

PREFACE TO THE 2025 EDITION

Welcome to the 2025 edition of *Discretionary Land Use Controls*. This year's edition provides several important updates.

Readers will find that the introductory materials in Chapter 1 are updated to reflect the importance of discretionary land use controls right now. In particular, the treatise directly addresses concerns with the entitlement of housing in the United States. Residential zoning reform efforts have called into question the last century's growing reliance on the discretionary permitting that this treatise analyzes, which makes this a valuable resource for those investigating such change.

Treatment of recent cases at the U.S. Supreme Court are also added to this edition. Sections on takings litigation now incorporate the U.S. Supreme Court's decision in *Sheetz v. Cnty. of El Dorado, California*, 601 U.S. 267 (2024), which applied the *Nollan/Dolan* standards to legislative actions as well as adjudications. This broadens the applicability of that heightened review of land use exactions to a wider array of discretionary permitting.

In addition, the discussion of sign and billboard permitting is updated to incorporate the U.S. Supreme Court's decision in *City of Austin, Texas v. Reagan National Advertising of Austin, LLC*, 596 U.S. 61 (2022). *City of Austin* upheld the First Amendment constitutionality of on-site/off-site distinctions in sign codes while arguably re-directing the approach taken by Justice Thomas' plurality opinion in *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155 (2015) that had potentially threatened the constitutionality of almost all sign regulation.

In addition to U.S. Supreme Court cases, this new edition is updated throughout with a number of new cases from state high courts.

Finally, the appendix of state development agreement statutes is updated in what is believed to be a one-of-a-kind resource. Contractual land use agreements play an increasingly important role in how developers and local govern-

DISCRETIONARY LAND USE CONTROLS

ments negotiate discretionary land use entitlements. This appendix gives an opportunity for legal and planning professionals to evaluate differences between enabling statutes that could prove meaningful both in litigation and negotiation.

I hope you enjoy using this treatise. Feel free to reach out to me with any questions or comments.

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