

Guess what? Detroit does better with fewer regulations

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by [Randy Bright](#)



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I read with interest an article on the Bacon's Rebellion website regarding Andres Duany and his newest version of new urbanism that he calls "lean urbanism."

For those of you are unfamiliar with Duany, he is most famous for his design of Seaside, Florida – a new town – and of the form-based code, the Smartcode. He has been a longtime critic of urban sprawl, and has touted his belief that cities should be designed for people, not cars.

If you have been a reader of this column, you might recall that several years ago I did a series of articles about Smartcode, in which I had an e-mail dialogue with its managing editor. My conclusion was that it was a very well organized code, but it lacked one key ingredient – freedom.

As with many form-based codes (Duany's Smartcode is only one version), the biggest problem that I see with them is that for them to be universally successful, they must be codified into law and enforced by ordinance, so in effect you have a system whereby a very small minority of people have the ability to force their vision of the built environment on others at the expense of others. That expense could come in the form of added construction costs, added planning and regulatory costs, and impact upon property values.

According to the article on the Bacon's Rebellion website, Duany had been to the city of Detroit and discovered something that he called a "huge aha" moment.

Detroit, bankrupt, in the process of razing thousands of abandoned homes, and expecting the federal government to give them over a trillion dollars to raze more homes and industries, is experiencing a somewhat surprising revitalization. Apparently, in some areas of the city, new businesses are opening and things are getting better.

At a Congress for New Urbanism meeting, Duany is reported to have explained, "When Detroit went bankrupt, they couldn't maintain the regulators." Paraphrasing Duany in the article, "People simply stopped bothering to get permits; they side-stepped the suffocating rules and red tape that made it devastatingly expensive to invest in the city.

The young Millennials who are leading the city's revival simply had no patience with the regulations. They proceeded as if the regulations didn't exist, and no one stopped them.

Complaining that he now must hire a handicapped accessibility specialist and "a team of lawyers and consultants to move a proposal through City Hall" to conform with the mass of regulations that have accumulated, Duany's goal now with his "lean urbanism" is now to "strip away all but the most essential regulations to encourage more urban redevelopment."

Also complaining that regulations have given an advantage to large developers, he said, "You can't make a living doing two or three houses per year. You need twenty to thirty...government has exterminated that first phase of development."

In conclusion, Duany believes that we need to create "pink zones" that are similar to Planned Unit Developments (PUD's) that reduce regulatory requirements. He said, "You negotiate down the red tape so that the person who comes in has a very short protocol (of requirements)." We have to do it with less. We have to do it faster. We have to do it smaller."

For nearly a decade, I have been writing about the very freedom that Duany now seeks. It's not because I am some genius and you don't have to be a rocket scientist. You simply have to have a deeply ingrained sense of what freedom really is, and a clear knowledge of the Constitution, the Bill of Rights and the free market economy makes Duany's frustration with the system all that more understandable.

Do we need a lot of regulations? No. Do we need some regulations? Yes. The question then becomes what kind of regulations and how many. When we address that question, we can better understand our Founder's dilemma in creating a system of government that is somewhere between anarchy and tyranny. And while they did not address zoning codes and regulations specifically, the principles of the Constitution can be universally applied in virtually any situation – if we have a good understanding of them and we are selfless enough to apply them fairly to all situations without exception.

Though we are still a world apart in our philosophies, I would like to commend Mr. Duany on what he is espousing now, and encourage him to read the book *The 5000 Year Leap*. I think it could only help him in his quest to accomplish what all architects aspire to do, making dreams come true.

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