

# Course Syllabus: PLAN A4340 (Fall 2017)



Photo credits<sup>1</sup>

## I. Basic Course Information

Course Title: \_\_\_\_\_ Land Use Regulation and Sustainable Zoning  
 Course No: \_\_\_\_\_ PLAN A4340  
 Course Section: \_\_\_\_\_ 001  
 School: \_\_\_\_\_ Graduate School of Architecture, Planning and Preservation  
 Department: \_\_\_\_\_ Urban Planning  
 Program: \_\_\_\_\_ City and Regional Planning  
 Credits: \_\_\_\_\_ 3  
 Days: \_\_\_\_\_ Friday  
 Time: \_\_\_\_\_ 11:00 AM—1:00 PM  
 Location: \_\_\_\_\_ 300 Buell South  
 Prerequisites/Restrictions: \_\_\_\_\_ None

## II. Instructor Contact Information

Name: \_\_\_\_\_ Jonathan Martin, Ph.D., AICP  
 Academic Title: \_\_\_\_\_ Adjunct Professor  
 Office Location: \_\_\_\_\_ N/A  
 Office Hours: \_\_\_\_\_ By appointment (before or after class)  
 Phone No(s): \_\_\_\_\_ (718) 399-4387 (Pratt Office), (212) 353-7438 (Professional Office)  
 \_\_\_\_\_ (914) 648-8317 (Cell)  
 Appropriate Times to Call: \_\_\_\_\_ Weekdays (afternoon)  
 Email Address: \_\_\_\_\_ jm2711@columbia.edu  
 Class Webpage: \_\_\_\_\_ Columbia Courseworks  
 Special Instructions: \_\_\_\_\_ None  
 Teaching Assistant: \_\_\_\_\_ None

<sup>1</sup> From left to right: 1) Aerial view of Norman Foster's Solar City in Linz, Austria courtesy of floornature.com; 2) High-Line Rezoning courtesy of NYC DCP; 3) Basic passive solar strategy courtesy of North Carolina Solar Center

### III. Course Description

#### A. Course Description:

This course introduces the basic techniques of land use regulation as practiced in the United States today with an emphasis on regulations that support green building practices and promote sustainable development patterns. Attention is given to the history, development and incidence of a variety of land use regulations, from the general (or comprehensive) plan to advanced techniques including growth management and recent sustainable zoning practices. Of interest to the student is a focus on the practical questions of what works, what doesn't, and why?

Guided by readings from a wide range of sources (including adopted and proposed sustainable ordinances), the course will be structured as both a seminar and lecture format incorporating the following five areas of interest:

- 1) General Land Use Regulations
- 2) Sustainable Land Use Regulations for Wind and Solar
- 3) Growth Management
- 4) Development Fees
- 5) Regulation of Aesthetics and Signage

Students are required to read assigned readings, summarize these in annotated bibliographic form and come to class prepared to engage in lively conversation about the topics at hand. In addition, there will be one semester-long independent research assignment that asks students to investigate and critically evaluate an existing or proposed sustainable land use/zoning ordinance in a selected jurisdiction. This assignment will be presented in two parts: a written document and a presentation to the class. Pedagogically, this course compliments my Land Use Planning course (PLAN-A6108), but that course is not a prerequisite.

The course lecture program presents an introduction to the subject theory and practice. Topics include the comprehensive plan, subdivision regulations, zoning principles and practice (history and general practice), sustainability (defined), bioclimatic architecture and town planning, sustainable zoning and development codes (wind/solar access, low-impact development, TOD, tree preservation and open space protection, etc.), growth management (state and local), and aesthetics and design regulations (including signage ordinances and form-based zoning). Several community case studies will also be discussed including Solar City (Linz, Austria), Bo01 (Malmö, SE), Hammarby Sjöstad (Stockholm, SE), and Civano (Arizona).

#### B. Course Goal(s):

To become familiar with land use regulation as practiced today across the US at the local, regional and state levels. This course also enables students to acquire knowledge of the wide variety of regulations governing land use development with an emphasis on those that support sustainability (social and environmental). By the course end, students should have developed an understanding of the planner's role in the land use development process.

#### C. Student Learning Objectives:

Students will be able to apply their learning from this course to work required in the department's studio courses and a professional planning environment. Students will be able to recognize the inter-relationships between land use regulatory elements in use in most large jurisdictions in the US and recognize how these may be improved to encourage greater sustainable land use planning.

D. Course Calendar/Schedule:**Overview—Land Use Controls in the United States***The Planning Arena***Introduction, History and Overview (5:5)**

- Fulton, Chapter 4, “The Structure of Planning Decision Making 1: Local Governments” pp. 75-88. **(REQ.)**
- Fulton, Chapter 5, “The Structure of Planning Decision Making 2: Other Players in the Planning Process” pp. 89-114. **(REQ.)**
- Planning and Environmental Law. "100 Years of Land Use Law" Chicago: American Planning Association. Vol.61, No.4, 2009. **(REQ.)**
- NY Dept. of State. *Guide to Planning and Zoning Laws of New York State*:
  - §20 Grant of Specific Powers (p. 3) **(REQ.)**
- Wheeler, Stephen M. “Planning for Sustainability” in *Local Planning: Contemporary Principles and Practice*. Hack, Gary and Eugenie L. Birch, Paul Sedway and Mitchell J. Silver, eds. Washington DC: International City/County Management Association, 2009. pp 111-17. (OPT.)
- Knapp, Gerrit-Jan and Terry Moore. “Smart Growth in Brief” in *Local Planning: Contemporary Principles and Practice*. Hack, Gary and Eugenie L. Birch, Paul Sedway and Mitchell J. Silver, eds. Washington DC: International City/County Management Association, 2009. pp 117-22. (OPT.)
- Meck, Stuart, FAICP. *Growing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change*.
  - Chapter 7: “Why should local governments plan?” (pp. 7-6 to 7-18) **(REQ.)**
  - Chapter 7: “Organizational Structure” (pp. 7-30 to 7-53) (OPT.)

9/8 (1)

*The Comprehensive Plan***History and Overview (US Incidence, 2003) (6:11)**

- Kaiser, Edward J. and David R. Godschalk. 1995. “Twentieth Century Land Use Planning: A Stalwart Family Tree.” JAPA 61, Issue 3, pp. 365-385. **(REQ.)**
- Fulton, Chapter 6, “The Basic Tools, Part I: The General Plan” pp.143-67. **(REQ.)**
- Meck, Stuart, FAICP. *Growing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change*.
  - Chapter 7: The Local Comprehensive Plan (pp.7-54 to 7-68) **(REQ.)**
- NY Dept. of State. *Guide to Planning and Zoning Laws of New York State*:
  - §27 City Planning Board Creation and Appointment (pp. 8-10) **(REQ.)**
  - §271 Town Planning Board Creation and Appointment (pp. 61-63) (OPT.)
  - §7-718 Village Planning Board Creation and Appointment (pp. 109-112) (OPT.)
  - §28 City Comprehensive Plan (pp. 14-17) **(REQ.)**
  - §272a Town Comprehensive Plan (pp. 63-66) (OPT.)
  - §7-722 Village Comprehensive Plan (pp. 112-116) (OPT.)
  - §20g City Intermunicipal Cooperation in Comprehensive Planning and Land Use Regulation (pp. 5-7) **(REQ.)**
  - §284 Town Intermunicipal Cooperation in Comprehensive Planning and Land Use Regulation (pp. 87-89) (OPT.)
  - §7-741 Village Intermunicipal Cooperation in Comprehensive Planning and Land Use Regulation (pp. 138-140) (OPT.)

9/15 (2)

### Sub-Division and Site Plan Review Regulations

9/22 (3)

#### **History and Overview (US Incidence, 2003) (3:14)**

- Fulton, Chapter 8, "The Basic Tools, Part III: The Subdivision Map Act," pp. 169-78 **(REQ.)**
- Nolon, John and Patricia E. Salkin. "Subdivision Control and Other Methods of Community Building." Chapter IV in *Land Use (in a Nutshell)*. St. Paul, MN: Thompson/West, 2006. (pp 107-129) **(REQ.)**
- NY Dept. of State. *Guide to Planning and Zoning Laws of New York State*:
  - §32 City Subdivision Review; Approval of Plats; Development of Filed Plats (pp. 18-25) **(REQ.)**
  - §276 Town Subdivision Review; Approval of Plats; Development of Filed Plats (pp. 70-77) (OPT.)
  - §7-728 Village Subdivision Review; Approval of Plats; Development of Filed Plats (pp. 121-129) (OPT.)

### **Environmental Quality Review**

#### State Environmental Quality Review Act (California and New York) (2:16)

9/29 (4)

- New York Department of Environmental Conservation. "Local Official's Guide to SEQR."
  - [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seqrofficials.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrofficials.pdf) **(REQ. browse but do not annotate)**
- New York Department of Environmental Conservation. "Local Official's Guide to SEQR."
  - [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/cookbook1.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/cookbook1.pdf) **(REQ. browse but do not annotate)**
- New York State Department of State: SEQR Handbook: SEQR and Local Government:
  - <http://www.dos.state.ny.us/lgss/seqr.htm> (OPT.)
- New York Department of Environmental Conservation. "SEQR Long Form Environmental Assessment Form" [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/longeaf.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/longeaf.pdf) **(REQ. browse but do not annotate)**
- Fulton, Chapter 9, "The California Environmental Quality Act," pp. 179-207. **(REQ.)**
- Bristol, Robert F. "Determining the significance of a Visual Impact: Is this simply a matter of 'I know it when I see it?'" *New York Zoning Law and Practice Report*, July/August 2004. (OPT.)
- Schiff, David B. "The Expanding Scope of Environmental Analyses under SEQRA" *New York Zoning Law and Practice Report*, April 2006. **(REQ.)**

### **Zoning: Principles and Practice**

10/6 (5)

#### **History and Overview (US Incidence, 2003) (1:17)**

- Fulton, Chapter 7, "The Basic Tools, Part II: Zoning," pp. 143-68. **(REQ.)**
- NYC Zoning History: <http://www.nyc.gov/html/dcp/html/zone/zonehis.shtml> (OPT.)

#### **Institutional and Legal Framework (3:20)**

- Nolon, John and Patricia E. Salkin. "Zoning Districts and the Separation of Uses." Chapter III in *Land Use*. St. Paul, MN: Thompson/West, 2006. (pp 67-109) **(REQ.)**
- NY Dept. of State. *Guide to Planning and Zoning Laws of New York State*:
  - §81 City Zoning Board of Appeals, Procedure and Actions (pp. 32-34) **(REQ.)**
  - §267 & §267a & §267b Town Zoning Board of Appeals, Procedure and Actions (pp. 54-59) (OPT.)
  - §710 & §712 & §712a & §712b Village Zoning Board of Appeals, Procedure and Actions (pp.104-106) (OPT.)
  - §264 & §266 Town Adoption of Zoning Regulations (pp. 53) **(REQ.)**

10/13 (6)

**Techniques (General Applications) (6:26)**

- General Overview: Cullingworth, J. Barry and Roger Caves. *Planning in the USA: Policies, Issues and Processes*. London: Routledge, 2009. Chapter 8, "The Techniques of Zoning and Subdivision Regulation," pp. 142-170. **(REQ.)**
- Arendt, Randall. "Basing Cluster Techniques on Development Densities Appropriate to the Area." *Journal of American Planning Association*. Chicago: American Planning Association, 1997 (63: pp. 137-45) **(REQ.)**
- Nolon, John and Patricia E. Salkin. "Smart Growth Techniques." in Chapter IV in *Land Use*. St. Paul, MN: Thompson/West, 2006. (pp 214-233) **(REQ.)**
- NY Dept. of State. *Guide to Planning and Zoning Laws of New York State*:
  - §37 City Approval of Cluster Development (pp.30-32) **(REQ.)**
  - §81d City Incentive Zoning; Definitions, Purposes, Conditions, Procedures (p.38-40) **(REQ.)**
  - §81f City Planned Unit Development Zoning Districts (p. 40) **(REQ.)**
  - §278 Town Approval of Cluster Development (p. 82) (OPT.)
  - §261b Town Incentive Zoning; Definitions, Purposes, Conditions, Procedures (pp.48-50) (OPT.)
  - §261c Town Planned Unit Development Zoning Districts (p. 50) (OPT.)
  - §7-738 Village Approval of Cluster Development (pp. 135-136) (OPT.)
  - §7-703 Village Incentive Zoning; Definitions, Purposes, Conditions, Procedures (pp. 96-98) (OPT.)
  - §7-703a Village Planned Unit Development Zoning Districts (pp.98) (OPT.)
- Hanna, Judith Lynne. "Exotic Dance Adult Entertainment: A Guide for Planners and Policy Makers." *Journal of Planning Literature*. Thousand Oaks, CA: Sage Publications. Vol. 20, 116, 2005 (CPL Bibliography 375). (OPT.)

10/20 (7)

**Techniques (Sustainable Zoning) (2:28)**

- General Overview: Cullingworth, J. Barry and Roger Caves. *Planning in the USA: Policies, Issues and Processes*. London: Routledge, 2009. Chapter 4, "Planning and Sustainability," pp. 78-92. **(REQ.)**
- Bobekri, Mohamed. "Solar Access Legislation--A Historical Perspective of New York and Tokyo." *Planning Environmental Law*. May 2005; 57, 5. (OPT)
- Heller, Erica. *Wind and Solar Production and the Sustainable Development Code*. Denver, CO: Rocky Mountain Land Use Institute, 2008. **(REQ.)**
- Rocky Mountain Land Use Institute. *Sustainable Community Development Code*. Denver CO: RMLUI, 2008. (OPT.)
- Oregon Transportation and Growth Management Program. *Cool Planning: A Handbook on Local Strategies to Slow Climate Change*. Portland, OR: Oregon State Government, 2010. **(REQ. – Browse liberally and then select and annotate one (1) section that interests you)**
- White, Darcie. *Site Design Strategies for Solar Access*. Denver, CO: Rocky Mountain Land Use Institute, 2008. (OPT.)

10/27 (8)

**Criticisms, Challenges and the Limits of Zoning (2:30)**

- Trevarthen, Susan, L. "Best Practices in First Amendment Land Use Regulations." *Planning and Environmental Law*. Chicago: American Planning Association. V. 61. June 2009. **(REQ.)**
- Hoch, Dalton and So. *The Practice of Local Government Planning, 3rd Ed.* "Criticisms of Zoning," 355-57 (OPT.)
- Pendall, Rolf J. "Local Land Use Regulation and the Chain of Exclusion." In *Journal of American Planning Association*. Chicago: American Planning Association, Vol. 66, Issue 2, p 125, 2000. (OPT.)
- Furman Center (NYU). *How Have Recent Rezoning Affected the City's Ability to Grow?* New York: Wagner School of Public Policy, 2010. **(REQ.)**
- Nolon, John and Patricia E. Salkin. "Exclusionary Zoning." in Chapter VIII in *Land Use*. St. Paul, MN: Thompson/West, 2006. (pp 253-266) (OPT.)

11/3 (9)

**Techniques (Inclusionary Zoning) (2:28)**

- Schuetz, Jenny, Rachel Meltzer, and Vicki Been. "31 Flavors of Inclusionary Zoning: Comparing Policies From San Francisco, Washington, DC, and Suburban Boston" *Journal of the American Planning Association*. Chicago: APA. Vol. 75, No. 4, Autumn 2009. **(REQ.)**
- City of New York. *Zoning Tools: Inclusionary Housing*. (New York, NY: Department of City Planning) [http://www.nyc.gov/html/dcp/html/zone/zh\\_inclu\\_housing.shtml](http://www.nyc.gov/html/dcp/html/zone/zh_inclu_housing.shtml) **(REQ.)**
- PolicyLink and Pratt Institute Center for Community and Environmental Development. *Increasing Housing Opportunity in New York City: The Case for Inclusionary Zoning*. Brooklyn, NY: Pratt Center, 2004 (OPT.)
  - "Executive Summary" (pp 5-7)
  - "Inclusionary Zoning: A Tool for Easing the Crisis" (pp 21-22)
  - "How Inclusionary Zoning Can Help New York City" (pp 23-26)
- Gornstein, Aaron and Ann Verrilli. *Mixed-Income Housing in the Suburbs: Lessons from Massachusetts*. Boston, MA: CHAPA (Policy Report), 2006. (OPT.)

**Paying for Development (Impact Fees and Linkage Strategies)****History and Overview (US Incidence, 2003): (1:29)**

- Cullingworth, J. Barry and Roger Caves. *Planning in the USA: Policies, Issues and Processes*. London: Routledge, 2009. Chapter 7, "City Financing and Paying for Development," pp. 176-192 **(REQ.)**

**Exactions (Rational Nexus), Impact Fees and Linkage: (2:31)**

- Fulton, Chapter 10, "Exactions" pp. 209-24 **(REQ.)**
- Wolf-Powers, Laura. "Community Benefits Agreements and Local Government: A Review of Recent Evidence." in JAPA. Chicago: APA. Spring 2010. **(REQ.)**
- Shoup, Donald C. "The Trouble with Minimum Parking Requirements." in *Transportation Research*, Part A33 (1999). (OPT.)
- Meck, Stuart, FAICP. *Growing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change*.
  - Chapter 8: Development Impact Fees (pp. 8-140 to 8-144; skim 8-145 to 8-158) (OPT.)

11/10 (10)

**Incentive Zoning (NYC Zoning Resolution) (1:32)**

- New York City Department of City Planning. *New York City Uniform Land Use Procedure*: <http://www.nyc.gov/html/dcp/html/luproc/ulpro.shtml> (OPT.)
- New York City Department of City Planning. *New York City Zoning Resolution*: <http://www.nyc.gov/html/dcp/html/zone/zonetext.shtml> **(REQ. – Browse liberally and then select and annotate one (1) section that interests you)**
- New York City Zoning Handbook, pp. 46-49 (OPT.)

**Public Private Partnerships (1:33)**

- Sagalyn, Lynne B. "Public-Private Development: Lessons from History, Research and Practice." *Journal of the American Planning Association*. Chicago: APA, Winter 2007. Vol. 73, Iss. 1; pp 7-22. **(REQ.)**
- Koppenjan, Joop F. and Bert Enserink. "Public-Private Partnerships in Urban Infrastructures: Reconciling Private Sector Participation and Sustainability." *Public Administration Review*. Washington DC: ASPA, March/April 2009. (Opt.)
- Chapin, Timothy. "Sports Facilities As Urban Redevelopment Catalysts" *American Planning Association. Journal of the American Planning Association*. Chicago: Spring 2004. Vol. 70, Iss. 2; p. 193. (OPT.)

## Quality of Built Environment (Regulating Aesthetics)

### Aesthetics and Design Standards (3:36)

- Blaesser, Brian W. "Design Review" in *Local Planning: Contemporary Principles and Practice*. Hack, Gary and Eugenie L. Birch, Paul Sedway and Mitchell J. Silver, eds. Washington DC: International City/County Management Association, 2009. pp 319-25. (OPT.)
- Cullingworth, J. Barry and Roger Caves. *Planning in the USA: Policies, Issues and Processes*. London: Routledge, 2009. Chapter 17, "Urban Design & Aesthetics," pp. 395-413 **(REQ.)**
- Haughey, Richard M. *Higher-Density Development: Myth and Fact*. Washington, D.C.: ULI—the Urban Land Institute, 2005. **(REQ. – Browse liberally and then select and annotate one (1) section from Part II that interests you)**
- Walters, David. *Designing Community: Charrettes, Masterplans and Form-based Codes*. Oxford, UK: Architectural Press, 2007. Selected pages from pp. 90-100 **(REQ.)**
- Andres Duany, Emily Talen. "Transect Planning" American Planning Association. *Journal of the American Planning Association*. Chicago: Summer 2002. Vol. 68, Iss. 3; p. 245. (OPT.)
- Onondaga County Settlement Plan (DPZ 1999-2001)
  - TND Guidelines (OPT.)  
<http://www.syracusesthenandnow.net/SettlementPlan/TNDGuidelines.pdf>
  - Settlement Plan Pilot Projects (OPT.)  
<http://www.syracusesthenandnow.net/SettlementPlan/PilotProjects.pdf>
  - TND Zoning Code (OPT.)  
<http://www.syracusesthenandnow.net/SettlementPlan/TNDCodeFinal.pdf>
- Katz, Peter. "Form First: The New Urbanist Alternative to Conventional Zoning." *Planning*, November 2004, pp. 16-21. (OPT.)
- Sitkowski, Robert & Brian Ohm. "Form-Based Land Development Regulations" *The Urban Lawyer*, Volume 28, No.1, Winter 2006. (OPT.)
- Madden, Mary E. and Bill Spikowski. "Place Making with Form-Based Codes." *Urban Land*. September 2006. (OPT.)
- Battery Park City Authority. "Growing a Green Community." 2008 (OPT.)
- Battery Park City Authority. "Residential Environmental Guidelines." 2005 (OPT.)
- Battery Park City Authority. "Commercial/Institutional Environmental Guidelines." 2002 (OPT.)

11/17 (11)

## Growth Management (Sustainable Regional Planning)

### History and Overview (US Incidence, 2003) (2:38)

- Fulton, Chapter 11, "Growth Management and Smart Growth" pp. 225-46 **(REQ.)**
- Rolf Pendall, Jonathan Martin, and William Fulton. August 2002. *Holding The Line: Urban Containment In The United States*  
[http://www.brookings.edu/reports/2002/08metropolitanpolicy\\_pendall.aspx](http://www.brookings.edu/reports/2002/08metropolitanpolicy_pendall.aspx) pp. 2-17 and pp. 29-39 **(REQ.)**
- Landis, John D. and Rolf Pendall. "From Zoning to Smart Growth" in *Local Planning: Contemporary Principles and Practice*. Hack, Gary and Eugenie L. Birch, Paul Sedway and Mitchell J. Silver, eds. Washington DC: International City/County Management Association, 2009. pp 298-307. (OPT.)
- O'Connell, Lenahan. "The Impact of Local Supporters on Smart Growth Policy Adoption" in *Journal of the American Planning Association*. Chicago: APA. Summer 2009. (OPT.)
- Lincoln Institute of Land Policy. "Portland: Quest for the Livable City" (FILM). Cambridge MA: Lincoln Institute of Land Policy, 2009. (Viewed in class, time permitting—do not annotate—see <http://www.youtube.com/watch?v=avNmiHnSXns> for a preview or read [http://www.makingsenseofplacefilms.com/MSOP\\_Portland\\_presskit.pdf](http://www.makingsenseofplacefilms.com/MSOP_Portland_presskit.pdf) )

12/1 (12)

12/1 (12) cont.

**State, Regional & Local Growth Management Programs (1:39)**

- Cullingworth, J. Barry and Roger Caves. *Planning in the USA: Policies, Issues and Processes*. London: Routledge, 2009. Chapter 10, "Growth Management and Local Government" pp. 196-210 **(REQ.)**
- Fulton, Chapter 8, "Ballot Box Zoning," pp. 138-47 (OPT.)

12/8 (13)

**Development Management and Open Space Protection (3:42)**

- Nelson, Arthur C. and James B. Duncan. *Growth Management Principles and Practices*. Chicago: American Planning Association, 1995.
  - Chapter 3, "Resource Land Preservation," pp. 37-55 (OPT.)
  - Chapter 4, "Special Area Protection," pp. 56-65 (OPT.)
  - Chapter 5, "Rural Growth Management" pp 66-72 (OPT.)
- Daniels, Thomas L. "Where Does Cluster Zoning Fit in Farmland Protection?" *JAPA* 63, 1997, pp. 129-137 **(REQ.)**
- Hollis, Linda and William Fulton (2002) "Open Space Protection: Conservation Meets Growth Management." Brookings Institution Center of Urban and Metropolitan Policy. **(REQ. – Read pp 3-5, 20-44)**
- DeGrove, John M. *Planning Policy and Politics: Smart Growth and the States*. Cambridge, MA: Lincoln Institute of Land Policy, 2005. Chapter 7 "Maryland." (OPT)
- NY Dept. of State. *Guide to Planning and Zoning Laws of New York State*:
  - §20f City Transfer of Development Rights: Definitions, Conditions, Procedures (pp. 3-4) **(REQ.)**
  - §261a Town Transfer of Development Rights: Definitions, Conditions, Procedures (pp. 38-39) (OPT.)
  - §7-701 Village Transfer of Development Rights: Definitions, Conditions, Procedures (pp. 74-75) (OPT.)

**Urban Growth Boundaries and Greenbelts (US Incidence, 2003) (1:43)**

- Rolf Pendall, Jonathan Martin, and William Fulton. August 2002. *Holding The Line: Urban Containment In The United States*  
[http://www.brookings.edu/reports/2002/08metropolitanpolicy\\_pendall.aspx](http://www.brookings.edu/reports/2002/08metropolitanpolicy_pendall.aspx) pp. 18-28 **(REQ.)**
- Stacey, Robert "The Aftermath of Oregon's Measure 37" in *Local Planning: Contemporary Principles and Practice*. Hack, Gary and Eugenie L. Birch, Paul Sedway and Mitchell J. Silver, eds. Washington DC: International City/County Management Association, 2009. pp 329-332. (OPT.)
- DeGrove, John M. *Planning Policy and Politics: Smart Growth and the States*. Cambridge, MA: Lincoln Institute of Land Policy, 2005. Chapter 2 "Oregon." (OPT.)

**Infrastructure-Based Controls (US Incidence, 2003) (1:44)**

- Martin Olivetti, Sandra. "Maryland's Second Generation of Smart Growth." *Planning*. Chicago: APA, 2010. (OPT.)
- Fulton, Chapter 19, "Infrastructure and Infrastructure Finance," pp. 319-336 (OPT.)
- Meck, Stuart, FAICP. *Growing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change*.
  - Chapter 7: Concurrency and Adequate Public Facility Controls (pp. 8-166 to 8-170) **(REQ.)**

**PLAN 722B: LECTURE SCHEDULE AND ASSIGNMENT DUE DATES AT A GLANCE**

<b>Week</b>	<b>Date</b>	<b>Topics</b>	<b>Tasks</b>	<b>Assignments</b>
1	9/8	<b>Course Overview: Introduction</b> <ul style="list-style-type: none"> <li>The Planning Arena: Overview—Organizational Structure</li> </ul>	Discussion/Lecture	
2	9/15	<b>The Comprehensive Plan</b> <ul style="list-style-type: none"> <li>History and Overview</li> <li>Institutional and Legal Framework</li> </ul>	Discussion/Lecture	<b>Semester Assignment Handed Out</b>
3	9/22	<b>Sub-Division and Plan Review Regulation</b> <ul style="list-style-type: none"> <li>History and Overview</li> <li>Institutional and Legal Framework</li> </ul>	Discussion/Lecture	
4	9/29	<b>Environmental Quality Review (NYS SEQRA)</b> <ul style="list-style-type: none"> <li>History and Overview</li> <li>Review Process and Framework</li> <li>Challenges and Criticisms</li> </ul>	Discussion/Lecture	<b>Semester Assignment: Topic Outline Due</b>
5	10/6	<b>Zoning: Principles and Practice (Part 1)</b> <ul style="list-style-type: none"> <li>History and Overview</li> <li>Institutional and Legal Framework</li> <li>General Principles and Practice</li> </ul>	Discussion/Lecture	
6	10/13	<b>Zoning: Principles and Practice (Part 2)</b> <ul style="list-style-type: none"> <li>Sustainable Zoning Overview (Applications)</li> </ul>	Discussion/Lecture	
7	10/20	<b>Zoning: Principles and Practice (Part 3)</b> <ul style="list-style-type: none"> <li>Bioclimatic Architecture (Applications)</li> </ul>	Discussion/Lecture	<b>Semester Assignment—“Check-In”</b>
8	10/27	<b>Zoning: Principles and Practice (Part 4)</b> <ul style="list-style-type: none"> <li>Solar Access and Other Techniques (Applications)</li> <li>Challenges and Criticisms</li> </ul>	Discussion/Lecture	
9	11/3	<b>Zoning: Principles and Practice (Part 5)</b> <ul style="list-style-type: none"> <li>Inclusionary Zoning</li> <li>Zoning for Access</li> </ul>	Discussion/Lecture	
10	11/10	<b>Paying for Development: Impact Fees and Linkage</b> <ul style="list-style-type: none"> <li>History and Overview</li> <li>Exactions and Horse Trading</li> <li>Incentive Zoning</li> <li>Public Private Partnerships</li> </ul>	Discussion/Lecture	
11	11/17	<b>The Built Environment: Aesthetics and Design Standards</b> <ul style="list-style-type: none"> <li>History and Overview</li> <li>Form-Based Codes</li> </ul>	Discussion/Lecture	<b>Semester Assignment—“Check-In”</b>
<b>11/24/2017 – Thanksgiving Holiday – Columbia University Closed</b>				
12	12/1	<b>Growth Management: Principles and Practice (Introduction)</b> <ul style="list-style-type: none"> <li>History and Overview</li> <li>Institutional and Legal Framework</li> <li>State and Regional Growth Management</li> <li>Local Growth Management Strategies</li> </ul>	Discussion/Lecture <b>FILM: Making Sense of Place—Portland (time permitting)</b>	
13	12/8	<b>Growth Management: Applications</b> <ul style="list-style-type: none"> <li>Urban Growth Boundaries/Greenbelts</li> <li>Infrastructure Based Controls</li> <li>Development Management and Open Space Protection</li> </ul>	Discussion/Lecture	<b>“Course Reader” DUE</b>
14	12/15	<b>Student Project Presentations (in place of final exam)</b> Course Summary and Discussion	Discussion/Lecture	<b>Semester Assignment DUE 12/15</b>

## IV. Course Requirements

### A. Textbooks, Readings and Materials:

#### **Texts: (1 Required)**

- Fulton, William and Paul Shigley. *Guide to California Planning, 4th Ed.* Point Arena, CA: Solano Press, 2013. (ISBN: 1938166027).\*

*\*It may seem odd to use a guide to "California" planning as a textbook, but Fulton's book provides an excellent overview of many relevant planning issues in practice today. Whereas New York can boast having what is possibly the most comprehensive zoning ordinance in the country, California's land use regulations are far broader reaching and varied. In many instances, California has set the trend for many of the land use regulations in effect across the country today, and therefore this book provides an excellent pedagogical case study. For example, California was the first state to require environmental review in 1970, and 14 other states have followed suit since then. In fact, the New York State Environmental Quality Review law (SEQR) that went into effect in 1978 used the California Environmental Quality Act as its foundation.*

A tentative schedule of required readings is provided in Section III.E (required reading assignments noted as "REQ."). Most readings come from the *Guide to California Planning*. Other readings can be found online (sources listed below). Additional readings will be made available—provided in digital PDF file format, placed on reserve at the Avery Library or handed out in class (or placed on the course website). The required text is available for purchase at the Columbia University bookstore.

**Online Reading Resources:** (Please download to your personal computer – also available on the course website)

NY Dept. of State. *Guide to Planning and Zoning Laws of New York State: Guide to Planning and Zoning Laws of New York State (2011):*

[http://www.dos.ny.gov/LG/publications/Guide\\_to\\_Planning\\_and\\_Zoning\\_Laws.pdf](http://www.dos.ny.gov/LG/publications/Guide_to_Planning_and_Zoning_Laws.pdf)

Meck, Stuart, FAICP. 2002. *Growing SmartSM Legislative Guidebook: Model Statutes for Planning and the Management of Change.* Chicago: American Planning Association, 2002.

<http://www.planning.org/growingsmart/guidebook/index.htm>

### B. Project(s), Paper(s), Assignment(s):

#### **Annotated Bibliography:**

Assignments for this course include assembly of an annotated bibliography of all assigned "required" readings (see Section IV.C below for further details). Bibliographic entries are to be assembled in a digital "course reader" (PDF) and submitted for a grade at the end of the semester.

#### Definition:

The standard bibliography details the citation information of the consulted sources: author(s), date of publication, title, and publisher's name and location (and for articles: journal title, volume, issue and page numbers). To these basic citations, the annotated bibliography adds descriptive and evaluative comments (i.e., an annotation), assessing the nature and value of the cited works. The addition of commentary provides the future reader or researcher essential critical information and a foundation for further research.

Format:

The average entry in an annotated bibliography consists of a work's citation information followed by a short paragraph of three to six sentences, roughly 150 words in length. Annotations begin on the line following the citation data with the cited work being understood as the subject. The annotation should include most, if not all, of the following:

- Explanation of the main purpose and scope of the cited work
- Brief description of the work's format and content
- Theoretical basis and currency of the author's argument
- Author's intellectual/academic credentials
- Work's intended audience
- Value and significance of the work as a contribution to the subject under consideration
- Possible shortcomings or bias in the work
- Any significant special features of the work (e.g., glossary, appendices, particularly good index)
- Your own brief impression of the work (this should be at least 1/3 of the discussion)

In this class, it is also perfectly acceptable to raise important questions you may have about a certain land use regulation being discussed (all questions are good – the idea here is for you to learn, so please don't be shy). For further information on what constitutes an annotated bibliography, please see the document posted to course website **and the example annotations provided at the end of this syllabus.**

**Research Project:**

In addition, coursework requires the completion of **one (1)** semester-long research assignment presented in two parts: a) written report and b) an accompanying oral presentation. This assignment involves researching an existing (or proposed) sustainable zoning ordinance. Research will include contacting parties responsible for its implementation and administration to find out what works about the ordinance, what doesn't, and what the jurisdiction has learned by adopting the regulatory element.

**Due dates for the assignments are as follows:**

- |  |                                       |
|--|---------------------------------------|
| • Weekly bibliography entries:                   | Noon on day before class (Thursdays). |
| • Zoning analysis assignment (handed out):       | September 15                          |
| • Due date for assignment topic selection:       | September 29                          |
| • Project "Check-In" 1:                          | October 20                            |
| • Project "Check-In" 2:                          | November 17                           |
| • Due date for "Course Reader":                  | December 8                            |
| • Due date for the zoning analysis report:       | December 15                           |
| • Due date for the zoning analysis presentation: | December 15                           |

**C. Assessment and Grading:**

Your grade will depend strongly on your class participation (annotated bibliography of reading assignments and in-class discussion thereof) and completion of the research assignment.

Grading is outlined for the research assignment as provided, but in order to pass this course you must complete all assignments and attend class regularly. In addition, because much of the work in this class involves discussion, it is imperative that you participate. This requires that you read and comprehend the assigned readings, and have something to say about them in class. To ensure lively class discussions, you are required to abstract/annotate/summarize each required course reading (you are not required to annotate optional readings). Annotated bibliographic entries are to be submitted to me electronically (via email) **no later than noon on the day before class.** These will be digitally assembled as a "course reader" (PDF) at the end of the semester.

Grades distribution for all course work as follows:

Assign. 1: Sustainable Land Use/Zoning Analysis (Topic Selection)	5%
Assign. 2: Sustainable Land Use/Zoning Analysis (Report)	40%
Assign. 3: Sustainable Land Use/Zoning Analysis (Presentation)	5%
Assign. 4: Reading Abstracts and Class Participation (including attendance)	40%
Assign. 5: "Course Reader"—(Annotated Bibliography)	10%

**Annotated bibliographic entries are due by noon on the day before class.** All entries must be completed on time. You may be late with one entry without penalty, but **all entries must be completed and assembled in a course reader in order to pass this course.** PLEASE INCLUDE YOUR NAME IN THE FILENAME WHEN YOU SUBMIT YOUR ANNOTATIONS VIA EMAIL. Recommended filename format: *Martin\_PLAN-4340\_Annotations\_Week#*

To learn how to write an effective annotated bibliography, see my guidelines provide on the course website.

**Course Reader**

The course reader is a digital document (PDF) that includes all of your annotations from the semester. These should be assembled by week (each new week begins at top of a page) with a full bibliographic entry provided before each annotation (so bibliographic entry then the annotation for each reading). The reader should include a cover page, table of contents, and page numbers.

**V. Policies**

- A. **Class Meetings and Attendance:** Your success depends on your presence and participation in class. Class attendance will be taken regularly and will factor prominently into your final grade (see above). There are some circumstances, however, which may prevent you from attending class. These include illness or family/personal emergency, religious observances, winter weather and/or scheduled participation in varsity athletics or other recognized extracurricular activities. If you are ill and cannot attend class, your absence can be excused with written verification from a doctor. Any student missing more than one class without a pre-arranged and valid excuse will receive a failing grade.

If you expect to miss class(es) for religious observances or athletic participation, please inform me in writing (e-mail is fine) ahead of time. Weather and mass transit are unpredictable and occasionally cause delay or cancellation of academic activities. In these cases, excused absences from class will be granted only if the institute officially closes—if it's open, I will be here and I expect that you will too.

If you do miss class, I will expect a call or email explaining why you aren't able to attend. In such instances, please make it your responsibility to find out what you missed. Please jot down the names, phone numbers and e-mail addresses of at least two fellow students in the class. These should be people you can call to get assignments and notes if you miss class.

NAME	PHONE NUMBER	E-MAIL

- B. **Electronic Devices:** Cell phones, laptops, I-Pads, Kindles, and other electronic devices must be turned off and put away during class. Anyone who is observed text messaging or using an electronic device during class will be counted absent for that day. If you earn more than two infractions, you will be asked to drop the course. **Please note that I take this policy very seriously.** If you are curious why I have adopted such a stringent policy, academic studies, including one from Cornell University (2003) and another from Princeton University (2014), show that show classroom performance drops markedly when students use these devices (even to legitimately take notes).<sup>2</sup> The articles are listed below if you'd like to read, but a brief introduction can be found at <http://www.newyorker.com/tech/elements/the-case-for-banning-laptops-in-the-classroom>.
- C. **Conferences and Office Hours:** If you need to speak with me regarding class matters, please feel free to contact me so we can set up an appointment. Please bring materials/assignments you wish to discuss with you to our conferences.
- D. **Students with disabilities:** In compliance with Columbia University policy and equal access laws, I am available to discuss appropriate academic accommodations that you may require as a student with a disability. Request for academic accommodations need to be made during the first two weeks of the semester, except for unusual circumstances, so that appropriate arrangements can be made. Students must register with Office of Disability Services (see: <https://health.columbia.edu/disability-services> or call 212 854 2284) for disability verification and for determination of reasonable academic accommodation.
- E. **Academic Integrity:** Academic integrity is expected of every Columbia University student in all academic undertakings. Integrity entails a firm adherence to a set of values (outlined in the 2017-2018 Columbia University Student Handbook), and the values most essential to an academic community are grounded in the concept of honesty with respect to the intellectual pursuits of oneself and others. A Columbia student's submission of work for academic credit indicates that the work is the student's own. All outside assistance (including assistance from a classmate, roommate, friend or family member) should be acknowledged, and the student's academic position truthfully reported at all times. In addition, Columbia students have a right to expect academic integrity from their peers. (For more information: <https://www.arch.columbia.edu/plagiarism-policy>)
- F. **Safety:** All students are expected to adhere to the specific health and safety guidelines of Columbia University.
- G. **Student Responsibility for Learning:** Students must take responsibility for their own learning in this course. This means that you have to do the readings ahead of class meetings and come to class prepared to engage in discourse. While the grading rubric is presented above, effort counts a lot in this course (in all my courses, actually) and what you will ultimately take from this course will depend strongly upon the effort you put forth. For my part, I will provide lectures that support and extend the topics covered in the readings. I will also lead class discussions and guide your research for the semester long project. Ultimately, however, the responsibility to learn is your own. Please do not take this course unless you are willing to accept this responsibility.

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<sup>2</sup> Hembrooke, Helene and Geri Gay. "The Laptop and the Lecture: The Effects of Multitasking in Learning Environments." **Journal of Computing in Higher Education**, 2003, Vol. 15(1).; Sana, Faria and Tina Weston, Nicholas J. Cepeda. "Laptop multitasking hinders classroom learning for both users and nearby peers." **Computers & Education**, 2013, Vol. 62.; Wood, Eileen and Lucia Zivcakova, Petrice Gentile, Karin Archer, Domenica De Pasquale, Amanda Nosko. "Examining the impact of off-task multi-tasking with technology on real-time classroom learning." **Computers & Education**, 2012, Vol. 58.; and Pam A. Mueller, Pam and Daniel M. Oppenheimer. "The Pen Is Mightier Than the Keyboard: Advantages of Longhand Over Laptop Note Taking." **Psychological Science**, 2014, Vol. 25(6).

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- H. **Late or missed assignments:** See Sections IV.B and IV.C of this syllabus. Late assignments will be downgraded accordingly (usually one grade level).
- I. **Incomplete (INC) grades:** Because the material in this course does not lend itself to make-up, I will not entertain incompletes except in a case of true emergency. If an incomplete is given, you will receive partial credit towards the next offering of this course; you will not have the option to complete the work late and hand it in for credit after the end of the semester. I am holding the line on this because much of the learning will come from participation in class discussions and reading the assigned texts prior to class lectures. Substantial learning will also occur through the semester long research project and application of ideas discussed in class to the project. If you miss class, these learning opportunities are forfeited.
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**Annotated Bibliographic Entry Examples** (appropriate in terms of content, discussion and length):

**Schiff, David B. “The Expanding Scope of Environmental Analyses under SEQRA” in *New York Zoning Law and Practice Report*, April 2006.**

Schiff’s piece on DEIS’s under SEQRA explains both how the scope of the environmental analysis has changed and grown overtime and how the process and outcome can often be a “mixed blessing.” Earlier and more traditional DEIS’s included traffic, noise, quality and land use compatibility analysis. Today, agencies frequently require a more extensive environmental analysis that looks at broader impacts including socio-economics, secondary growth, school populations, community facilities and biodiversity. While Schiff does give a disclaimer that this report is written from the perspective of a planning consultant in the trenches, he is a bit cavalier with his assertions. For example, he suggests that arguments about new development threatening community diversity and contributing to homogeny are often made in places where there is little diversity. Additionally, he posits that the “the Wal-Mart effect” is often exaggerated.

Whether or not it belongs in an EIS is up for debate but secondary growth analysis, particularly the identification of vacant land subject to development, remains an important undertaking for planners. Additionally, while Schiff suggests that standard multipliers used to predict the number of school children (by housing type) is outdated and there is not a very accurate way to calculate this impact, it proves to be a worthy undertaking in understanding the impacts of development. In the end, Schiff notes that EIS’s don’t always result in better projects – I sense a little bitterness in his tone.

**Fulton, William and Paul Shigley. Chapter 7, “The Basic Tools, Part II: Zoning,” (pp. 143-68) in *Guide to California Planning, 4th Ed.* Point Arena, CA: Solano Press, 2013 *Guide to California Planning*, 2013.**

While zoning is meant to be a vehicle for implementing the general plan, in some instances it is the primary tool of land use planning because of its flexibility – its ability to address fluid political climates. Zoning has three components – use, form and management of impacts. Use refers to the districting and separation of different land uses such as residential, commercial and industrial. Over time the separation and become less stringent and more porous – as economies have integrated. This has led to the reemergence of mixed-use districting. Newer to the forefront of zoning is form-based zoning, which unlike traditional zoning that looks at use, the former looks at form, such as height limits and setback specifications for buildings. Increasingly, the management of external impacts influences much of the development process. However, there are various ways to grant exceptions, such as variances and conditional-use permits. The conditional-use permit, which focuses on allowing certain types of businesses in districts where they may not be allowed, but may compliment or benefit the surrounding area. The author also discussed the concept of discretionary review, which is often used as a tool to exert control of developments and in some instances obtain exactions from particular proposals. Lastly, the author provides an overview of New Urbanism and the rise of form-based coding.

Once again, at issues is the balance of allowing flexibility while maintaining relative objectivity or in the least, consist standards of application. The author asserts that standards for what would constitute granting a variance is vague and leads to abuse. Additionally, the author contends that discretionary review is also at times a political tool – which can lend itself to being a corruptive activity. One a different note, it is interesting how planning has been somewhat cyclical. The author contends that zoning has shifted development back toward village settlement style, with an emphasis on mixed-use and credits the integration or growing fluidity of the economy. However, the increased value of in the livability of cities and incremental re-urbanization may be an even bigger factor today. Lastly, as the author submits, New Urbanism places form above use, a concept with which I will never agree, while conceding that that New Urbanists elevate important considerations.