

The SmartCode Solution to Sprawl

Table of Contents

Biography	ix
Acknowledgements	xi
Foreword	xiii
Chapter One	
The Illegality of Great Places	1
Chapter Two	
A Regulatory Reprieve for Traditional Town Planning.	5
The SmartCode and Transect-Based Zoning	5
Chapter Three	
The Illegality of Traditional Town Planning Under Today's Conventional Zoning Scheme	15
The Historical Origins of Traditional Town and Neighborhood Planning	17
How Single-Use Zoning Became the Dominant Land Planning Legal Scheme	19
The Birth of Single-Use Zoning: Early Land Use Ordinances	19
The Legislative Approval of Single-Use Zoning: the Standard Zoning Enabling Act	23
The Single-Use Zoning Structure of the Standard Zoning Enabling Act	23
The Judicial Approval of Single-Use Zoning: <i>Village of Euclid v. Ambler Realty Co.</i>	25
The <i>Euclid</i> Court's Approval of Single-Use Zoning.	26

Chapter Four

Efforts to Restore the Legality of Traditional Planning Principles	31
Early Indications That Single-Use Euclidean Zoning Would Render Traditional Planning Techniques Illegal.	33
Early Efforts to Legally Enable Traditional Planning Principles	34
Planned Unit Development Ordinances	34
The Rediscovery of Traditional Town Planning Principles	35
The Traditional Neighborhood Development Ordinance	39

Chapter Five

Using the SmartCode to Legalize Traditional Town Planning	41
The Benefits of the SmartCode's Intuitively Organized Structure	41
How Is the SmartCode Organized?	43
The Format of the SmartCode	44

Chapter Six

Implementing a Locally Customized SmartCode.	51
Step #1: Determine the Local Format for Implementing the SmartCode	52
Mandatory Format	53
Optional Mapped Format.	54
Optional Unmapped Format	55
Selecting a SmartCode Format.	56
Step #2: Depending on the Selected Format, Determine What Parts of the SmartCode to Adopt	57
Articles 1, 6, and 7	57
Article 2	58
Article 3	58
Article 4	58
Article 5	58

Step #3: Calibrating the SmartCode to Federal and State Law	59
Step #4: Identify Local Laws Outside the Existing Zoning Regulations That May Be Preempted by the SmartCode	62
The Incorporation of Other Regulations Into the SmartCode	63
SmartCode FAQ	64

Chapter Seven

Post-Adoption Challenges and Strategies	71
The Next Day	71
Adopt Consolidated Review Committee Operating Regulations	71
Prepare a Developer Submission Flowchart	73
Prepare a Consolidated Review Committee Review Checklist	75

Chapter Eight

The SmartCode in Practice	79
Pike Road, Alabama: Truly Investing in a Sustainable Strategy	79
Montgomery, Alabama: Incrementally Growing the SmartCode as Part of a Larger Strategy	81
The Gulf Coast Cities of Jackson County, Mississippi: One Goal, Varied Strategies	83
Conclusion	85

Bibliography

Chapter 1	87
Chapter 2	87
Chapter 3	88
Chapter 4	88
Chapters 5 & 6	89
Chapter 7	90