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Community

Design

Regulations

Principles & Practices

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There are several types of community design regulations that affect the practice of city planning, landscape architecture and land development.

Below are the basic types of ordinances, codes, statutes and community plans that landscape architects must work with each day during their professional career.

MUNICIPAL CODE & CHARTER

Building cities is one of several ways humans express their culture. In the United

States we use a democratic approach, founded in the Federal Constitution, and passed on to the several States who in turn write statutes (state law) to allow local communities to write Charters of incorporation under the local police power. The charter, also called plan of government, is the basis of law at the municipal level of government. This power among other things allows communities to determine boundaries, organize, elect officials, set up departments (administrative, legal, public works, planning, finance, taxing, health and safety) write and enact public policy, collect taxes, sell bonds, enforce moral order, insure sanitation, grant franchises and protect the public health safety and welfare of citizens fire, emergency and police.

The Municipal Code is created to carry out the mission of the Charter.



Image: City of New Orleans, Louisiana

The Municipal Code records all laws of the community that are passed by ordinance. Resolutions and standard operating procedures (duties, work rules etc) for government are housed separately in policy manuals.

The municipal code is generally organized by department of government or subject (policy) matter. The code is created by the legislative branch (city council) and approved by the Mayor and recorded by the city clerk(council manager) edited by the legal department and indexed by a codification company who stores all municipal records.

The municipal code organizes all public acts (laws) and consists of titles (chapters), articles, sections, subsection, and minor points. It is periodically updated and reorganized. Specific parts of the Municipal Code are carried out or exercised by the various divisions of City Government.

The Planning Department is most often thought of as controlling the growth and development of a city. The charter addresses planning and generally will cite State planning law in establishing the powers and duties of a Planning Commission and often the office of the planning director. The powers and duties they are authorized to provide are generally included within comprehensive plans and zoning regulations. They commonly provide written documents, maps, drawings, master plans, surveys and growth regulations that are referenced to state law.

Principles of Traditional Zoning

Zoning's basic idea is to separate land use and zone land into defined districts of intensity such as residential, commercial industrial, institutional, open space, agricultural and several others such as PUD's, SPUD's, TND's and CLD's and Conservation Subdivisions. Each land use had different characteristics and various aspects of planning, design or construction that are regulated by agencies both Federal, State or Local.

Traditional Zoning Concerns

- Land use

- Lot size

- Intensity

- Block Configuration

- Set Backs

- Building Bulk, Width & Height

- Parking

- Landscaping, Buffering, Screening, UVA Interiors,

Principles of Land Development Regulations (LDR)

Land Development Regulations (LDR) are written in response to the Florida Growth Management Regulations that call for careful planning and development of communities in response to Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, F.S.

Land Development Regulation Concerns

- Administrative Functions, plan review, permitting etc.
Zoning Districts and Land Use
Planned Development
- Resource Protection, natural-cultural-historic factors
 - Site Design and Development Standards
landscape, trees and site design included here
 - Supplemental Standards
miscellaneous site design standards
 - Infrastructure, Adequate Public Facilities
lots, block, streets, utilities
 - Vested Rights & Takings Determination
 - Nonconformities and Variances
 - Application Review
 - Permits & Fees

Specifics of Land Development Regulations (LDR)

Technical Details of Land Development Regulation Concerns

Administration-

Authority of the Planning Commission, Project Review, Site Plan Review and Project Review Documents

Resource Protection-

Floodplains, Stream Banks

Coastal Zone,

Endangered Species,

Vegetation Removal Habitat Preservation, Tree Protection,

Soils and Groundwater.

Site Design and Development Standards-

Clearing,

Site Design Standards, (some architectural standards),

Subdivisions,

Transportation,

Parking,

Landscaping, Buffering and Vegetation Retention.

Examples

Alachua County, Florida (Gainesville)

Zachary, Louisiana, UDC

**CPEX Louisiana - Land Use Tool Kit, MDC
Model Development Code**

Charleston Co. South Carolina, LDC

Hudson Co., New Jersey, LDR's

Polk Co., Florida LDR's

Hilton Head Island, South Carolina LMO

Bluffton, South Carolina Form Based UDO

Green Laws

Principles of Landscape Codes

Landscape Codes are written for the replanting of sites disturbed for construction of new development. Landscape codes rebuild nature in the city.

Traditional Landscape Code Concerns

- a. An important part of zoning.
- b. Landscape codes define site areas to be planted.
- c. Design Components proscriptive standards include street yards, side buffers, rear buffers, VUA's- vehicular use area interiors, VUA screens, VUA shading- open space plantings, street walls, habitat preservation areas, street tree planting areas.
- d. Technical Standards prescriptive standards include sizes, dimensions, specifications, areas, linear measure, quantity, performance standards for design, planting, maintenance, trees , installation, permits and tree removal.
- e. Preparation of Landscape Plans, Public Review, Site Inspections and Approval.
- f. Requires the seal of a registered landscape architect.
- g. Signed Certificates Of Occupancy by LA's

Principles of Community Tree Laws

Tree Ordinances are written for the planting, care and removal of trees on both public and private land.

Traditional Tree Law Concerns

- Purpose - Tree Management
- Creation of a Tree Board (Landscape Commission)
- Landmark, Diseased, Hazard and Nuisance Trees
 - Emergencies
 - Permits
 - Tree Abuse
 - Public Trees
 - Private Trees
 - Inspections
 - Administration
- Violation and Penalty

Principles of Other Tree Laws

Other types of tree ordinances are being used across the country

Street Tree Ordinances

- Placement, Planting & Care of Public Street Trees
 - Species Selection, Sizes & Spacing

Tree Protection Ordinances

- Tree Protection & Preservation
- Critical Root Zone Area (CRZ)
 - Mitigation & Replacement
- Minimum Canopy Standard

Urban Forestry Ordinances

- Identification & Management of Town Trees
- Organization of Community Forestry Departments
 - Community Sustainability
 - Minimum Tree Canopy Standards

Timber Harvesting Ordinances

- Removal & Replanting Requirement

- Protection to Soil, Water, Habitat & Wildlife

Principles of Subdivision Codes

Subdivision codes set forth standards for the design of the
Following new subdivisions including subdivision for all land use types.
Subdivision Code Standards

- Land use
- Standards for lot layout
- Drainage
- Roadways
- Open space
- Public utilities
- Public facilities
- Open space.

Principles of Building Codes

Building codes set forth standards for the design of buildings and related construction including such specialties as Construction Types, Occupancy, Accessibility, Structural Loads, Walls, Roofs, Ceiling Systems, Foundations, Concrete, Metal, Wood, Glass, Site Work, Finishes, Special Construction.

Building Code & Standards

The Standard Building Codes

- a. ICC- International Code Council
- b. SBCCI- Southern Building Code
- c. ICBO- The International Conference of Building Officials
- d. BOCA- Building Officials and Code Administrators
- e. CABO- Council of American Building Officials

Other Important Codes

- f. ANSI- American National Standards Institute
- g. NFPA- The National Fire Protection Association
- h. MAD CAD-information about various codes on-line
- i. ICC- International Zoning Code

Principles of The *SmartCode*

The Smart Code is a contemporary code based upon Form Based Zoning for New Urbanism Development (NUD) based upon Transect planning and T-Zones that include Traditional Neighborhood Development (TND), Clustered Land Development (CLD), Regional Center Development (RCD), and Transit Oriented Development (TOD)

SmartCode Zoning Elements

- Rural to Urban Land Use and Density
- Lot
- Block
- Street
- Civic Buildings and Parks, Greens, Square, Playgrounds, Plazas
- Minimum yard areas, maximum streetscape and walkability
- Little emphasis on Parking and Automobiles
- Compact and undersized
- Little sophistication in regard to Landscaping, Buffering, Screening and some emphasis placed on Building Sosition, Environmental, Signage, Ambient and Visitability Standards.

Plans Effecting Land Development

Technical Details of Land Development Regulation Concerns

- **Comprehensive Plans**

Community Description, Set forth land use patterns, zoning districts, transportation, public facilities including parks, open space and resource conservation areas as well as growth projection and economic estimates

- **Area Plans**

Smaller areas of the community in which a specific physical land use mix is set forth with density requirements, and connection to city services, transportation, utilities, pedestrian system & open space

- **Overlay District Plans**

A district or street in which special zoning or urban design criteria have been developed to set forth special community character and preserve specific special resources

- **Site Plans**

Small scale tract, block or lot physical plans that create a designed site with one or more uses, specific construction

materials, site drainage, site landscaping, specific use patterns including pedestrian circulation, service and parking.

Legislation Effecting Land Development

- **Enabling Legislation**

Federal Laws or State Statutes written in regard to the Constitution of the United States that directs, prohibits or allows a sub-governmental unit to engage in lawful activity.

- **Statutes**

State law enacted by the Legislature following the state constitution to allow or direct state offices or local government to perform specific actions.

- **Ordinances**

Municipal law and policy at the local level created in regard to the City Charter granted as a result of the Police Power given to towns and cities by state legislature that can include organization, area and extent, elected offices, city officials, common civil and criminal laws, taxation, enforcement power and authority for schools, parks, drainage and public works.

- **Resolutions**

Non-binding or mandatory policy from any level of government set forth from the point of leadership to suggest or recommend action.

Principles of Codes

Researching The Codes

Codifiers of Municipal Codes and Landscape Ordinances

- a. Sterling Codifiers, [a.http://66.113.195.234/online.htm](http://66.113.195.234/online.htm)
- b. American Legal Publishers, www.amlegal.com/library/
- c. Code Publishing, [.www.codepublishing.com/elibrary.html](http://www.codepublishing.com/elibrary.html)
- d. General Code, www.generalcode.com
- e. E-Code, www.generalcode.com/webcode2.html
- f. LexisNexis, <http://municipalcodes.lexisnexis.com/>
- g. Conway Greene, [.www.conwaygreene.com/Municipal-Codes.htm](http://www.conwaygreene.com/Municipal-Codes.htm)
- h. Colorado Code, www.colocode.com/
- i. Municipal Code Corporation, www.municode.com
- j. FindLaw, <http://www.findlaw.com/cascode/>
- k. West Law, Zoning and Land Use
<http://west.thomson.com/store/SearchResults.aspx?limittopics=118&type=ADVANCED-SEARCH>
- l. MRSC-Municipal Research Service Center of Washington
<http://www.mrsc.org>
- m. The Walter H. Drane Company www.walterdrane.com
- n. Sullivan Publications www.sullivanpublications.com

o. Quality Code Publishing www.qualitycodepublishing.com

Typical Code Writing Companies

Kindig Keast Collaborative, Sugar Land, Tx <http://www.kendigkeast.com>

Code Studio, Austin, Tx, www.codestudio.com

Clarion Associates, Chapel Hill, NC. www.clarionassociates.com