
IS NEW URBANISM THE CURE? A LOOK AT CENTRAL FLORIDA'S RESPONSE

by Ted R. Brown & Cecelia Bonifay

ABOUT THE AUTHORS

Ted R. Brown, Esq., is an attorney in the law firm of Akerman Senterfitt, in Orlando, where he focuses on real estate, land use, zoning, and environmental law. In addition, Brown was appointed by Governor Chiles to serve on the Private Property Rights Study Commission II, where the interface of regulatory takings and private property was analyzed. He has testified before Congress on environmental issues and is a frequent lecturer and author on the issues surrounding environmental permitting. ■■■■■

Cecelia Bonifay, Esq., is an attorney with the real estate practice group of Akerman Senterfitt, in (Continued on page 27)

No theory of community design and urban form is currently more debated by architects, developers, community planners, land use attorneys, and local government officials than New Urbanism. New Urbanism, also commonly referred to as neotraditional town planning (TND), is a movement which advocates a return to pre-World War II neighborhood design patterns as a means of counteracting the perceived failures of post-World War II suburban development, now referred to by most as "sprawl." Essentially, New Urbanists envision compact neighborhoods comprised of a mix of residential housing and commercial uses, pedestrian-friendly streets, large tracts of open space, and convenient access to mass transit. By contrast, conventionally designed subdivisions refer to residential developments where all the land is divided into house lots and streets into what is essentially a monoculture of housing. All the land has been paved over, built upon, or converted into lawns or backyards.

These problems are not new. Suburbanization of the kind we call sprawl is the flip side of the deterioration of our cities and the issues implicit in both are closely related. As Steven Fader notes in his book, *Density by Design*, "these twin poles of our urban condition rise and fall on macroeconomics and politics: the cost of land, the hidden subsidies for highway development, exclusionary zoning, and the like." Until recently, the system for allocating capital for development, as well as the political context, favored suburban development over compact development, urban disintegration over reinvestment.

For any of us growing up in the 1950s, the emergence of the automobile was a key ingredient of the notion that one could leave the crowding of the inner city and escape to the suburbs. It provided a means that allowed us to move freely between work and home, and for a time “livability” was perceived to be much improved.

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There is a new search for meaning in our physical environment. Community is a paradigm that seeks to facilitate social interaction and TND suggests that one can engineer community through the design not only of the street grids, but through the use of architecture, open space, neighborhoods and even the placement of public buildings. Open space and its integration into the design are critical and land preservation for public open space are givens in the new paradigm.

TND has challenged the symbol of suburbia—the cul-de-sac. We now argue that a more uniform street network, with narrower street profiles create a safer, more intimate community. It contributes to land conservation and reduced development costs, but government is often wary and fire marshals, in particular, frequently argue (with success) that the old way is preferred in order to accommodate fire equipment.

TND also challenges the single-use planning and zoning that has characterized our historic building patterns. TND seeks to incorporate a mix of uses at both the macro and micro levels. The idea of a mixed-use neighborhood/town center with housing and retail/office mixed in is an old idea re-emerging as new in the 21st century.

Neotraditional town planning has been employed throughout the United States, and its impact in Florida continues to expand. The city of Seaside, located in Walton County on Florida’s panhandle, is considered by most architects and developers to be the first New Urbanistic development in the United States.¹ Disney’s Celebration, located just south of Orlando, is probably the most famous (and infamous) neotraditional development in the country,² although some question whether it truly

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qualifies as neotraditional. Current examples that have followed the precepts of the New Urbanism movement and that have introduced elements of TND are Avalon, being developed in southeast Orange County by Beat Kahli, and Victoria Park, being developed by the Arvida division of the St. Joe Company, which is located in both the cities of DeLand and Lake Helen.

Avalon Park can be viewed as a true TND. It is located on approximately 1,800 acres and consists of a minimum of eight and a maximum of 12 villages, three of which are under construction. Two villages are complete. In summer 2001, Avalon started its second commercial building in the town center. At build-out, it will include 4,000 single-family and multi-family units, a high school, an elementary school, 500,000 square feet of commercial/retail space in its town center and 250,000 square feet of office/industrial space. According to Ross Halle, town architect and planner, it is the combination of all the mixed uses and the planning of those uses which embody the concepts of New Urbanism. Avalon is a real neighborhood where its residents can truly live, work, send their children to school, shop and participate in community activities.

The St. Joe/Arvida project has employed many of the principles of the New Urbanist movement in its development in Volusia County. The site of approximately 1900 acres had numerous physical challenges which the developer and consultant team turned into positive aspects of the development. Because of the existing transportation infrastructure, and the desire to integrate into DeLand’s retail development, the Town Center was reduced in scope. However, the anticipated effect is a service element adequate to serve the development, but not so large so as to inappropriately compete with downtown DeLand. The plan includes a mix of residential types and neighborhoods, and a unique

commitment to the environment. Approximately 45 percent of Victoria Park is open space, with significant portions of that set aside for permanent conservation and subject to a site mitigation and management plan. Arvida will do most of the building in the community, but even where it doesn't, the company will control the product to ensure its vision as the project matures. Buyers can expect to see houses on lots as small as 40 feet with alleys in selected areas. Some of the houses will evoke the Victorian era, but a variety of styles is contemplated. Victorian touches such as gardens, porch swings, street lights, and gazebos will be sprinkled throughout. A workplace also allows for almost 1 million square feet of office space, together with support services, such as a hotel.

A project located farther to the north is the Springhills DRI owned by the Haufler family who had farmed the once rural area for over 60 years. Located at the intersection of I-75 and SR 222 (39th Avenue) in Alachua County, the introduction of TND concepts was a challenge as the project was divided into four distinct quadrants. The largest quadrant was designed with TND concepts in mind, including a main street, a town center, and a mixed-use development consisting of single- and multi-family housing, commercial property, and office space. Specific design regulations were developed for the project to give it a sense of place, to promote aesthetic standards, and to allow the implementation of TND concepts.

Coupled with the New Urbanism or TND movement, is the "Smart Growth" movement. As one commentator noted, "growth is the process of a community becoming bigger. If the community becomes better as it becomes bigger, that growth can be said to be 'smart.'" ³ Just as the original idea of growth management emerged as a response to the problems of urban flight, in migration and suburban development, Smart Growth has come about in response to the perceived problems inherent in our current growth management schemes. ⁴ The goals of Smart Growth tend to incorporate the design principles of neotraditional planning. New Urbanism is seen as a fundamental tool to successfully implement Smart Growth, therefore suggesting, that absent a TND approach to development, one, by definition, cannot meet the test of Smart Growth.

We take exception to that interpretation and see TND as a subset of the Smart Growth initiative, but not the sole provider of design criteria necessary to

satisfy the test. Instead, Smart Growth rests more on a concept that might be characterized as "conservation subdivision design." As such, it draws upon an ethic that requires adherence to a checklist of ideas and incorporation of a majority of them into the planning.

In order for Smart Growth to be successful, it must start at the roots by building neighborhoods and communities that are capable of sustaining an ever-increasing population. In order for a community to become sustainable, its population capacity must increase and/or become more efficient. Since there is growing apprehension in most states, including Florida, to destroying more and more natural open space in order to build more subdivisions, the only realistic and acceptable option left is to increase the density and efficiency of our current communities and to supplement them with new developments which are designed with efficiency in mind. New development must get away from the current trend of building at low-density which, according to one researcher, is the most unsustainable form of development ever created. ⁵ Making communities more livable will require "making the cities more urban and making the countryside more rural." ⁶ This is where New Urbanism comes in. As noted by Peter Katz, "the New Urbanism couldn't have come at a better time. There is a growing sense that the suburban paradigm, which has dominated since the 1940s and 1950s, cannot sustain another generation of growth." ⁷

Having said that however, market research still suggests a significant gap on the level of acceptance for this new TND paradigm. The notion of high density living, (whether internal to the city or in the outer edge), still meets with market resistance in the absence of perceived value through the addition of significant public amenities within the development. Further, infill projects have not found ways to effectively address the question of "affordability" which is directly tied to land cost. An emerging conflict suggests that as one restricts land availability in order to preserve rural lands, lack of supply for development drives up costs. This factor was an original impetus for what we now refer to as sprawl, and its tentacles are still with us. The challenge of affordability remains in the new TND paradigm, perhaps even more so.

Further, significant portions of the home-buying public still perceive "density" as a negative, but in fairness, as more and more of the TND elements emerge in newer communities, the social contract

that TND promotes is increasingly perceived as beneficial, (and sufficiently so), in overcoming the problems associated with physical proximity.

CENTRAL FLORIDA'S RESPONSE TO MANAGING GROWTH

Florida has been one of the nation's leaders in growth management for the past 30 years. Florida's population has grown to 15,982,000, up from 12,938,000 just 10 years earlier.⁸ Only California and Texas had larger population growths than Florida during this time.⁹ Given this rapid increase, growth management was seen as the mechanism to not only control growth, but also to sustain it. It has had success to a point, but current legislative interest in adjusting the system suggests some dissatisfaction. Suffice it to say, the dissatisfaction seems equally split between those who seek more control and those who would like controls relaxed.

The city of Orlando has been among the most active local governments in Florida pursuing a growth control and enhancement program. A prime example is the city's Southeast Orlando Development Plan for a 12,000-acre site east of Orlando International Airport. The plan incorporates many New Urbanism ideas such as high densities, services within walking distance, and a village center component that mixes housing and retail. Likewise, the city is pursuing redevelopment along similar lines of the recently closed Orlando Naval Training Center. A high priority for Orlando is redevelopment and infill projects to provide quality housing and new life for the Parramore neighborhood adjoining the west end of the downtown area.

Orlando was singled out for a special mention at the annual Conference for New Urbanism (CNU). According to the CNU, the City Beautiful has made great strides in its growth plan by incorporating New Urbanist developments, such as Celebration, Lake Nona, Avalon Park, and the Naval Training Center. "New Urbanism is based on what the old neighborhoods originally were built upon," notes Orlando Mayor Glenda Hood. "The saying is, 'what's old is new again' . . ."

By far the largest of the new mega projects is Horizons West in southwest Orange County, that is comprised of 38,000 acres that had been in the hands of hundreds of property owners. The land is bordered by State Road 50 to the north; the Butler Chain Lakes to the east; U.S. Highway 27 to the west; and U.S. Highway 192 to the south. The vast area was divided into 11 villages and master plans

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were to be developed for each village. Within the village, individual neighborhoods were designed.

The concept was to balance housing, schools, and services in a New Urbanism motif. For instance, some neighborhoods may have houses that resemble those found in other newer central Florida communities, while others will have a more traditional feel. Houses will be only one component of the architectural mix, mingling with apartments, stores, and shops.

In addition to having its own schools, each neighborhood is supposed to have areas for shops and some offices. Each neighborhood will have about 2,500 houses, and clusters of two to four of those school-based neighborhoods will combine into villages, which will be anchored by a grocery store and possibly a middle school. Schools were seen as a critical building block to the neighborhoods based on the belief that if schools constitute the core of the neighborhood, they will have more parental involvement.

Houses will be closer together than they are in more customary suburbs, with densities of three to five houses on each acre compared with three houses on an acre in most outlying developments.

The big-picture plan calls for a number of villages supporting one Horizon town center, where regional stores could sell their wares. Streets will be shorter than they typically are in central Florida

developments. And builders will duplicate the same model less frequently so that streets have more variety.

Lot sizes will vary, but if the yards are less than 50 feet wide, the garages must be in the rear of the house so that they don't overwhelm the streetscape and front of the house. Overall, the community is expected to be more pedestrian-friendly than most subdivisions being built, providing its residents the opportunity to be less dependent on their automobiles.

THE CONFLICT BETWEEN NEW URBANISM & CURRENT ZONING POLICY

Regardless of one's stance on the promise that New Urbanism holds for achieving manageable growth, an emerging consensus suggests that it is a step in the right direction toward building communities which can support large population influxes. The primary hurdle that needs to be overcome, however, is the current state of local zoning ordinances and land development regulations in most cities and counties. The vast majority of local governments have implemented single-use zoning plans, which when coupled with their land development regulations simply don't allow the TND outcome. These policies prohibit the mixing of uses within a given zoning district and require a series of design controls that are antithetical to the TND paradigm. For example, commercial zones must be kept separate from residential zones. They also set other barriers to neotraditional development with mandatory setback requirements and minimum lot sizes for residences; all throw-backs to an earlier time.¹⁰

Our present zoning laws were justified from their inception as a way to protect family life and property values.¹¹

While the maintenance of property values and family life unarguably remain important matters, we now understand that those goals are not distinct from TND elements, but are a part of them. Our rapidly-increasing population makes it infeasible to continue with current zoning laws which facilitate, and even encourage, the suburban development of the 1950s and 1960s. Zoning laws were originally designed to protect encroachment of industry on residential neighborhoods. This justification is now outdated as the fears of such encroachment have greatly decreased in our post-industrial society. What is currently a much greater concern is finding ways to deal with an ever-growing

population. A balance must now be struck between community and sustainable growth. Such a balance is what the proponents of New Urbanism believe that neotraditional development will achieve. "Our [current] planning tools—notably our zoning ordinances—facilitate segmented, decentralized suburban growth while making it impossible to incorporate qualities" of older communities which is the goal of neotraditional development."¹² "Few ordinances tolerate (much less encourage) the concentration of uses, the multiplicity of scales . . . and the hierarchical fabric of public spaces which characterize the towns of our memory."¹³ They present a serious obstacle to the development of more compact urban and suburban development patterns.¹⁴

While few are suggesting that ordinances governing land use simply be abolished, a shift in what is being regulated is necessary.¹⁵ Rather than restricting the type of use that is allowed in a given district, as current zoning laws do, New Urbanism "envision[s] broad zoning classifications allowing developers flexibility in the types of uses permitted within a proposed development."¹⁶ For example, the ordinances should allow mixed-uses within a zoning district but still regulate things like the physical size of buildings to ensure that neighborhoods do not become an inappropriate jumble of various buildings side by side.¹⁷

While local governments in Florida have tried to build in the concept of multi-use districts through the use of Planned Unit Developments (PUDs), many PUDs are used simply to build single-use conventional subdivisions at densities greater than what would be allowed in a straight rezoning. Something more is needed to truly allow the development envisioned by the principles of New Urbanism.

That something more is the Traditional Neighborhood Development ordinance or "TND."¹⁸ TNDs specifically emphasize employing neotraditional design principles. They are broader in scale than PUDs and may be enacted to either replace existing zoning ordinances or they may be implemented as an overlay zone. Orlando has already enacted a TND ordinance that applies to a rapidly-growing section of the city. Orlando's Southeast Sector Plan was enacted in 1999 to cover development surrounding the Orlando International Airport.¹⁹ This southeast sector was designated by the city as a "Future Growth Center" in which the city believes economic growth and employment opportunities

will develop substantially in the near future.²⁰ The stated purpose of the ordinances is to:

... create a sustainable and balanced community in the Southeast Orlando Sector Plan area with the characteristics of traditional "Orlando": where streets are convenient and comfortable for walking, where parks are a focus for public activity, and where the life and vitality of a mid-sized town can be enjoyed by its residents and visitors. . . In order to build and sustain a viable community, development shall feature a mixture of land uses which allow for increased accessibility, diversity, and opportunities for social interaction within the context of an integrated amenity framework. Utilizing the neighborhood as the basic community building unit, the City has developed a community framework based on Traditional Design principles. A hierarchy of places has been proposed, ranging from a Town Center that will serve as the primary destination and job center within the community, to Village and Neighborhood Centers that provide local shopping and civic spaces for residential area[s], to airport-related employment districts that include a variety of industrial and office uses. In the Southeast Plan area, centers will be compact and walkable, and residential neighborhoods shall be defined by public space and activated by locally-oriented civic and commercial facilities.²¹

In the final analysis, TND, New Urbanism, and Sustainable Development are all labels traveling on the same track, seeking to go to the same place. Peter Rummel, the CEO of the St. Joe Company, recently speaking at an Urban Land Institute conference, referred to it as the desire to have a sense of "place"; a sense of how we, as humans, fit into the larger context of life and therefore how we live in both the natural and built environment. He identified five core values to "place making" that sum up the essence of these building paradigms.

They are:

1. clear limits to the community; a willingness to define the boundary;
2. authenticity; the community must be a real place that draws on
3. its history and its environment;
4. it must incorporate and recognize local traditions in the arts and crafts and, in doing so, create a social overlay that is recognizable and accepted; and

5. it must provide a human infrastructure that supports all of the community.

We submit, if these goals are met, the issues of density, road widths, zoning, mixed use, open space, etc., are no longer relevant and the creating of spaces for human habitation will work seamlessly for a better place, no matter what the label.^{REI}

NOTES

1. See, e.g., Peter Katz, *Preface to THE NEW URBANISM* at ix (1994).
2. The question of whether or not Celebration is truly a neotraditional community is much debated.
3. James C. Nicholas & Ruth L. Steiner, *Grown Management and Smart Growth in Florida*, 35 WAKE FOREST L. REV. 645, 646 (2000).
4. See James A. Kushner, *Smart Growth: Urban Growth Management and Land-Use Regulation Law in America*, 32 URB. LAW. 211, 228-29 (2000).
5. See PETER NEWMAN, SOCIAL ORGANIZATION FOR ECOLOGICAL SUSTAINABILITY: TOWARD A MORE SUSTAINABLE DEVELOPMENT PATTERN (1990) (cited in MARK ROSELAND, TOWARD SUSTAINABLE COMMUNITIES: RESOURCES FOR CITIZENS & THEIR GOVERNMENTS 18 (1998)).
6. *Ibid.*
7. Katz, *supra* note 2, at ix.
8. See United States Census Bureau, *Resident Population of the 50 States, the District of Columbia, and Puerto Rico: April 1, 2000 (Census 2000) and April 1, 1990 (1990 Census)*, available at <http://www.census.gov/population/cen2000/tab0r.pdf> (visited Mar. 24, 2001).
9. *Ibid.*
10. See, e.g., Lloyd W. Bookout, *Neotraditional Town Planning: Bucking Conventional Codes and Standards*, URBAN LAND Apr. 1992 at 18 (discussing the problems that traditional zoning codes pose for neotraditional development).
11. 272 U.S. at 394 (quoted in Lee Epstein, *Where Yards are Wide: Have Land Use Planning and Law Gone Astray?* 21 WM. & MARY ENVTL. L. & POL'Y REV. 345 (1997)).
12. Alex Krieger, *Since (and Before) Seaside*, in TOWNS & TOWN-MAKING PRINCIPLES 9 (1991).
13. *Ibid.*
14. See Bookout, *supra* note 64, at 19.
15. Note that one of the leading advocates of neotraditional development, James Kunstler does in fact advocate abolishing current zoning ordinances. He contends that communities built before World War II were successful without the aid of zoning laws and that these laws are merely a hindrance to building communities based on changing needs and popular consensus. Kunstler believes, therefore, that these laws serve no useful purpose. He does, however, concede that these zoning laws should be replaced by "new traditional town-planning" ordinances which are, in essence, a new type of zoning law. See JAMES KUNSTLER, HOME FROM NOWHERE 110 (1996).
16. Eric M. Braun, *Growth Management and New Urbanism: Legal Implications*, 31 URB. LAW. 817, 818 (1999).
17. See Duany et al, *supra* note 15, at 16-17
18. See generally William Lennertz, *The Codes*, in TOWNS AND TOWN-MAKING PRINCIPLES 96, 102-03 (1991) (providing a model TND ordinance which was drafted for Palm Beach County).
19. See ORLANDO, FLA., CITY CODE ch. 68 (2000).
20. *Ibid.* At § 68.102.

21. *Ibid.* The plan goes on to specifically lay out most of the principles of neotraditional town planning including:
... development in the form of coherent and compact interconnected districts and neighborhoods with clearly defined centers and edges ... mixed and multiple use integrated districts providing residential and employment opportunities ... diverse, compact (typically no more than one-quarter (1/4) mile from center to edge) neighborhoods which encourage pedestrian activity ... neighborhoods with a wide spectrum of housing options which enable people of a broad range of incomes, ages, and family types to live within a single neighborhood or district ... a balanced transportation system providing equal access to transit, pedestrian, and bicycle mobility to reduce the reliance on automobiles ... the celebration of public space ... cohesive urban design which builds civic pride, enhances community identity and reinforces the culture of democracy. ORLANDO, FLA. CITY CODE § 68.104 (a)-(g).

ABOUT THE AUTHORS

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Orlando. She represents clients in matters relating to land use, zoning, environmental permitting, real property, and administrative law. *Bonifay* has held positions with several Tallahassee-based government agencies and is a member of the Environmental and Land Use Law & Real Property Sections of the Florida Bar Association and she serves on numerous county planning committees. [REDACTED]