and Table A, and skim through some of the street diagrams. In Chapter 9, pay particular attention to Section 9.00. You are not expected to memorize any of the information, but I want you to get a feel for how the information is organized and presented, as well as an understanding for what exactly is being regulated.
- Reading: Vox, “Why Free Parking Is Bad For Everyone”
- Watch: “The High Cost of Free Parking”
- Reading: Zoning Practice, “Practice Parking Reform”

9
**Monday, October 7**
Private covenants + Other units of Government
- Reading: Excerpts from Fogelson’s *Bourgeois Nightmares*
- Reading: Explore the website for the [Cherry Hills subdivision](#)
- Reading: Skim Cherry Hills Phase 9 Covenants
- Reading: Brieffault and Reynolds, “Other Units of Government”

**IV. Comprehensive Planning**

**Wednesday, October 9**
Guest Lecture from Lacey Rains Lowe – Comprehensive Planning
- Reading: *Champaign Tomorrow Comprehensive Plan*, including Future Land Use maps

**Monday, October 14**
Early Plans, the Standard Act, Illinois Statute, Planning Jurisdictions, Planning Process, Plan Elements
- Reading: Zoning Practice, “Practice Consistency”
- Reading: “Planning 1-2-3”, pages 1-54

**Wednesday, October 16**
Comprehensive Plan Elements, Public Participation, Direct Democracy
- Reading: Proposition 13 Info Sheet
- Reading: Los Angeles Times article about possible repeal of Proposition 13
- Reading: Boulder Daily Camera article about Question 300 and Question 301
- Reading: Rothstein, Preface & Chapters 1-3

**V. Themes for Practicing Planners (Part 2)**

**Monday, October 21**
Racial intent, racial impact
- Reading: Rothstein, Chapters 4-12

**Wednesday, October 23**
Zoning for incremental development
- Watch: Matthew Petty’s presentation on “The Small Scale Development Movement” (note runtime is approx. 55 minutes)
- Assignment Begins: Memo to Plan Commission

**VI. Subdivision and Development Review**

**Monday, October 28**
Guest Lecture from Jeff Marino – Subdivision and Development Review
- Assignment Begins: Subdivision Exercise
Wednesday, October 30
Purpose, Authority, Illinois Plat Act, Terms, Subdivision Process
• Reading: Juergensmeyer and Roberts, “Subdivision”
• Reading: skim Champaign Municipal Code Chapter 31, “Subdivision Regulations”

Monday, November 4
Infill vs. Greenfield, Conservation Subdivisions, Smart Growth
• Reading: Talen, Chapters 2 & 3

Wednesday, November 6
EXAM 2

VII. Zoning
Monday, November 11
Origins of zoning, separation of uses, early case law, zoning in Illinois, jurisdiction, zoning in Champaign
• Assignment Due: Subdivision Exercise
• Reading: Spann v. City of Dallas
• Reading: Ambler Realty Co. v. Village of Euclid (District Court)
• Reading: Village of Euclid v. Ambler Realty Co. (Supreme Court)
• Reading: Nectow v. Cambridge
• Assignment Begins: Zoning Exercise

Wednesday, November 13
Zoning boundaries, districts, new districts, rezonings, overlays, permitted, provisional, and accessory uses, home occupations, occupancy
• Reading: LaSalle Nat. Bank v. County of Cook (1957)
• Reading: City of Champaign Council Bill 2018-138
• Reading: City of Champaign Zoning Map (available here as PDF or here as web map layer)
• Reading: City of Champaign Zoning Ordinance, Article III “Use Regulations”

Monday, November 18
Development and design standards for structures
• Reading: Talen, Chapter 5
• Reading: City of Champaign Zoning Ordinance, Article IV “Development Standards”
• Reading: Staff report for City of Champaign Council Bill 2016-211
  o Note: This document is over 400 pages long, but you are only expected to read approximately 20 pages of it: the staff report (pages 220-228 of PDF) and Attachment D (pages 358-368 of PDF).

Wednesday, November 22
Zoning special relief: variation, planned development, special use permit, text amendments; Changing the ordinance
• Assignment Due: Memo to Plan Commission
• Reading: **Staff report for City of Champaign Plan Commission Case PL17-0017** (pages 1-7 of PDF)
• Reading: **City of Champaign Council Bill 2017-020**
  o Note: Make sure to read both the staff report (pages 21-26 of PDF) as well as the Special Use Permit itself (pages 3-5 of PDF)
• Reading: **City of Champaign Zoning Board of Appeals Case PL18-0001.**
  o Note: You do not need to read the application itself (pages 15-25 of PDF), but read the report and other attachments, especially Attachment E.

**Monday, November 25**
THANKSGIVING – NO CLASS

**Wednesday, November 27**
THANKSGIVING – NO CLASS

**Monday, December 2**
Guest Lecture from Eric Van Buskirk – Historic Preservation
  • Assignment Due: Zoning Exercise
  • Reading: **City of Champaign Historic Preservation Case PL17-0014**
  • Reading: CityLab article, “**Why Historic Preservation Districts Should Be a Thing of the Past**”
  • Reading: CityLab article, “**Why Historic Preservation Districts Are Crucial to Cities**”
  • Watch: “**Preservation: Pride or Prejudice?**”

**Wednesday, December 4**
Zoning administration and enforcement
  • Reading: Talen, Chapters 6 and 7
  • Reading: **City of Champaign Council Bill 2017-222**
  • Reading: Champaign Municipal Code, **Article XII “Nonconformities”,** Divisions 1 and 2 only (i.e. Sections 37-631 through 37-635).
  • Reading: Champaign Municipal Code, **Article XIII “Administration and Enforcement”**
  • Assignment Ends: Local Board/Commission Meeting Analysis

**Monday, December 9**
Land Use Law in Other Countries
  • Assignment Ends: Current Planning Issues in the News

**Wednesday, December 11**
EXAM 3