

Keep on top of zoning issues that affect you!

PRACTICAL GUIDE TO ZONING AND LAND USE LAW

St. Louis, Missouri — November 12, 2008
Springfield, Missouri — November 13, 2008



PRESENTED BY

John G. Beseau	Stephen L. Kling Jr.
Gary H. Feder	J. Wayne Oldroyd
Tracy Hunsaker Gilroy	Daniel S. Peters
Neil P. Guion	Patrick J. Platter

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Registration 8:30 am - 9:00 am

Program 9:00 am - 4:30 pm

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\$329 for the first registrant

\$319 for each additional registrant

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FREE REFERENCE MANUAL

Practical Guide to Zoning and Land Use Law

Receive a comprehensive course manual, included with your tuition, which you can take back to your office and use as a reference.

AUDIO RECORDINGS

This seminar will be recorded in its entirety. If you can't attend, you can still obtain the benefits of the information provided by purchasing the manual and CD. See the registration form to order.

CANCELLATION

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THE NBI GUARANTEE

If you aren't satisfied with a seminar or training resource, call or write us and we'll make it right.

ST. LOUIS — November 12

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Sheraton Clayton Plaza

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Phone 314-863-0400

SPRINGFIELD — November 13

University Plaza Hotel & Convention Center

333 John Q. Hammonds Parkway

Springfield MO 65806

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KEY SEMINAR BENEFITS

Navigate the Zoning Process with an In-Depth Understanding of Zoning Regulations

- Know the necessary steps - on a local, regional and state level - for obtaining a permit.
- Review the limits on governmental power so you know how takings and exactions must be handled.
- Fulfill your role in the process when a zoning case is litigated or when a decision is appealed.
- Stay in the loop in your community with a knowledge of local zoning issues including economic development and smart growth.
- Represent your clients with confidence with an in-depth understanding of key zoning concepts.
- Understand the constitutional limitations on zoning so you can handle questions of eminent domain with ease.
- Learn how to effectively challenge and litigate rezoning decisions.
- Know the steps you need to take to fight for your client during an appeal of an administrative zoning decision.
- Take your zoning knowledge to the next level with an in-depth understanding of the process for adopting and amending the zoning ordinances and map.

SEMINAR **OUTLINE**

I. CURRENT CASE LAW AND LEGISLATIVE UPDATE

9:00 - 9:45, *Written by John G. Beseau and Daniel S. Peters. Presented by John G. Beseau and Daniel S. Peters in St. Louis and Patrick J. Platter in Springfield.*

II. KEY COMPONENTS OF THE APPROVAL PROCESS

9:45 - 10:50, *Written by J. Wayne Oldroyd. Presented by J. Wayne Oldroyd in St. Louis and Neil P. Guion in Springfield.*

- A. Authority for Land Use Decisions
- B. Local, Regional and State Approvals
 1. Comprehensive Plan
 2. Regional Impact
 3. Subdivisions
 4. Rezoning: Zoning Changes or Amendments
 5. Variances, Special Uses and Conditional Uses
- C. The Permitting Process
 1. State Building Code
 2. Nonconforming Uses
 3. Permits and Certificates
 4. Environmental Review
- D. Vested Rights
- E. Estoppel
- F. Moratoria

III. CONSTITUTIONAL LIMITATIONS ON LAND USE

11:05 - 12:10, *Written by Neil P. Guion. Presented by Tracy Hunsaker Gilroy in St. Louis and Neil P. Guion in Springfield.*

- A. Municipal Authority for New Approaches
- B. The U.S. Supreme Court: Zoning as a Form of Governmental Power
- C. Takings and Exactions
- D. Due Process
- E. Equal Protection
- F. Property Rights and the Police Power

IV. CHALLENGING A REZONING DECISION

1:10 - 2:10, *Written by Patrick J. Platter. Presented by Daniel S. Peters in St. Louis and Patrick J. Platter in Springfield.*

- A. Procedural Requirements
- B. Filing a Declaratory Action
- C. Standing Issues
- D. Litigating a Zoning Case
 1. Trial Strategies
 2. Use of Experts
 3. Local Government Perspective
- E. Appellate Review
- F. Federal Pre-Emption

V. APPEALING AN ADMINISTRATIVE ZONING DECISION

2:25 - 3:25, *Written by Gary H. Feder. Presented by Gary H. Feder in St. Louis and Patrick J. Platter in Springfield.*

- A. Procedural Requirements
- B. Standing Issues
- C. Trial of an Administrative Appeal
 1. Strategies
 2. Local Government Perspective
- D. Appellate Review

VI. ADOPTION AND AMENDMENT OF ZONING ORDINANCE AND MAP

3:25 - 4:30, *Written by Stephen L. Kling Jr. Presented by Stephen L. Kling Jr. in St. Louis and Neil P. Guion in Springfield.*

- A. Source of Zoning Authority
- B. Zoning Procedures Law
- C. Notice Issues
- D. Hearing Issues
- E. Standards
- F. Local Issues
 1. Local Powers Act and Impact Fees
 2. Impact Fee Procedures Ordinance

*If needed, the above agenda may be changed to best accommodate all of our attendees.

WHO SHOULD ATTEND

This **basic-to-intermediate level course** will assist the following in understanding and working with zoning and land use regulations:

- Attorneys
- City and Urban Planners
- Developers
- Appraisers
- Surveyors
- Engineers
- Architects
- Local zoning and land use officials



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NOVEMBER 12 - ST. LOUIS

JOHN G. BESEAU is an attorney at Herzog Grebs, where he practices in the areas of general litigation, business and commercial litigation, as well as construction and real estate matters. He is a member of The Missouri Bar, the Bar Association of Metropolitan St. Louis and the Illinois State Bar Association. Mr. Beseau earned his bachelor's degree, with high honors, from the John Cook School of Business at Saint Louis University. He is admitted to practice in Missouri and Illinois.

GARY H. FEDER is a partner in the law firm of Husch Blackwell Sanders LLP, where he practices in the areas of real estate law (acquisition, zoning, and condemnation issues), corporate law and related litigation. Other areas of his expertise include land use development and financing, business litigation, public finance and tax. He is a frequent speaker on a variety of real estate development issues, such as the use of tax increment financing, transportation development districts and urban redevelopment corporations. Mr. Feder has written many books, law reviews and journal articles on redevelopment, tax abatement, tax increment financing and related development incentives. He is listed in the 2008 edition of *The Best Lawyers in America* in the areas of land use and zoning law, real estate law, eminent domain and condemnation law. Mr. Feder also was voted as a 2007 Missouri and Kansas "Super Lawyer" in the areas of real estate law, and was named a top 50 "Super Lawyer" in St. Louis in 2005. He earned his A.B., LL.M. in taxation and his J.D. degrees from Washington University in St. Louis. Mr. Feder is a member of The Missouri Bar, the Bar Association of Metropolitan St. Louis, the Clayton Chamber of Commerce (Board of Directors and past president) and the Clayton Mayor's Advisory Council.

TRACY HUNSAKER GILROY is the president of The Gilroy Law Firm, where she has practiced law for the last 24 years in the areas of eminent domain/condemnation and real estate litigation, with the last 18 years in private practice. Prior to entering private practice, Ms. Gilroy litigated matters for the Missouri Highway and Transportation Commission and concentrated those efforts in the area of eminent domain issues. Ms. Gilroy has been recognized in her profession by being elected as president of the Bar Association of Metropolitan St. Louis, and by being appointed to chair The Missouri Bar Eminent Domain Committee. She has also received numerous presidential appointments within the American Bar Association for service to her profession. She is a frequent author and speaker in the areas of eminent domain, law practice management and mediation/arbitration matters.

STEPHEN L. KLING JR. is a member and managing principal of the St. Louis law firm of Jenkins & Kling, P.C., where his practice is concentrated in the areas of real estate acquisition, development and financing, land use and creditor bankruptcy law. He earned his B.S. degree from the University of Missouri at Columbia, and his M.S. and J.D. degrees from Saint Louis University. Mr. Kling actively represents developers, property owners, and business and citizen groups in many municipalities in the St. Louis metropolitan area. Mr. Kling is the author of two articles on municipal land planning law in Missouri, both published in *The Journal of The Missouri Bar* in 2000 and 2002. More recently, he wrote an article on Missouri's new anti-SLAPP law, dealing with lawsuits against public participation at governmental zoning

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and planning meetings, published in the *Journal of The Missouri Bar* in 2005. He is currently finalizing an article on zoning as a land use control in Missouri for an upcoming issue of the *Journal of The Missouri Bar*. In addition, Mr. Kling has received awards from both the Missouri Chapter of the American Planning Association and its St. Louis Section for his articles and related work in land planning law. Mr. Kling has been recognized in *The Best Lawyers in America* publication for the specialty of land use and zoning law. He is a member of The Missouri Bar and the American Planning Association.

J. WAYNE OLDROYD, AICP, is currently the director of community development at the Maryland Heights City Hall, where he manages all building and development, subdivision review, zoning administration and code enforcement programs. In his role as city planner, Mr. Oldroyd is also responsible for the preparation of the comprehensive plan. Prior to moving to St. Louis, he was president of Environmental Planning and Design Group, and served both municipal and land development clients in the New Jersey and Philadelphia regions for more than 20 years. As an adjunct professor at Rutgers University, he developed and taught outreach education programs for municipal officials, and has continued that role at the University of Missouri-St. Louis. Mr. Oldroyd is a member of the American Institute of Certified Planners and currently serves as president of the Missouri Chapter of the American Planning Association.

DANIEL S. PETERS is a partner in the firm Herzog Grebs, where he practices in the areas of construction law, real estate law, litigation and appellate, business and commercial law, securities law and employment law. He is a member of The Missouri Bar, the Bar Association of Metropolitan St. Louis and the American Bar Association (member, Committee on Trial and Techniques, and the Section of Tort and Insurance Practice). Mr. Peters earned his B.S. degree from Southwest Missouri State University and his J.D. degree from the Saint Louis University School of Law.

NOVEMBER 13 - SPRINGFIELD

NEL P. GUIONI is of counsel with Lathrop & Gage L.C., in Springfield, Missouri, where he practices in the areas of real estate and general transactional law. He is an adjunct faculty member at Missouri State University teaching land use planning law. Mr. Guion received his A.B. degree from Dartmouth College and his J.D. degree from the University of Virginia. He is a member of the Springfield Metropolitan, New Hampshire and American bar associations, and The Missouri Bar (member, Real Estate Section).

PATRICK J. PLATTER is of counsel to the Springfield law firm of Neale & Newman, L.L.P., where he practices in the areas of land use, workers' compensation and general civil litigation. He is a member of the planning and zoning commission for the City of Springfield, where he served as past chairman. Mr. Platter is a frequent speaker at continuing legal education seminars. He is on the Board of Directors of the Springfield Metropolitan Bar Association. Mr. Platter is a member of The Missouri Bar, the American Bar Association and the Defense Research Institute. He is licensed to practice before the U.S. 8th Circuit Court of Appeals. Mr. Platter earned his A.B. and J.D. degrees from the University of Missouri at Columbia.



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PRACTICAL GUIDE TO ZONING AND LAND USE LAW

Seminar Number: 46425

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- November 12**
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