

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

Daniel Slone and Doris Goldstein with W. Andrew Gowder Jr.

Reviewed by Bill Bishop

This newly published book is much more than the title implies. More than a legal text or reference detailing the various requirements, pitfalls and strategies associated with contemporary development patterns, it

is a survey of real-world design, development, operating and management experience from a wide range of professional perspectives. As the authors write, “This book is mostly about the practical application of real-world legal solutions to typical problems encountered in building urban and sustainable development.”

In his forward to the book, Andrés Duany observes, “There is hardly anything more complicated to create than a real community. The most important qualification of someone involved in the design of community is the ability to be a generalist.” The authors have, in fact, crossed the boundaries of their legal disciplines to address many of the related and interrelated issues that arise during the course of community development. They address a broad range of development patterns or philosophies, but these themes occupy space within a consilient spectrum. The themes include neotraditionalism, New Urbanism, traditional neighborhood development (TND), real urbanism, sustainable development, smart growth, place making, urban infill, and greyfield and brownfield development.

The authors integrate a variety of legal concepts and principles into the design philosophies that underpin New Urbanism and related development. There are a number of useful ideas that recur throughout the text; among these are the ideas that “public forums regarding land use decisions rarely present an opportunity for informed discussion or balancing competing social interests,” and “if we want to stop the sprawl of humans across all habitats we must build great human habitat that attracts with its quality of life as well as with its efficient sustainable design.”

The book is rich with specific design details, illustrations, and references to master planning, site planning, streetscape and civic design, and architecture. Naturally, the authors bring their own various pro-density, urbanism, and stylistic biases, prejudices, and predispositions to the work. Building on experience with infill, greenfield, urban, and sustainable community development projects, including the seminal Seaside project, the authors describe visions, concerns, implications, and reflections on such aspects as scale, streetscape, design, and the centrally important dynamics of human community. Moreover, they describe a synthesized and perhaps hybridized body of law which they refer to as “urbanist law.”

Urbanist law, as conceived by the authors, is different than other bodies of law because it synthesizes otherwise isolated, segregated, and perhaps even antagonistic bodies of law. Its advantages are best expressed by observing the

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frustrating results of “design by fire truck.” Specifically, roadways built to specifications that can accommodate large firefighting equipment may achieve a lot in terms of public safety when life-threatening emergencies arise, but they do not address other communal needs, like connectivity or pedestrian accessibility. Responding to these deficiencies, urbanist law is inclusive rather than exclusive and seeks to integrate problems and conflicts rather than to isolate them. It embraces a regulatory structure that is more affirmative than negative, and more enabling than prohibitive. It provides for greater emphasis on community rather than private interests, and it exercises and expresses itself in terms that are well-stated and approachable.

The book is written in a similarly approachable, easy-to-digest style. It combines the various perspectives, disciplines, and dispositions of the contributing authors into an elegant work that contributes to substantive understanding of the community design philosophies outlined above. The title of Chapter Five is rather illustrative: “Fiefdoms and Fire Trucks: Overcoming Impediments in the Subdivision, Plat-Review, and Site-Plan Process.” Experienced developers will no doubt recognize the pain and frustration associated with the issues outlined in this chapter, and others may find the material useful and eye-opening. The fact that the road through green fields, like the road to hell, is paved with good intentions is surely no excuse for codifying that road for all to travel down—especially if better paths or paving materials can be found.

It may be all but reckless for planners, public officials, serious students or developers undertaking one of the new forms of community development to overlook this book. The authors represent an enormous depth and breadth of experience across a vast and complicated landscape of development-related issues. Where the text itself does not answer specific development-related questions, it certainly guides one in the direction of those answers. Students and novice developers cannot afford to miss the opportunity to share in the authors’ collective experience, while experienced developers, planners and architects can broaden their insights and understanding—and avoid significant opportunity costs—by referring to the book and using its authors as resources.