Course Goal

Cities are made up of many different uses. Most of them are not controversial, and are not objected to by citizens or policy-makers. This course introduces students to land uses and activities that have encountered objections or are perceived as offensive, and have been the subject of efforts to restrict or eliminate them. The bases for the objections are typically and primarily moral, religious, aesthetic, or some other qualitative reason, with land use impact being a secondary consideration. Frequently, the uses or activities in question have been recognized by courts to have some degree of constitutional or legal protection.

Using sexually-oriented businesses (SOBs) as the chief example, this course will explore and consider: (1) controversial or perceived offensive land uses and activities, (2) the reasons why the uses are controversial, (3) why courts or legislatures recognize and protect those uses, and (4) the land use and other regulatory tools available to address these uses at the local level.

Course Objectives

This course is an introduction to the sometimes controversial and emotionally charged world of objectionable land uses and human activities. The focus of the course will be on the role of local government officials—primarily planners—in responding to these uses and activities, and to those who object to them, in a balanced and legally-supported manner. The main objectives of the course include:

- familiarizing students with the identity and nature of controversial land uses
- familiarizing students with the legal and constitutional basis for recognizing and protecting these uses and activities.
- acquainting students with the range of land use and other methods to address the uses and their impacts
At the end of the course, students should be able to:

- understand and explain—at a basic level—why certain land uses and activities have legal and constitutional protection

- understand and identify the methods for regulating these uses and how to implement those methods

- prepare ordinances that regulate a controversial land use or activity, including performing studies and background work

Course requirements

This course will be a combination of lectures, discussion, videos, and group work; students are responsible for all material regardless of format. The course requirements include an expectation of active participation in class discussion, based on the readings and individual research. Students will be expected to have read the assigned materials prior to the class so that they may participate in class discussions.

The primary text is *Everything You Always Wanted to Know About Regulating Sex Businesses*, by Connie B. Cooper and Eric D. Kelly. It is available from the American Planning Association (APA). Cost is $15.00 for APA members, plus shipping. Slightly more for non-APA members. Other material, such as model ordinances laws, cases, and government publications may be assigned. I will try to use material that is available on-line.

There will also be links to online materials posted on Carmen or other common site. Note that not all the material presented in class will be in the readings; it is important that you attend class lectures.

Attendance policy

The success of this course depends on active participation. In order for all students to have a good experience in class, attendance and participation are expected. If you are going to be absent for a particular class, or need to arrive late or leave early, let me know in advance if possible, with an explanation. Excessive unexcused (or poorly explained) absences will result in the loss of one grade increment (e.g., B+ to B) for the course.

Planning Accreditation Criteria

-Social sciences (history, economics, sociology, political science, anthropology, psychology, geography) including knowledge of the societal aspects of certain land uses

-Legal studies including knowledge about constitutional rights and principles, state and local government law, administrative rules and regulations, especially those focusing on the regulation of land use and human activity
- The institutions that both shape and respond to plans and planning related activities: including knowledge of the economic, social and political institutions that influence planning and that are susceptible to purposeful change.

- The adoption, administration and implementation of plans and related policy including knowledge of the relevant regulations (zoning, review processes), incentives, techniques (public finance and capital budgeting) and technologies, and agencies conducting planning or employing planners.

- Knowledge of the ways in which planners and planning practice have succeeded in altering the policies, institutions, and decisions that oppose the needs of disadvantaged persons.

- Use techniques for the adoption and implementation of plans including relevant regulations, incentives, techniques and technologies.

**Adult Content**

Please note this course will contain some adult content. This includes discussion of anatomical body parts, visual depictions of sexually oriented businesses, and the use of video that explains adult business situations. Students should expect to encounter some adult language and nudity. The presentation of this material is for educational purposes only.

**GRADING:**

**First mid-term exam = 25 points** This exam will ensure that students have knowledge of key terms and the legal bases for controlling SOBs and other controversial uses.

**Second mid-term exam = 25 points** This exam will focus on the land uses (religious uses, group living arrangements) that are discussed in the second part of the course.

The exams will be open book and open notes, but students must be prepared or they will not have adequate time to complete the exams.

**Case Study/Issue paper = 15 points each** Students will prepare two case studies or issue papers: one examining a community’s approach to a sexually-oriented business, and one examining a land use or regulatory issue of the student’s choice.

The SOB case study will be selected from the book, *Cities and Adult Businesses: A Handbook for Regulatory Planning*, by Roger Kemp (Section II Best Practices), a copy of which is on order (and available in the library). This case study will include a literature review, legal basis analysis, and interviews with local planning officials on the effectiveness of the regulatory approach used.

The second case study will be selected by the student, with the instructor’s approval. This document will identify a land use or activity, consider the various issues (pros, cons, costs, benefits, etc.) associated with it, and suggest ways to address that use or activity from a regulatory standpoint. For this case study, students are encouraged to work in teams of two.

Case studies should not exceed 5 pages in length, double spaced.

**Ordinance/policy document = 15 points** Using the preceding issue paper as a beginning point, students will prepare a document (draft ordinance, policy statement) that implements their recommendations for
regulating that use or activity (including background studies, legal or policy basis, findings, and draft ordinance). Students will be responsible for visiting the business or activity site and compiling appropriate photographic and written documentation. This project is due on November ____, with presentations on November ___ and December ___. Teams will be responsible for preparing slides and a script (5-7 minutes per team) surrounding their ordinances and the legal and/or policy bases for their regulatory proposals.

**Class participation = 5 points** Attendance, meaningful participation in class discussions and presentations.

**Total 100 points**

**Grading scale**

A = >95  A- = 90-94.99  
B+ = 87-89.99,  B = 83-86.99  B- = 80-82.99  
C+ = 77-79.99,  C = 73-76.99,  C- = 70-72.99  
E = < 60.

There will be no grading curve in the class. If you are encountering circumstances beyond your control that may prevent you from performing in the class or are in fear of failing the course, please see the instructor as soon as possible to discuss options; do not wait. **Only those students whom the instructor deems to have legitimate external issues will be given opportunity to make up projects.**

All grading will be done as fairly and as consistently as is reasonably possible. Lateness in submitting assignments is not acceptable. In some cases, however, there are extenuating circumstances that may lead to a late assignment. Requests to turn in an assignment late must be made in advance, in writing. Requests will considered on a case-by-case basis, and extra work may be assigned. Students wishing to appeal the grading of an assignment must make the appeal in writing within 5 calendar days after an assignment/exam is returned. As per University policy, you have one term to appeal a final grade.

**Course Policies**

All students are held responsible for knowing and abiding by the Department’s policies on plagiarism and the University’s policies on academic misconduct. These have been distributed to all CRP students. If you have not received a copy, please obtain one from the graduate studies office on the first floor of Knowlton Hall. Students are encouraged to share ideas in intellectual discussions relating to the class. However, all assignments (exercises, papers, projects) MUST include proper citations within the text and proper references/bibliographies at the end. This is a critical component of any scholarly writing effort as well as any effort that uses other sources of information. Violations fall under academic misconduct regulations and can result in dismissal from the program and the University. If you do not know proper citation procedures, contact the OSU Center for the Study and Teaching of Writing (http://www.cstw.osu.edu/writingcenter). You may also see me during office hours.
Statement on Academic Misconduct

It is the responsibility of the Committee on Academic Misconduct to investigate or establish procedures for the investigation of all reported cases of student academic misconduct. The term “academic misconduct” includes all forms of student academic misconduct wherever committed; illustrated by, but not limited to, cases of plagiarism and dishonest practices in connection with examinations. Instructors shall report all instances of alleged academic misconduct to the Committee (Faculty Rule 3335-5-487). For additional information, see the Code of Student Conduct, http://studentlife.osu.edu/csc/.

Course Communication

Initially, the primary means of communication about the course will be via e-mail to the class roster. My e-mail address is oast.1@osu.edu. Carmen will be the primary repository for information about the class, including class announcements, assignments, submission deadlines, and similar information.

This course will also make use of our library and digital media. You will likely rely heavily on online information which provides additional insights into classroom lectures; supplemental information will also be provided as possible from these resources. Students also will be expected to conduct much of the background research for the group project on their own time using digital resources available from the OSU Libraries web site and official governmental websites, including Ohio LINK.

ADA Policy Statement

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. Professors rely on the Office for Disability Services for assistance in verifying the need for accommodations and developing accommodation strategies.

Students with disabilities that have been certified by the Office for Disability Services will be appropriately accommodated and should inform the instructor as soon as possible of their needs. The Office for Disability Services is located in 150 Pomerene Hall, 1760 Neil Avenue; telephone (614) 292-3307, TDD (614) 292-0901; http://www.ods.ohio-state.edu/.

Sexual Harassment

The nature of the material of this class is such that there is sexual content and language and images that some may find offensive. It is important to know that there is a line between discussing sex for
educational purposes and when it can become harassment. It is also important to know that there are some images and content that it is illegal to view or disseminate. If you are in doubt about these things, please check with the instructor before proceeding. OSU's Sexual Harassment policy, which applies to all faculty, staff, and students, includes lewd remarks and inappropriate comments made in the classroom and computer labs as well as the "display of inappropriate sexually oriented materials in a location where others can see it." Given the nature of the research you will be conducting in this class, be cognizant of the environment in which you are working. For example, if you are conducting research in the computer lab or studio area make sure you are doing so in a way that others would not obviously see the material that you are researching. Additionally, while you may wish to share with other students not in the class the topics you are studying, make sure that you are conscious of other students and what they may deem as appropriate discussion. Students can file a complaint by contacting Student Judicial Affairs at 292-0748. Sanctions for violating the Sexual Harassment Policy range from reprimand to suspension or dismissal from OSU.
Draft Course Schedule  Sex and the City  Autumn Semester 2014

The following is the proposed schedule for this class; please note that some changes are possible and I will try to provide as much advance notice as possible to any change. You are responsible for the content of required readings only; optional readings will provide you with a richer understanding of key topics and information on related topics.

PART I: REGULATION OF SEXUALLY ORIENTED BUSINESSES

Weeks 1 and 2 August 28, Sept. 2 -- INTRODUCTION TO SEX AND THE CITY and OTHER ISSUES (spoiler alert: it’s not all about sex). Reading: Assigned in class. Reading for Sept. 4: Foreword and Chapter 1, Cooper and Kelly

Week 3 Sept. 9 and 11 -- BRIEF HISTORY OF SEXUALLY ORIENTED BUSINESSES and TYPES OF SEXUALLY ORIENTED BUSINESSES. Reading: Chapter 2, Cooper and Kelly;

Week 4 Sept. 16 and 18 – LEGAL/PLANNING/POLICY BASES FOR REGULATING SOBs. Reading: Chapters 3 and 5, Cooper and Kelly.

Week 5 Sept. 23 and 25 – LEGAL/PLANNING/POLICY BASES FOR REGULATING SOBs (cont’d) and COMMUNITY AND BUSINESS PERSPECTIVES ON SEXUALLY ORIENTED BUSINESSES – Possible videos - D2D Northern Kentucky Story and Strip Club King: The Story of Joe Redner

Week 6 Sept. 30 and Oct. 2 -- LOCAL REGULATION OF SOBs (review of ordinances). Reading: Chapters 4 and 6, Cooper and Kelly; case and/or sample ordinance (to be provided). Identify Case Study #1 — Sept. 30.

Week 7 Oct. 7 and 9—LOCAL REGULATION OF SOBs (cont’d - preparing an ordinance). Reading: Chapters 7 and 8, Cooper and Kelly. Case Study #1 due Oct. 9.

Week 8 Oct. 14 and 16 – LOCAL REGULATION OF SOBs (cont’d), discussion of case studies, EMERGING ISSUES WITH SOBs. Reading: Chapter 9, Cooper and Kelly. Catch-up and review for mid-term.

Week 9 Oct. 21 and 23 First mid-term (Oct 21) individual progress meetings during week

PART II: OTHER CONTROVERSIAL LAND USES

Week 10 Oct. 28 and 30 GENERAL CONSIDERATION OF OTHER CONTROVERSIAL USES; RELIGIOUS LAND USES. Reading: TBA


Week 12 Nov 13 (no class on Nov 11) GROUP LIVING ARRANGEMENTS Reading TBA. Identify teams and topics for Case Study #2 and ordinance/policy statements--Nov 13.
**Week 13** Nov 18 and 20—GROUP LIVING ARRANGEMENTS (cont’d); EMERGING LAND USE ISSUES Reading TBA.

**Week 14** Nov 25 (no class on Nov 27)—Second case study due; discussion of case studies.

**Week 15** Dec 2 and 4 – Second mid-term (Dec 2) *Ordinances/policy statements due Dec 4.* Team ordinance/policy presentations begin Dec 4

**Week 16** Dec 9—Team ordinance/policy presentations conclude