The Lawyer in Land Use Regulation and Land Development

Land Use Regulation
Cases and Materials
Third Edition
Daniel P. Selmi, Loyola Law School, Los Angeles
James A. Kushner, Southwestern Law School
Edward H. Ziegler, University of Denver
Aspen Publishers’
Land Use Regulation
Cases and Materials
Third Edition
Daniel P. Selmi, Loyola Law School, Los Angeles
James A. Kushner, Southwestern Law School
Edward H. Ziegler, University of Denver

This dynamic casebook focuses on the role of the lawyer in Land Use regulatory matters and the factors that influence land development decisions. It emphasizes the current practice of Land Use Law and cutting-edge urban planning and sustainable development legal and policy issues.

A wealth of materials, perspectives, and insights in a concise casebook that offers:

- clear and practice-based explanations of the lawyer’s role in land development
- a panoply of up-to-date materials from news articles, law reviews, essays, and case profiles that track developments in the field of land use
- emphasis on recent cases that convey the dynamic content of Land Use Law
- discussion of the decision-making process in land development and the relative decision-making weight of the law, local government, and politics
- a thorough examination of third-party rights in land development
- exploration of ethical issues that arise in land use decisionmaking
- a logical structure that allows instructors to teach the basic tools of land use regulation and then choose to emphasize specific areas of modern land use law
- a comprehensive Teacher’s Manual

New in the Third Edition:

- co-author Edward Ziegler — nationally recognized expert on zoning, urban planning law, and sustainable development
- recent takings cases:
  - Chevron
  - San Remo
  - Kelo
  - State takings litigation, esp. Oregon’s Measure 37 and MacPherson
  - Hathcock
  - Brevard County
  - Continuing developments under Palazzolo
  - Dolan, Lucas, and Penn Central
- updated coverage of growth management and sustainable development issues
  - “Smart Growth” and “New Urbanism”
  - Growth, sprawl, green development, peak oil, and global warming issues
- use of negotiated development agreements
- current environmental issues: 
  - Repose and the jurisdictional wetlands issue under the Clean Water Act
  - use of Land Use planning to protect endangered species
  - the debate over the increase in conservation easements
  - the interplay of water supply planning and development approvals

Summary of Contents

Part I: Introduction
Chapter 1. The Regulatory Setting: Land, Ethics, and Players

Part II: The Land Use Regulatory Tools
Chapter 2. Zoning
Chapter 3. Subdivision Regulation
Chapter 4. Financing and Developing of Infrastructure
Chapter 5. Planning

Part III: The Limits of Current Land Use Regulation
Chapter 6. Judicial Review of Land Use Decisions
Chapter 7. The Takings Clause: The Fifth Amendment
Chapter 8. The First Amendment: Free Speech and Freedom of Religion
Chapter 9. Regional, State, and Federal Limitations on Local Land Use Decisionmaking
Chapter 10. Alternative Models for Land Use Decisionmaking

Part IV: Balancing Growth Management and the Need for Housing
Chapter 11. Growth Management
Chapter 12. Securing a Sufficient Housing Supply

Part V: The Use of Land Use Controls to Effectuate Specific Government Policy Objectives
Chapter 13. Housing and Discrimination
Chapter 14. Environmental Protection
Chapter 15. Urban Redevelopment, Economic Development, and Anti-Competitiveness
Chapter 16. String Unpopular Land Uses
Chapter 17. Protection of Cultural and Aesthetic Values

Table of Cases
Index

Aspen Publishers’ Legal Education division is now part of Wolters Kluwer Law & Business. We continue to provide professors and students with high-quality, up-to-date and effective resources for successful instruction and study in all areas of the law.

Wolters Kluwer Aspen Publishers
Call: 1-800-950-5259
Fax: 1-800-915-3450
Write: Law School Sales Associate
       Aspen Publishers
       130 Turner Street
       Building 3, 4th Floor
       Waltham, MA 02453
E-Mail: legaledu@wolterskluwer.com
Web: http://lawschool.aspenpublishers.com

Please note that free examination copies are a professional courtesy to instructors. They are to be used for adoption consideration only.
When requesting your copy, please complete this form in full. Thank you.

☐ YES, please send me a complimentary examination copy of Land Use Regulation, Cases and Materials,
   □ Daniel P. Selmi, Loyola Law School, Los Angeles □ James A. Kushner, Southwestern Law School
   □ Edward H. Ziegler, University of Denver

Courses you teach ____________________________

Current texts used ____________________________

When will you teach the course next? ___________ Estimated enrollment ______

Your name ________________________________

Your position ________________________________ Full-time ☐ Adjunct ☐

School name ________________________________

Street address __________________________ City ___________________ State _____ Zip _____

Daytime phone ___________________________ Email address ____________________________