

Introduction to Land Use Law and Planning

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Key concepts, institutional framework, and practical implications

1. Foundations of Land Use Law

Element	Description	Why It Matters
Land Use Law	Body of statutes, regulations, and case law that governs how land may be developed, used, and protected.	Shapes the physical form of communities, influences property values, and balances private rights with public interests.
Planning	The systematic process of determining land-use policies, zoning, and development standards to achieve community goals.	Provides the roadmap for orderly growth, environmental protection, and infrastructure provision.
Public vs. Private Interests	Public: health, safety, welfare, environmental quality. Private: property rights, economic use.	Land-use law mediates conflicts between these interests through permitting, enforcement, and adjudication.

2. Core Legal Sources

1. Constitutional Authority

- *Police Power*: State power to regulate for health, safety, morals, and welfare.
- *Takings Clause* (U.S. Constitution, 5th Amend.) – limits on government taking private property without just compensation.

2. Statutes & Codes

- **State Planning Enabling Acts** – authorize local governments to adopt comprehensive plans and zoning ordinances.
- **Zoning Enabling Acts** – give municipalities authority to divide land into zones (residential, commercial, industrial, etc.).

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- **Environmental Laws** – NEPA, Clean Water Act, Endangered Species Act, state equivalents.

3. Regulations

- Implementing rules issued by state agencies (e.g., Department of Planning) and local planning departments.

4. Case Law

- Judicial decisions interpreting statutes, constitutional limits, and common?law doctrines (e.g., *Nollan v. California Coastal Commission*, *Village of Euclid v. Ambler Realty Co.*).

3. Institutional Framework

Level	Primary Actors	Typical Functions
Federal	Congress, EPA, HUD, Army Corps of Engineers	National environmental standards, fair?housing policies, funding for infrastructure.
State	Governor, State Legislature, State Planning Agency, Courts	Enact enabling statutes, oversee local plans, adjudicate appeals.
Local (County/City/Town)	Planning & Zoning Department, Planning Commission, City Council/Board of Supervisors, Building Dept.	Draft comprehensive plans, adopt zoning ordinances, issue permits, enforce compliance.
Judicial	State & Federal Courts	Review validity of regulations, resolve disputes, determine compensation for takings.
Public & Private Stakeholders	Residents, developers, NGOs, utilities	Participate in public hearings, submit comments, lobby for or against proposals.

4. Planning Process Overview

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1. Data Collection & Analysis

- Demographics, land use patterns, infrastructure capacity, environmental constraints.

2. Vision & Goal Setting

- Articulate long-term community objectives (e.g., “walkable downtown,” “climate-resilient neighborhoods”).

3. Comprehensive Plan (Master Plan)

- **Land Use Element** – maps and policies for each zone.
- **Transportation Element** – road, transit, pedestrian networks.
- **Housing Element** – affordability, diversity of types.
- **Environmental/Conservation Element** – wetlands, floodplains, open space.

4. Zoning Ordinance Development

- **Use Regulations** – permitted