

DRAFT Course Syllabus

FLORIDA LAND USE

CLASS SYLLABUS AND POLICIES:

Required Course Materials: Materials will be provided or you in PDF format. No textbook is required.

Description of the Course and Course Objective and Learning Outcomes: This course is one credit hour. Please note that ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in class instruction. It is expected that you will spend two hours preparing for every hour of in class instruction plus complete the final paper. Because the course includes statutory and regulatory excerpts that require careful reading, as well as discussion problems that require thoughtful advance written preparation, you should spend at least one hour on every 10-15 pages of reading.

This compressed course will provide students with an understanding of the legal framework governing land use, development, and zoning regulations in the state of Florida. This course is designed for law students interested in pursuing careers in land use law. Accordingly, the course emphasizes practical knowledge and skills used in everyday practice of land use law.

Course Objectives:

- **Foundations of Land Use and Zoning:** Explore the historical, constitutional, and statutory foundations of land use and zoning regulations in Florida, with a focus on the roles of local governments, state agencies, and the judiciary.
- **Land Development Regulations:** Analyze the various land development regulations, including comprehensive plans, zoning ordinances, and environmental regulations, that shape the use and development of land in Florida.
- **Land Use Planning:** Discuss the principles of land use planning, urban design, and smart growth strategies in the Florida context, emphasizing sustainable development practices.
- **Permitting and Development Approval:** Study the permitting and development approval processes, including site plan reviews, rezoning applications, and variances, while also considering the legal aspects of property rights and due process.
- **Land Use Litigation:** Examine the litigation aspects of land use and zoning disputes, including administrative appeals, judicial review, and strategies for effective advocacy.
- **Emerging Trends and Case Studies:** Stay up-to-date with the latest developments in Florida land use and zoning law, including relevant court decisions and emerging trends such as transit-oriented development, mixed-use zoning, and innovative planning techniques.
- **Practical Applications:** Engage in hands-on exercises, case studies, and simulations to apply legal principles to real-world scenarios, fostering critical thinking and problem-solving skills.

Teaching Philosophy: Great lawyers don’t just know how to think, they know how to actually solve problems. I want each of you to walk away with a practical understanding of land use and zoning and regulations that could be implemented in your future legal practice. I hope each of you will leave this class with a practical skill set that will benefit your career and clients.

Office Hours: Office hours will be available on January 10, 11, and 12 from 4:00 PM – 6:00 PM. Additional office hours may be arranged by appointment. My office number is 407-418-6361, my cell phone number is 407-701-6161 and my email is tara.tedrow@lowndes-law.com.

COURSE POLICIES

Attendance: This is a compressed course. Attendance during all of the class hours is mandatory. Attendance will be taken at each class meeting. If there is some reason why you must miss class, please contact me in advance via telephone or email and ask for an excused absence. Students are responsible for ensuring that they are not recorded as absent if they come in late. Depending on the circumstance, a student may be permitted to have an excused absence for 1 hour of class time. If you miss a class, you are responsible for finding out what you missed and obtaining any handouts or assignments. If for any reason you anticipate missing more than 20% of the class time, you are advised to withdraw before it is too late to do so. Please review the Student Handbook for further information regarding the attendance policy. The law school's policy on attendance can be found at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>

Class Assignments: In advance of class please read all assigned materials. Any specific in-class discussion expectations will be provided via email to correspond with such handouts and materials. I expect that all of the reading for the class will have been done prior to the first class.

Laptop Policy: Unless instructed otherwise in advance, you will NOT be permitted to use laptops during class. This class is meant to be engaging and your use of laptops and cell phones will only serve to distract you and your classmates. Laptops are only permitted if needed for referencing reading materials and assignments. Any in class lecture notes are expected to be taken by hand.

Make-Up Policy: Because there is no exam and only a final paper, there is no make-up available. The final paper is expected to be turned in by the assigned deadline.

UNIVERSITY POLICIES

University Policy on Academic Misconduct

UF students are bound by The Honor Pledge, which states: "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: 'On my honor, I have neither given nor received unauthorized aid in doing this assignment.'" The Honor Code (<https://sccr.dso.ufl.edu/students/student-conduct-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor.

University Policy on Accommodating Students with Disabilities

Students requesting accommodation for disabilities should register first with the Office of the Dean of Students (<https://www.dso.ufl.edu/drc/>). The Office of the Dean of Students will provide documentation to the student who then must provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking quizzes or exams. Because accommodations are not retroactive, students should contact the Office of the Dean of Students as soon as possible in the semester for which they are seeking accommodation.

Class Recordings

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a

criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code

Etiquette: Communication Courtesy: All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions, chats and in class discussions. Please do not disparage or discourage others’ views and participations- such actions will negatively impact the grading for the 30% of your overall participation grade.

<http://teach.ufl.edu/wp-content/uploads/2012/08/NetiquetteGuideforOnlineCourses.pdf>

Academic honesty: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>

Class Schedule: This is a compressed course. We will meet on January 10, 11, and 12. Please bring any food or snacks needed to get you through these long class periods.

Online Course Evaluations: Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

GRADING POLICIES

Grading: This class is graded. In addition to expectations for class participation (which counts toward 30% of your grade), you will be asked to prepare a final paper of a minimum of 10 pages (12 point, double spaced with ½ inch margins). You will be provided the prompts you will be expected to answer in your final paper during our class.

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

The law school grading policy is available at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>

Health and Wellness Resources

- *U Matter, We Care*: If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit U Matter, We Care website to refer or report a concern and a team member will reach out to the student in distress.
- *Counseling and Wellness Center*: Visit the Counseling and Wellness Center website or call 352-392-1575 for information on crisis services as well as non-crisis services.
- *Student Health Care Center*: Call 352-392-1161 for 24/7 information to help you find the care you need, or visit the Student Health Care Center website.
- *University Police Department*: Visit UF Police Department website or call 352-392-1111 (or 9-1-1 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center*: For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; Visit the UF Health Emergency Room and Trauma Center website.
- Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

COURSE SCHEDULE

Day	Date/Time	Topic	Reading	Assignment
Day 1	January 10 9:00 AM – 11:50 AM	<u>What is Land Use and Zoning?</u>	- Origins of Land Use and Zoning Regulations <i>Euclid v. Ambler Realty Co.</i>, 272 U.S. 365 (1926) and “Euclidean” zoning <i>State ex rel. Shad v. Fowler</i>, 105 So. 733 (Fla. 1925) <i>State ex rel. Helseth v. Dubose</i>, 128 So. 40 (Fla. 1930) <i>City of Miami Beach v. Ocean & Inland Co.</i>, 3 So. 2d 364 (Fla. 1941) <i>Interlocal Cooperation Act of 1969</i> <i>Environmental Land and Water Management Act of 1973</i>	Reading
		Standard of Review – Legislative vs. Judicial	<i>Schauer v. City of Miami</i>, 112 So. 2d 38, 839 (Fla. 1959) <i>Coral Reef Nurseries, Inc. v. Babcock Co.</i>, 410 So. 2d 648, 652-653 (Fla. 3d DCA 1982) <i>Bd. of County Comm’rs v. Snyder</i>, 627 So. 2d 469 (Fla. 1993) (“Snyder II”)	Reading
Day 2	January 11 9:00 AM – 3:50 PM	<u>Evolution of Contemporary Land Use Controls</u> - Interlocal Cooperation Act of 1969 <i>Environmental Land and Water Management Act of 1973</i> - The Local Government Comprehensive Planning Act Of 1975 - Community Planning Act of 1985 - Special Planning Areas and Districts	<i>Chapters 163 and 166, Florida Statutes (selected readings to be provided)</i>	Reading
		Relationship Between Comprehensive Plan and Land Development Code Requirement of Consistency	<i>Baker v. City of Milwaukee</i>, 533 P.2d 772, 779 (Or. 1975) § 163.3177, Fla. Stat.	Reading

		Contemporary Local Government Administration of Land Use and Zoning Controls	• <i>Orange County, FL Land Development Code and Comprehensive Plan (selected readings to be Provided)</i>	
		Emerging Trends and Case Studies		
Day 3	January 12 9:00 AM – 2:50 PM	<u>Land Use Law in Practice</u>		Reading
		Common Land Use and Zoning Applications • “Discretionary” vs. “Ministerial” Development Orders • Comprehensive Plan Amendments • Zoning Map Amendment (Rezoning) • Special Exceptions • Variances • Conditions of Approval • Vested Rights and nonconforming uses	• <i>Reading materials to be provided</i> • <i>Fortunato v. City of Coral Gables, 47 So. 2d 321 (Fla. 1950).</i> • <i>Nicholson v. Wyatt, 77 So. 2d 632 (Fla. 1955)</i> • <i>Jennings v. Dade County, 589 So. 2d 1337 (Fla. 3d DCA 1991)</i> • <i>Rural New Town, Inc. v. Palm Beach Cnty., 315 So. 2d 478 (Fla. 4th DCA 1975)</i>	Reading
		Judicial Review and Relief • Quasi-Judicial ○ Strict Scrutiny ○ First-tier Certiorari ○ Competent Substantial Evidence ○ Second-tier Certiorari • Legislative ○ Fairly Debatable	• <i>Smith v. City of West Palm Beach, 756 So. 2d 166 (Fla. 4th DCA 2000)</i> • <i>Town of Lantana v. Howard, 449 So. 2d 936 (Fla. 4th DCA 1984)</i>	Reading
		Land Use Law in Practice: • Public Opposition • Staff Review and Analysis • Approval Agencies and Boards		N/A

Disclaimer: This syllabus represents my current plans and objectives. Those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected.