

CODEX IMAGINARIUS: VISUAL CODES IN LAND-USE PLANNING AND AESTHETIC REGULATION

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ABSTRACT

The New Urbanism movement in community planning proposes, *inter alia*, provocative changes not only in planning and zoning laws themselves, but also in the manner such laws are expressed and codified. The substitution of visual elements for traditional text would serve, it is hoped, both to simplify and render more accessible the land use process and, by providing evocative conceptualizations of alternative planning visions, to convince planners, regulators, and citizens alike of the possibility—and superiority—of the New Urbanist vision.

This Note examines the capability and suitability of incorporating visual elements in place of, or alongside, traditional verbal zoning and aesthetic regulations. Although such visual codes present significant issues of vagueness, this Note argues that, if used carefully and precisely, pictures can overcome some of their inherent vagueness and satisfy constitutional limitations. After exploring a number of practical difficulties presented by visual codes, however, this Note argues that the combination of constitutional and practical concerns severely limit the feasibility of widespread use of images in codes. Ultimately, this Note concludes by suggesting that the net benefit of visual codes to the legal land use regime may not justify the loss of evocative power that subjugation of the images to the necessary legal constraints would entail.

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