

## Land Use

ZALE

Fall 2026

Credits: 3

Date/time: *See UHLC course website*

Room Location: TBD

Mode of Instruction: face-to-face course

### Professor Kellen Zale

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Staff assistant:

*\*\*\*Students are responsible for reviewing the material in this syllabus prior to our first class, so that we can begin our first class with a few brief introductory comments and then proceed with our assigned casebook reading. If you have any questions about anything in this syllabus, please email me.*

### Overview and Learning Objectives:

This course examines land use law and policy. Land is one of the most fundamental and valuable resources to individuals and communities, and a wide array of public regulation as well as private controls shape the use and development of land. Specific topics that will be covered in the course include planning, zoning, subdivision regulation, aesthetic and historic preservation, regulatory takings, inclusionary housing, environmental review, private covenants, and the role of markets. Throughout our study of these issues, we will consider competing ideas about how, when, and why land use should be regulated and the comparative advantages and disadvantages of various land uses controls.

The objectives of this course are to: (1) gain a foundation in the substantive law of land use; (2) apply critical legal thinking to identify and understand controlling legal principles applicable to the subject matter; (3) develop an understanding the ethical and policy issues related to the subject matter; (4) integrate the doctrinal study of the subject matter with the analytical and practical skills necessary to the practice of law; and (5) develop skills in legal analysis, reasoning, problem-solving; and written and oral communication related to land use law. Classes will involve on-call discussion, lecture, small group exercises (in person or via breakout rooms on Zoom), and other learning modalities (such as occasional possible pre-recorded/asynchronous sessions and/or other remote learning activities/assignments).

**Instructional Mode (IM):** This course is designated as a face-to-face course, which means classes are in person by default, but designated classes may occasionally be held as remote classes via Zoom to accommodate scheduling needs or other unforeseen circumstances. *Note that there may be a few designated classes during the semester which are pre-scheduled as designated remote (Zoom) classes.* Students will be notified in advance of any additional classes

that will be held remotely and a Zoom link will be posted on Canvas at the start of the semester that is the Zoom link that will be used for any such classes.

**NO remote presence:** This course is designated as a face-to-face course, and as such, students are expected to be physically present in the classroom for all class sessions. Except the designated remote class dates as described above when the class will be held remotely via Zoom for the entire class, remote presence is **not** available for in-person classes; there is NO remote/Zoom presence option for individual students on regular class days (i.e., on days when class is held in person - which is almost every class date), students must attend in person. If a student is absent, the absence policy applies (see attendance section of syllabus for details). As noted above, recordings of all in-person classes are available through the UH Mediasite system after each class, so if you are absent for a class, you should review the class recording as soon as you are able to (and visit office hours if you have any questions about material that you missed).

**Syllabus Changes:** Please note that the instructor may need to make modifications to the course syllabus to accommodate the pace of class and may do so at any time. Modifications to the course syllabus may also be needed due to other unforeseen circumstances (such as a global pandemic, or weather-related emergency, or instructor illness). Such modifications may include changes to the mode of instruction or assigned material for the course. Notice of such changes will be announced in as timely a manner as possible by announcement in class, via email, and/or by posting on the course website. **Students should always check the course website for the most up-to-date version of the syllabus, and be sure to always reference the most current version of the syllabus for assignments, not an earlier version you may have printed out at an earlier point in the semester. The most current version of the syllabus will always be posted on the course website and updated as needed (with a notification sent to students by email or Canvas of any updates).**

**Class Materials:** Students are responsible for all required assignments listed on the schedule of assignments, whether in the casebook or other required readings/assigned materials posted on the course website as required supplemental reading.

- **Required Casebook:** The required casebook is **Sterk et al., LAND USE REGULATION (West, 4th ed. 2025)**. The casebook is available for both purchase and rental from the publisher and third parties. Students should always have the casebook with them during class unless otherwise instructed.
  - *As noted below, e-books are an electronic source and thus are not permitted during the final exam since they are incompatible with the UHLC EBB system; therefore, students should ensure that they do not purchase an e-book only version of the casebook or the required supplement book, since e-books are not permitted during the exam.*
  - Other editions of this casebook are **NOT** equivalent substitutes; students must purchase the required edition.
- **Required supplemental readings/assigned materials and remote learning assignments:** Additional cases and other materials are assigned from time to time (these will be designated on full schedule of assignments at start of semester). When assigned, these will be posted under the “Supplemental Required Reading” tab on the course website.

- **PowerPoint slides:** There are PowerPoint presentations corresponding to each chapter we cover in the casebook/required supplement, which we will use to guide our live class sessions. (The Powerpoints are organized by chapters in the casebook, so the same set of Powerpoints may be utilized for several classes, since we spend multiple classes working through each chapter). All PowerPoints will be posted in advance of the class(es) they will be used in on Canvas under the “Powerpoints” tab.
- **Handouts:** Occasionally, handouts on particular topics will be used during class or provided for students as reference after class. Any such handouts will be posted on Canvas under the “Handouts” tab.
- **Remote learning activities/assignments:** From time to time, remote learning activities/assignments may be assigned. These assignments vary but may include one or more remote learning activities, such as worksheets/questionnaires; statutory exercises/quizzes; discussion posts; practice hypos. When assigned, these assignments are ungraded but mandatory and are considered as part of the participation component of the course (see “Participation” below). Repeated failure to complete remote learning activities/assignments in good faith and on time will be considered a lack of preparation and result in a deduction to your final grade. (If any remote learning activities are assigned, students will be notified a week in advance of the due date and the syllabus will be updated accordingly.)
- **Optional Materials:** The schedule of assignments also includes “optional materials” from time to time. These are entirely optional materials: we will not cover these materials in class and students will not be tested on them. The optional materials are offered to illustrate additional points of view or offer a more in-depth look into issues we cover, and they are just a sampling of the multitude of sources related to these topics. I may occasionally notify students of additional optional materials related to current events that occur during the semester related to the course; these will also be posted under the “Optional Materials” tab. I am happy to discuss any particular optional material one-on-one outside of class or during office hours, but as noted above, optional materials will not be part of the class discussion and they will not be tested.
- **Guest speakers:** On occasion, and pending availability, outside guest speakers may be invited to speak (in person or remotely) to the class. If any such speakers are scheduled, the schedule below and/or designated class format may be modified to accommodate the guest speakers. If any such modifications are needed, students will be notified via announcement on Canvas/email and an updated syllabus showing the modifications will be posted under the “Syllabus” tab on Canvas.

**Reserve books at UHLC Library:** A hard copy of the required casebook for the course is available on reserve at the UHLC Library. The library staff have also worked diligently put in place a system to make electronic versions of reserve materials available when possible on short-term reserve loans to students. Students with questions about library resources and availability of books on reserve should contact the library.

**Assessment Method:** The final grade will be primarily based on an in-person final exam (90%) and a required submission of a report about a public land use hearing students are required to attend (10%). Final grades may be modified up or down by one-third of a letter grade based on class participation (see “Participation” below).

- **Final Exam (90%):** the final exam is a **three-hour, in-person, limited open book** exam.
  - *The exam will be a combination of multiple choice and short-answer and/or essay questions.*
  - **Students must take the exam in person**, i.e., students must be physically present in the UHLC building at the date/time and room location that is assigned by UH administration for the exam, unless the student has obtained a prior accommodation from the Justin Dart, Jr. Student Accessibility Center or obtained permission for other arrangements from UHLC Office of Student Services (**do not discuss any such arrangements with me, as it may compromise anonymity**).
  - “Limited open book exam” means students are permitted to bring the following materials **ONLY** into the exam – **no other materials** are permitted. Permitted materials are:
    - (1) the course textbook;
    - (2) any materials posted on the Class Canvas page; and
    - (3) notes or outlines prepared by the student alone or with classmates.
  - **E-books are an electronic source and thus are not permitted during the exam since they are incompatible with the UHLC EBB system; therefore, students should ensure that they do not purchase an e-book only version of the casebooks, since e-books are not permitted during the exam.**
  - **No** hornbooks, treatises, or commercial outlines are permitted to be used during the exam (but students are free to use them in advance to prepare their outline or notes), and **no** electronic sources can be consulted during the exam (meaning any of the permitted materials listed above that you wish to access must be printed out in **HARD COPY** – students **CANNOT** access any of these materials electronically).
  - Additional information regarding the exam will be provided during the semester, including practice exam questions/answer rubrics/model answers).
- **Public Land Use Hearing Requirement (10%):** All students must attend (in-person or remote) a public land use hearing **AND** submit a required online feedback report by the designated deadline that will be provided in the syllabus at the start of the semester:
  - Each student must attend (either in-person or remotely) one public hearing conducted by a local public entity in the state of Texas addressing a land use issue during the semester and submit a required online feedback report (and contribute to a class discussion) on it. Attendance may be via electronic/remote attendance or in-person.
  - The purpose of this exercise is to expose students to the formalities (or lack thereof) of public meetings and to provide an opportunity for students to observe and analyze how policymakers make land use decisions. Land use attorneys are often required to participate in public hearings before local boards on behalf of their clients, and as you will see in the readings over the course of the semester, the vast majority of cases that end up in litigation result from the decisions of local boards, so observing a local board land use meeting “live” provides an important practical perspective on the doctrinal materials we are studying.

- Students must attend and complete and submit the required online report by the *designated due date in mid-November [specific date will be announced in fall]* to receive a grade in the course (you may turn it in earlier if you would like).
- Students have two and a half months to complete this assignment and attend a hearing remotely or in-person at any time of their choosing. Thus, *there are no extensions: failure to turn attend the hearing and submit the required feedback report by the due date will result in zero credit for this assessment (which is 10% of the overall grade in the course).*
- Additional information about which types of local public hearings are eligible for this report will be provided in a handout called “Instructions for Required Report on Public Land Use Meeting” posted under the “Handouts” tab on Canvas.
- **Final grades may be modified up or down by one-third of a letter grade based on class participation (see “Participation” below).**

### Course Technology:

- As noted above under the instructional mode, occasional classes may be designated as virtual/remote to accommodate scheduling needs or unforeseen circumstances. Students will be notified in advance of any classes that will be held remotely and a Zoom link will be posted on Canvas at the start of the semester that is the Zoom link that will be used for any such classes. *A “Policies and Protocols for Remote Class Sessions” will be posted on Canvas and contains important information regarding technology and policies for class protocols and policies on Zoom that students should review in advance of any class date that is designated as remote.*
- **Canvas:** The course website is hosted on the **UH Canvas** system. The course website is where I will post all announcements relating to the class, as well as the links to all pre-recorded class sessions, all required supplemental readings, weekly mandatory quizzes, class handouts, Powerpoints, and the like. Please access the class website early in the semester and regularly check it.
- **UH E-Mail:** Email communications related to this course will be sent to your Cougarnet email which each University of Houston student receives (which is also the email that links to the Canvas system). Please regularly check and use your Cougarnet email for communications related to this course. Faculty use the Cougarnet email to respond to course-related inquiries such as grade queries or progress reports for reasons of FERPA. To access your Cougarnet email, login to your Microsoft 365 account with your Cougarnet credentials. Visit University Information Technology (UIT) for instructions on how to connect your Cougarnet e-mail on a mobile device
- **Webcams:** For any class being held remotely (or for students participating remotely in a particular class), access to a webcam is required. Webcams must be turned on unless a student has notified me in advance of extenuating circumstances that necessitate having their webcam off and received permission to have their webcam off.
- **Video recording of classes:** Per UHLC policy (below), all class sessions will be recorded automatically via in-room Mediasite system. Recordings of every class session will be available via Mediasite website (requires student log in). If there is ever any technical issue with Mediasite class recordings, and a backup Zoom recording of class is available, I will post that on Canvas (under the “Class Recordings” tab) once it has been generated. The recordings will remain available on Mediasite and/or posted on Canvas

for the entire semester for students to review at a later if they choose to. To promote accessibility for all users, the Zoom cloud recording includes an audio transcript that captions the audio of the session.

- UHLC recording policy: The Law Center will record class sessions with audio and video for the sole and limited educational purpose of allowing students to stream the recorded sessions for review or to enable students who missed a class to hear the class presentation. Any recordings created will be deleted and destroyed shortly after the final exam for the class. There is a chance that your contributions to class discussion, whether voluntary or while on call, may be included in the recording. Your continued registration in this class indicates your acquiescence to any such incidental recording for the purposes described above.
- Recording of Class: Per UH policy, Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.
- **Use of Technology**: Computers are required for remote classes and permitted for in-person classes, but should only be used for note-taking purposes and connecting to classes remotely. This prohibits computer use for Internet surfing, chat rooms, e-mail, or other uses not related to note taking for class. Violations of this policy will be considered a lack of preparation and result in a deduction to final grades. Please ensure all other electronic devices (cell phones, etc.) are in silent mode or turned off during class.

**Participation**: Classes will be a combination of lecture and discussion. All students are expected to be prepared for every class, which includes: presenting cases; responding to prompts/questions that were raised in pre-recorded lectures or remote learning assignments or during our in-class discussions; analyzing material in the notes and problems in the casebook; analysis/discussion of any required supplemental materials (if assigned). Because of time limitations, we will not always cover every problem or note in the assigned materials during live classes, but students are responsible for all assigned materials for purposes of the exam. Thus, if you have questions about assigned material that we did not have time to cover in class, please either raise the question during class or office hours or via email.

- **Pass system**: If you are unprepared to be called on for a class session in which you are in the on-call group, you may utilize a "pass" up to two (2) times over the course of the semester and it will not affect the participation component of your grade. To utilize a pass, **you must email me by 6 p.m. the evening before the class you wish to utilize a pass in. Students are responsible for keeping track of their passes; if you exceed 2**

**passes, it will be considered a lack of preparation and result in a deduction to your final grade.**

- **On-call participation equalization:** In order to ensure the class participation policy is applied fairly to all students, if the instructor determines during the final month of the semester that any student has been on call less than average (which may be the result of student absences during the semester and/or student prior utilization of passes), the instructor will notify students individually by email in advance that you will be on call for a specific date(s) (which may be a date on which the student's on-call group is not on call, if necessary to equalize a specific student's participation) in order to ensure all students have been on-call for an approximately equal number of times during the semester.
- **Student Code of Professionalism:** The student handbook contains a Code of Professionalism (available here: <https://www.law.uh.edu/jd/current/handbook.pdf#page=42> that students should observe.

**Course Structure:** A schedule of topics to be covered is provided at the end of this document (a detailed schedule will be posted on Canvas prior to start of semester with precise breakdown of assignments by page number). The schedule is subject to adjustment to account for the pace of class and unforeseen circumstances (i.e., professor illness, extreme weather event, a global pandemic, etc.). If there are any changes to the schedule, students will be given advance notice of changes by email and/or announcement posted to the course website. *Students should regularly check the updated version of this document (link posted on Canvas under "Syllabus" tab) for the most current version of the syllabus schedule.*

- **Leftover material:** If we do not finish covering the assigned material for a particular class, we may start the next class with the leftover material before moving onto the current class's assignment; students should be prepared to discuss the leftover material from the previous class if such a situation arises. Alternately, depending on the complexity of leftover material and timing constraints, I may notify students that a short supplemental recorded lecture wrapping up the material has been posted on the course website, which will wrap up the material and which students will be responsible for reviewing as part of the assigned materials.
- **Participation component to final grades:** Final grades may be modified up or down by one-third of a letter grade (i.e., from a B to a B+ or A to A-) based on class participation. The decision to lower a grade for participation is at my discretion and may result from exceeding the pass limit, or from a combination of unpreparedness or inattention in class, inappropriate use of technology, failure to regularly complete assigned remote learning assignments in a good faith timely manner, or repeated lateness and absences. In exceptional circumstances, students may have their grade raised by one-third of a letter grade.

**Policy regarding AI generated text:**

- The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as "generative" large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can

generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

- Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course, unless specifically authorized by the professor in a specified exception as noted below. This policy applies to AI Generated Text from yourself **or** others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any work product generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Text may not be used in the development or drafting of any assessments created by you in a nonproctored environment, such as a “takehome” final examination unless specifically authorized by the professor as an exception below. The parts of the Honor Code that refer to unauthorized materials or aid are specifically prohibited from any use of AI Generated Text in this course unless specified as an exception below.
- **Exceptions:** The following activities are exceptions to the immediately preceding paragraph; the intent of these exceptions is to allow use of AI Generated Text for specifically identified activities in relation to this course:
  - Creating content for an outline that you use exclusively to summarize the course content;
  - “Conversing” with the AI Generated Text software system to create hypotheticals or to generate practice exam questions to better understand course content, alone or with others; or
  - Checking text drafted by you for misspellings, grammar and punctuation errors, strength and clarity of prose, verbosity, effective transitional language and thesis sentences, word choice, excessive passive voice, and like things.
  - Students will be notified by announcement in class and/or email and/or Canvas announcement if there are any other exceptions during the course of the semester.
- For any of the above permitted uses of AI generated text, **students are responsible for any mistakes made by AI if you choose to incorporate its output into your assigned material for the course.** If you are unsure about the accuracy of a statement, it is your responsibility to research and verify it before using it. This includes properly attributing ideas, ensuring the accuracy of facts, and using correct sources. In addition, any permitted use of AI should be open and documented by a statement at the start of any assignment identifying that you used AI and explaining how you used it. It is essential to be transparent and document the use of AI in your work.

**Lateness:** Students entering the classroom late (particularly for face-to-face classes) can be distracting to the instructor as well as to your classmates. Out of respect for everyone, please make every effort to be on time for class. If there is an exceptional situation where an outside

commitment or emergency requires you to arrive late, please let me know if possible. Unless you have received permission from me (either before or after class), students are required to attend the entire class session in order to certify their attendance on the Google form.

**Attendance:** Attendance for class will be taken through an online sign-in process using Google Forms. At the start of each class session, I will assign a passcode for the day. Students should then log onto the designated Google form link (to be provided via Canvas prior to the start of the semester) and enter your last name and the passcode for the day. The attendance sheet will be closed 10 minutes after class ends; if you attend class but miss signing in or make a mistake in doing so, please notify my staff assistant promptly. You do **not** need to email me in advance if you will be absent. UHLC policy requires students to attend at least 80% of class meetings; excessive absences (absent extenuating circumstances) will be considered a lack of preparation and result in a deduction to your final grade.

**Office Hours:** Schedule for office hours will be provided at the start of the semester. If you are unable to meet during office hours, I will also be available at other times by appointment; please email me to schedule a mutually convenient time. If office hours need to be rescheduled for any other particular week, students will be notified in advance.

#### **Course Technology:**

- As noted above under the instructional mode, occasional classes may be designated as virtual/remote to accommodate scheduling needs or unforeseen circumstances. Students will be notified in advance of any classes that will be held remotely and a Zoom link will be posted on Canvas at the start of the semester that is the Zoom link that will be used for any such classes. *A “Policies and Protocols for Remote Class Sessions” will be posted on Canvas and contains important information regarding technology and policies for class protocols and policies on Zoom that students should review in advance of any class date that is designated as remote.*
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- **UH E-Mail:** Email communications related to this course will be sent to your Cougarnet email which each University of Houston student receives (which is also the email that links to the Canvas system). Please regularly check and use your Cougarnet email for communications related to this course. Faculty use the Cougarnet email to respond to course-related inquiries such as grade queries or progress reports for reasons of FERPA. To access your Cougarnet email, login to your Microsoft 365 account with your Cougarnet credentials. Visit University Information Technology (UIT) for instructions on how to connect your Cougarnet e-mail on a mobile device
- **Webcams:** For any class being held remotely (or for students participating remotely in a particular class), access to a webcam is required. Webcams must be turned on unless a student has notified me in advance of extenuating circumstances that necessitate having their webcam off and received permission to have their webcam off.

- **Video recording of classes:** Per UHLC policy (below), all class sessions will be recorded automatically via in-room Mediasite system. Recordings of every class session will be available via Mediasite website (link to the UH website posted on Canvas; UH website requires student log in with UH credentials). If there is ever any technical issue with Mediasite class recordings, and a backup Zoom recording of class is available, I will post that on Canvas (under the “Class Recordings” tab) once it has been generated. The recordings will remain available on Mediasite and/or posted on Canvas for the entire semester for students to review at a later if they choose to. To promote accessibility for all users, the Zoom cloud recording includes an audio transcript that captions the audio of the session.
- **UHLC recording policy:** The Law Center will record class sessions with audio and video for the sole and limited educational purpose of allowing students to stream the recorded sessions for review or to enable students who missed a class to hear the class presentation. Any recordings created will be deleted and destroyed shortly after the final exam for the class. There is a chance that your contributions to class discussion, whether voluntary or while on call, may be included in the recording. Your continued registration in this class indicates your acquiescence to any such incidental recording for the purposes described above.
- **Recording of Class:** Per UH policy, Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor’s recordings for their own studying and notetaking. Instructor’s recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.
- **Use of Technology:** Computers are required for remote classes and permitted for in-person classes, but should only be used for note-taking purposes and connecting to classes remotely. This prohibits computer use for Internet surfing, chat rooms, e-mail, or other uses not related to note taking for class. Violations of this policy will be considered a lack of preparation and result in a deduction to final grades. Please ensure all other electronic devices (cell phones, etc.) are in silent mode or turned off during class.
- **NO remote presence:** This course is designated as a face-to-face course, and as such, students are expected to be physically present in the classroom for all class sessions. Except the designated remote class dates as described above when the class will be held remotely via Zoom for the entire class, remote presence is **not** available for in-person classes; there is NO remote/Zoom presence option for individual students on regular class days (i.e., on days when class is held in person - which is almost every class date), students must attend in person. If a student is absent, the absence policy applies (see attendance section of syllabus for details). As noted above, recordings of all in-person classes are available through the UH Mediasite system after each class, so if you are

absent for a class, you should review the class recording as soon as you are able to (and visit office hours if you have any questions about material that you missed).

### **Policies Applicable to all UHLC courses:**

#### *Mental Health and Wellness Resources*

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit [uh.edu/caps](http://uh.edu/caps), call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat [988lifeline.org](http://988lifeline.org).

#### *Title IX/Sexual Misconduct*

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

#### *Reasonable Academic Adjustments/Auxiliary Aids*

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing [jdcenter@Central.UH.EDU](mailto:jdcenter@Central.UH.EDU).

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

The Center for Student Advocacy and Community (CSAC) is where you can go if you need help but don't know where to start. CSAC is a "home away from home" and serves as a resource hub to help you get the resources needed to support academic and personal success. Through our Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, we provide 1:1 appointments to get you connected to on- and off-campus resources related to essential needs, safety and advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. We also host a series of cultural and community-based events that fosters social connection and helps the cougar community come closer together. Visit the CSAC homepage or follow us on Instagram: @uh\_CSAC and @uhcupbrd. YOU belong here.

### ***Recording of Class***

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

**Honor Code:** The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

**["Policies and Protocols for Live Remote Class Sessions" and the "Schedule of Assignments" are on the following pages]**

## Policies and Protocols for Live Remote Class Sessions

- **UH Remote-Learning Resources:** The University of Houston is committed to student success, and provides information to optimize the online learning experience through the [Power-On](#) website remote-learning website for students, <https://uh.edu/online/students/remote-learning/index>, which has links to resources on remote-learning tools and tips, internet access, and assistance contacts. Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, and Canvas; requesting a laptop through the Laptop Loaner Program; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. UH also offers a remote-learning planning guide for students at <https://uh.edu/infotech/about/planning/off-campus/students/>. For questions or assistance contact [UHOnline@uh.edu](mailto:UHOnline@uh.edu).
- **Zoom meeting info:**
  - TBA
- **Zoom class protocols:** All distance learning classes in this course will be conducted using the Zoom platform. To facilitate a robust remote learning environment and legal professionalism, the following policies apply to students participating in distance education:
- **Before the Zoom class session:**
  - We will use a recurring Zoom meeting room for designated remote classes, with the same URL and password for the entire semester. I will distribute the Zoom link/meeting ID and the meeting password by email before our first class session. Please do not share our Zoom meeting password outside this class.
  - **Technology requirements:** You must be connected to the Zoom session at the starting time of our live class sessions. If you are unfamiliar with Zoom, please review the UH remote-learning resources above and familiarize yourself with the Zoom website interface/Zoom app interface prior to the start of the semester. Your computer must have a working video camera and quality audio capability, and you should minimize distractions from other activities during the Zoom session. Unless there are extenuating circumstances, students should not join the Zoom session using dial-in by phone: many of the Zoom capabilities are limited or not available at all for participants joining by phone. If extenuating circumstances require that you join by phone, you should email me prior to class (or as soon as possible thereafter, if technological issues make it impossible to do so before the start of class).
  - **Identification:** When you join the Zoom meeting, you must identify yourself in Zoom by “Last name, Preferred First Name.”
  - **Video:** Students are expected to join class sessions using video, which facilitates class engagement. If you have extenuating circumstances that necessitate joining by audio only for a particular class session, you must email me prior to class to notify me.
  - **Professionalism:** Recognizing that individual circumstances of remote learning from home or other non-classroom locations may mean there may be an occasional guest appearance by a family member, or pet, or other on-camera interruption, please try to minimize interruptions. Please maintain a professional

presence on camera by presenting your face and upper body area professionally in the video stream. Zoom offers the option to set up an automated background, which you are welcome to use, but please keep it professional. Drinking water/beverages occasionally on camera during the Zoom session is fine, but please avoid eating on camera as it can be distracting to other participants and does not present professionally.

- **During the Zoom class session:**

- Mute/unmute function: Students will be automatically muted upon entry to Zoom session. When called on, students should manage their “mute button” to unmute themselves, and after finishing speaking, re-mute themselves. When you are speaking, please speak loudly and clearly. If you anticipate background noise during the Zoom session, please utilize headphones (no expensive equipment should be required: generic smartphone headphones are typically adequate).
- Raise hand function: Students should use the raise hand function on Zoom if they have a question (find this icon by clicking on “Participants” at the bottom of the Zoom screen; a list of participants will then appear on the right side of the screen with your name, as well as a list of functions, including “raise hand”). I will check for blue hand icons during topic breaks/pauses in our discussions (which may be a few minutes after you’ve raised your hand), so please keep your “raise hand” icon raised until I’ve called on you. Please select the “lower hand” icon after you’ve been called on. Note that there may be times where the class pace requires that we move forward and not have time for all questions; in such a situation, if you have any unanswered questions, please either stay on Zoom after class ends (see below) or email me your question and I will respond after class.
- Chat function: Because I cannot moderate the chat function simultaneously while teaching and facilitating student discussion (and we do not have a TA to serve as a chat monitor in this class), please limit your use of the chat function. If you have questions, please use the “raise hand” function instead.

- **After the Zoom class session:**

- Post-class Q&A: I will remain on the Zoom meeting for several minutes after the class session ends to respond to any lingering questions individual student(s) may have. These post-class Q&A sessions will be recorded as part of the recording of that day’s class session. However, if you would like to speak with me privately after class, I can use the Zoom breakout room feature to communicate with you. (Students can also send post-class questions via email or during office hours as well).

- **Video recording of classes**: As noted, all classes are recorded per UH policy. Zoom generates recordings of sessions after the live session and a link to the recording of every class session will be posted on Canvas (under the “Class Recordings” tab) within a day after each class (occasionally there may be technology slowdowns, in which case the link to the recording will be posted once it has been generated). To promote accessibility for all users, the Zoom cloud recording includes an audio transcript that captions the audio of the session.

**[“Schedule of Assignments” follows on next page]**

## **Schedule of Assignments**

**Course Structure:** Below is an outline of the topics to be covered during the semester (a full schedule of assignments will be posted on Canvas prior to start of semester with breakdown of assignments by page number). Note that in addition to reading from the casebook, supplemental material will be posted during the semester on the course website (Canvas) that students are responsible for. Please note the schedule is subject to adjustment to account for the pace of class and unforeseen circumstances (i.e., professor illness, extreme weather event, etc.). Students should check the course website for the most up-to-date version of the syllabus. If there is any changes to the schedule, students will be given notice of any changes to the schedule by announcement in class, via email, or by posting on the course website.

## **Topics to be Covered**

### **Chapter 1 – Introduction and Overview**

- Why regulate land use, Who Regulates, and the Doctrinal Basis for Regulating Land Use

### **Chapter 2 – Zoning Basics**

- The Zoning Enabling Act and Zoning Ordinances
- Tools for Increasing the Flexibility of Zoning Ordinances (Rezoning, Variances, Special Exceptions or Conditional Uses, Incentive Zoning, TDRs, Impact Fees & Exactions)
- Accessory Uses
- Non-conforming uses

### **Chapter 3 – Site Issues**

- Special Zoning for Large Developments, Subdivision Controls, Site Plan Review
- Transit Oriented Development

### **Chapter 4 – Historic Preservation & Aesthetics**

- Historic Preservation
- Aesthetic Regulation: Architectural Review, Form-Based Codes

### **Chapter 5 – Developer Challenges to Land Use Decisions and Laws under State Law**

- Locality Exceeding its Powers, Uniformity, Vested Rights, Zoning Estoppel, Public Policy, Vagueness

### **Chapter 6 – Developer Challenges to Land Use Decisions and Laws under Federal Law**

- Takings (5<sup>th</sup> Amendment)
- Discrimination Claims: Equal Protection and the Fair Housing Act
- Free Speech Claims: Sign Regulations and Adult Use Regulations
- Religious Freedom Claims

### **Chapter 7 – Neighbor Challenges to Land Use Decisions**

- Standing, Spot Zoning, Standard of Review, Environmental Review

### **Chapter 8 – Development Problem Hypos**

**Chapter 9 – Private Restrictions on Land Use**

- Private Covenants and Common Interest Communities

**Chapter 10 – The Problem of Scale in Land Use Lawmaking**

- Regional Issues and Governance

**Chapter 11– Local Gov’t as Market Participant: Use of Eminent Domain in Land Use Planning**