

TYPICAL CONSTRUCTION DOCUMENT SITE PLAN

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TYPICAL CONSTRUCTION DOCUMENT SHEET INDEX AND SHEET LOCATOR KEY MAP

	Fl.	= Floor	I				Misc.	= Miscellaneous
	F.H.	= Fire hydrant		I.D.	= Inside diameter		Mon.	= Monument
	F.L.	= Flow line		In.	= Inch			
	F.S.D.	= Full-sized detail		Inl.	= Inlet	Ν		
	Ftg.	= Footing		Inv.	= Invert		Ν	= North
	FT.	= Foot or feet					N.I.C.	= Not in contract
			J				N.T.S.	= Not to scale
G				J.B.	= Junction box		No.	= Number
	Ga.	= Gauge					Nom.	= Nominal dimension
	—G—	= Gas	L			0		
	Gal.	= Gallon		L	= Length of curve	U	00	= On center
	Galv.	= Galvanized		Lat	= Latitude		0.0.	- Outside diameter
	G.C.	= General contractor		L.P.	= Low point		0.D.	- Outside diameter
	G.R.	= Guard rail		Lt.	= Left	Р		
	Gd.	= Grade		Lin.	= Liner		P.A.	= Planting area
	G.V.	= Gas valve		L.F.	= Linear feet		P.C.P.	= Porous concrete pipe
				L.C.	= Landscape contractor		P.V.C.	= Polyvinyl chloride pipe
н				L.A.	= Landscape architect		Pc.	= Piece
	HB	= Hose bib					P.C.	= Point of curvature
	HW	= Head wall	М				P.C.C.	= Point of compound curvature
	H.P.	= High point		М	= Meter		PL	= Property line
	Ht.	= Height		Max.	= Maximum		P.V.C.	= Point of vertical curvature
	Hor.	= Horizontal		M.H.	= Manhole		P.V.T.	= Point of vertical tangent
	Hwy.	= Highway		Min.	= Minimum		РТ	= Point of tangent

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TYPICAL CONSTRUCTION DOCUMENT PLANTING PLAN

# **LEGAL: PERMITS AND REGULATIONS**

## PROFESSIONAL LICENSURE OF LANDSCAPE ARCHITECTURE

Professional licensure is permissible constitutionally under the "police power" of the states. Legislation under the police power is permissible so long as the legislation is geared toward protecting the health, safety, and welfare of the citizenry. Professional licensure clearly falls within this requirement. Landscape architecture is a relatively recent newcomer to professional licensure, in comparison to its "sister" professions of architecture and civil engineering. For example, architecture was regulated in California pursuant to statute in 1901. In contrast, the amendment to the California Business and Professions Code that regulated the practice of landscape architecture was not enacted until 1953. This was the first such regulation in the United States. In the State of New York, architecture was regulated a bit later, in 1929; landscape architecture was not regulated there until 1961.

Notwithstanding its relatively recent status as a licensed profession, the history of landscape architecture is ancient and diverse. From the gardens of imperial Rome to the medieval mazes of early Christendom, landscape architecture has historic roots. The use of the professional title "landscape architect" dates from the mid-1800s, and the American Society of Landscape Architects (ASLA), the professional society for landscape architecture in the United States, was formed in 1899. It was not until a half-century later that licensure came into effect.

#### **History of Licensure**

The New York case of Paterson v. University of the State of New York1 provides an interesting snapshot of the history of licensure of landscape architecture when one compares the lower court opinion (which overturned the licensure statute) with the appellate court opinion (which overturned the lower court decision and upheld the statute). The lower court expressed the concern that the definition of "landscape architecture" was unconstitutionally vague and required the exclusion of gardening, landscape contracting, horticulture, and the practice of arborists, among other services. By extension, the lower court argued that the practice of landscape architecture could not possibly imperil the health, safety, and welfare of the public if so many other quite similar (but unlicensed) services did not require licensure. As such, the lower court reasoned, it was nearly impossible to determine which services could be subject to criminal sanction and which could not. The appellate court reversed this, citing evidence that the health, safety, and welfare of the public could be imperiled by the practice of unlearned practitioners. The appellate court also referred to the then 17 degree programs providing higher degrees in landscape architecture, which demonstrated the professional nature of the practice.

Interestingly, the American Society for Landscape Architects (ASLA) continues to make many of the same arguments in its continuing efforts to pass legislation in the remaining state (Vermont) that still does not regulate the profession of landscape architecture. The efforts to promote regulation of the profession have borne significant fruit over the years, resulting in

#### "Title" Statute and "Practice" Statute

There is a fundamental difference between a "title" statute and a "practice" statute in landscape architectural practice. A jurisdiction that regulates only the use of the title "landscape architect" may have unlicensed practitioners performing services that constitute landscape architecture, but who are not in violation of the statute so long as they do not advertise themselves as landscape architects. In addition to regulating the use of the title, a jurisdiction that regulates the practice of landscape architecture defines which professional activities qualify as the practice of landscape architecture and then criminalizes the performance of those services by any unlicensed practitioner. The ASLA strongly supports the passage of "practice act" statutes in all the 50 states and continues to work toward that end. (A link to title and practice jurisdictions can be found at www.asla.org.)

About half of the states that require licensure of landscape architects individually also require licensure of any business entity that performs landscape architectural services within the state. Many such laws require that an officer or owner of the business entity be a licensed professional in the state in order for the business entity to qualify for licensure.

As noted above, landscape architectural practice overlaps with the practice of its sister design professions of architecture and civil engineering. In some jurisdictions, this overlap has been used by professional societies of civil engineers and architects as a purported justification for rejecting the licensure of landscape architects. However, overlap in professional services promotes competition and so long as the professional licensure reflects shared technical capacities, the safety of the public can be assured. In addition to overlap, of course, there are complementary skills as well. For example, surface grading and drainage may be an area where landscape architects are uniquely able to combine aesthetic and functional concerns, whereas subsurface storm drain collection and drainage may be an area where civil engineers are best able to bring their expertise to solve a site problem. Ultimately, of course, the client is probably best served by having professionally trained and licensed practitioners with diverse skills and abilities from which to choose.

# CERTIFICATION BY PROFESSIONAL SOCIETIES

In addition to licensure by a state jurisdiction, certifications by professional societies or industry groups are available in related practices. Although not subject to professional licensure, these professional certifications may help to ensure quality services. However, the absence of state licensure means that the performance of services without certification is not illegal, although an action for false advertising or negligent misrepresentation may exist where providers hold themselves out as "certified" when they are not.

The International Society of Arborists offers certification in the field of arboriculture upon completion of

educational requirements, practical experience, and a standardized examination. The American Society of Consulting Arborists offers additional certification as a Registered Consulting Arborist upon completion of its certification process. Certification by these professional societies establishes a level of professional knowledge and skill that the public may consider in selecting tree care services and consultants. In addition, the Pennsylvania Landscape and Nursery Association offers certification as a Pennsylvania Certified Horticulturalist, again upon fulfillment of educational, practical, and examination requirements. Other horticultural certifications also exist. Both certifications require continuing education requirements so certified individuals continue to develop skills and knowledge appropriate to the certification.

More recently, the U.S. Green Building Council, an industry group dedicated to the promotion of environmentally and ecologically sensitive building techniques and materials, has sponsored Leadership in Energy and Environmental Design (LEED) certification. LEED certification is offered to qualified individuals in the building industries or facilities management who pass a four-part examination demonstrating knowledge of building practices and design theory that furthers the expressed goals of the council.

#### REGULATION RELATED TO THE PRACTICE OF LANDSCAPE ARCHITECTURE

In addition to the direct regulation of the practice of landscape architecture through professional licensure, there is a whole body of regulations that affect how landscape architects render professional services. This can affect the design and planning recommendations made by landscape architects. In summary, these regulations consider the public interest in ways that include, but are not limited to:

- · Land use, preservation, or development
- Protection of threatened resources and plant and animal species
- Impact on environmental change
- Preservation of historical or archeological assets
- Economic stimulation, maintenance, or restriction.

There are also other substantial bodies of related law that also apply to landscape architectural practice. For example, water law is a highly complex body of law that derives from property rights, common law, mining law, and state and local regulation.

Land-use regulation can pit the interests of individual landowners against the interests of the public, and may be limited by an analysis of whether or not regulation of private property is so extensive or comprehensive as to constitute a taking of private property without just compensation by the state. Generally the courts give the state broad discretion, and most regulations are generally upheld.

## ZONING AND ENTITLEMENTS

Landscape architects must make themselves aware of any applicable zoning or entitlements, and the implications of such regulations on the professional