

A Legal Guide to Urban and Sustainable Development for Planners, Developers, and Architects

By Daniel K. Slone and Doris S. Goldstein with W. Andrew Gowder Jr.

John Wiley & Sons, 2008, 368 pp., \$75 hardcover

REVIEW BY PHILIP LANGDON

This is the first book on legal aspects of New Urbanism and sustainable development, and it's hard to imagine that anyone will soon surpass it. The book contains much that new urbanist planners, developers, and architects need to know, all of it presented clearly in everyday English.

The two principal authors, attorneys Daniel Slone of Richmond, Virginia, and Doris Goldstein of Jacksonville, Florida, and their chief contributing author, attorney W. Andrew Gowder Jr. of Charleston, South Carolina, begin with the big picture — by telling how urban, sustainable development differs from conventional development and explaining “how urbanist law is different.” The opening chapter includes photos of old urban places, new urbanist developments, and conventional suburbia, accompanied by descriptions that help readers understand what New Urbanism is about. A person who is only minimally familiar with New Urbanism — a newly appointed member of a town planning board, for example — could quickly be brought up to speed by reading this book.

“Urbanist law looks at the whole, not just the pieces,” the authors say. Urbanist law “tends to be more inclusive than legal principles derived from other design philosophies.” This means, for example, that laws governing new urbanist developments take more factors into account; they allow designs to vary in ways that end up reinforcing the context.

“Urbanist law emphasizes the public rather than the private space,” the authors further explain. Urbanist law serves the pedestrian by authorizing “manipulation of the public face of private space” and by upholding the “special street palette of urbanism — the street trees, the neighborhood size and characteristics, and the creation and location of compelling destinations Urbanist law seeks to balance individual property rights with the creation of a beautiful and compelling public realm.”

Urbanism aims to make it possible for people to work and shop near where they live. Consequently, the authors say, “zoning codes must be rewritten to allow or require a mixture of uses.” Housing types should be mixed as well, Slone, Goldstein, and Gowder recommend.

A chapter by contributors Chris Brewster, Matt Lawlor, Brian Ohm, and Mark White offers advice on “tweaking the system: getting projects built and codes changed within the existing zoning framework.” The following chapter, by Ohm, White, Bob Sitkowski, Bill Spikowski, and Chad Emerson, tells how to *change* the framework by adopting form-based codes or the SmartCode. It looks at how to bring a community's planning into line with New Urbanism; this goal is complicated by the

fact that planning powers differ from one state to another.

Slone looks at traditional neighborhood development (TND) ordinances, which emerged in the 1990s as quick fixes intended to permit the construction of new neighborhoods or the retrofitting of existing ones. Designed to plug into Euclidean zoning codes, the TND ordinances have failed in many respects. Some communities that adopted them have become unhappy, and have since started to adopt or explore “more detailed versions of urbanist coding,” Slone says.

The book explains the elements of form-based codes, regulating plans, urban- and building-form standards, and public space and street standards. These are made clearer through tables, drawings, and photos that complement the text. Slone, who has worked with new urbanist developers, planners, and builders for two decades, tells how to overcome impediments in subdivision, plat-review, and site-plan processes (such as opposition from recalcitrant fire departments).

Goldstein, who for years has consulted for Seaside, Florida, and has developed an expertise in community associations, instructs readers on how to retool common-interest communities. Homeowners' associations (HOAs) often are at odds with New Urbanism's commitment to streets and public spaces that are open and accessible to all; some HOAs would like to limit outsiders and their traffic, as Seaside's experience with street connections to the adjacent WaterColor development demonstrated.

Aware of the parochialism of many property owners' associations, Goldstein suggests alternatives, such as having recreational facilities run by other organizations — the YMCA, for example — and handing some responsibilities over to tax-exempt cultural organizations, which can provide concerts, art festivals, and other events. These organizations tend to be more welcoming than HOAs.

Immensely practical, this guidebook is loaded with techniques that can enable New Urbanism to jump hurdles erected by the legal system, the political apparatus, and the day-to-day difficulties of community life. Each chapter stands on its own, and there are case studies and dozens of sidebars, so you can read the book from start to finish or you can jump in and out. This book is so informative that new urbanists will soon be asking themselves how they ever got along without it.

Writing Urbanism: A Design Reader

Edited by Douglas Kelbaugh and Kit Krankel McCullough

Routledge (Taylor & Francis), 2008, 424 pp., \$44.95 paperback

In this long and often abstruse collection of writings on urbanism, one essay stands out as a marvel of imagination and observation. It's San Francisco architect Daniel Solomon's well-informed 13-page meditation, “Whatever happened to modernity?”

For those who missed Solomon's mesmerizing talk at the 2006 CNU congress in Providence on how modernism came to dominate architectural education (inflicting lasting damage) and influence artistic and popular culture (sometimes for the good), this book provides a chance to catch up.