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Why Protecting the Public Health, Safety, and General Welfare Won't Protect Us from Crime

Diane Zahm

Development regulation as we know it today came about in a time of slums and overcrowded tenements, a time when pollution, disease, fire, and other maladies took the lives of many city dwellers. Concern for the public's health, safety, and general welfare resulted in codes and regulations designed to address the problems of that time.

Today, even though our needs are much different especially as they relate to housing and subdivisions-we continue to adopt regulations with a basis in the earlier codes. Crime is now the public safety issue. Question is, do our development regulations consider crime and fear of crime?

This chapter investigates contemporary land use and development regulations to see whether they adequately address issues of crime and fear. The chapter begins by examining the relationship between the physical environment and behavior and, more specifically, the two basic design principles that promote positive behaviors and limit opportunities for crime.

The chapter continues with a history of land use regulation to provide context for a discussion of current planning practice. This history offers some explanation as to the content of contemporary zoning and subdivision codes. Examples from four Florida communities-Fort Lauderdale, Jacksonville, Sarasota, and South Miami-provide greater focus to a discussion of the ways that regulations contribute to, or prevent, opportunities for crime.

The chapter closes by outlining an action plan involving three public policy actions necessary to bring about greater consideration of crime and crime prevention as part of land use planning and development. The action plan stresses the need to consider crime when discussing public safety, and recommends interdisciplinary review and collaboration on future projects.

Planning and Design to Prevent Crime: The Principles Defined

If any doubt remains that the design of a place can influence behavior, consider the success of corporations like McDonald's and Disney. Their success is not an accident, nor is it simply a function of product demand. They succeed because the design of their facilities supports and enhances their ultimate mission.

At McDonald's, the ceramic file floors, large windows, and bright colors amplify sound and movement, keeping patrons distracted and unable to carry on long conversations. The tables (just large enough to hold a tray) are attached to uncomfortable-after-only-a-few-minutes plastic seats. The menu hangs above eye level and above the cash registers (to speed transactions along), and McDonald's says THANK YOU for using the trash receptacles on the way out. It's no wonder they serve billions and billions of hamburgers.

Disney would not be able to "bring happiness to millions"[1] were it not for its systematic control of activity in and around Disney World.[2] Somehow, visitors to Disney World always know where to drive, park, wait, get on, sit, get off, pay, walk, queue, ride, eat, sleep, and, of course, throw out their trash. What if they need directions? Mickey or Minnie or Goofy is right there to help. How do they find the best spot for a memorable vacation photo? They look for a sign announcing a KodakTMMoment.

If McDonald's and Disney can use design to generate such positive behaviors, it stands to reason that the design of a place, its location, the way it is used, and the people who use it can also effect opportunities for negative behaviors, such as crime. Understanding the two basic principles that McDonald's and Disney employ to create positive behaviors and a successful business environment is critical if we are to create successful-and safe-homes, neighborhoods, and communities.

First, they use design to define space, to identify the appropriate use for that space, and to limit public access to only those places defined as public.

Second, they design places where people can see and be seen.

It's as simple as that.

Or is it? Simple as these two principles may seem, many communities have yet to create neighborhoods that are as successful at generating positive behaviors as McDonald's and Disney appear to be. In the broader neighborhood or community, the two basic principles translate as follows:

1. Physical design defines what is public space, what is semipublic space (that is, for use only by local homeowners or residents), and what is private property. Design elements clearly indicate who should be in specific areas of the neighborhood at specific times of the day or days of the week. Design also discourages outsiders from entering areas of the neighborhood that are not for public use.
2. The neighborhood's physical design that is, the configuration of streets and lots, the relative location and siting of housing and amenities, the design and placement of doors and windows, and the provision of lighting-allows residents to observe the behavior of peo-

ple in and around the neighborhood. Neighbors often cross paths, so they recognize and watch out for one another.

Given the myriad "products" that neighborhoods and communities are expected to offer and the fact that much of the neighborhood is considered public property, it is difficult to control a neighborhood in the same way that McDonald's and Disney can control their respective environments. In many instances, though, neighborhoods do not employ the two basic principles consistently or completely because communities have adopted a set of design rules that conflict with these principles. Today's neighborhoods conform to zoning, subdivision, and landscape regulations that have evolved from development codes created nearly a century ago, codes with objectives unrelated to issues like crime.

Histopy of Development Regulations

Contemporary land use regulations can be traced to the end of the 19th century, when foreign immigration, advancing technology, and political reform combined to create an atmosphere for change in cities around the country. Between 1890 and 1920, the United States grew by nearly 42 million people, and by 1920,51 percent of the nation's population lived in cities. 3The new immigrants were seen as more "foreign" than previous settlers because they were illiterate (in English as well as their native languages), and considered a threat to public health because they were unsocialized, unskilled, and willing to work in dirty industries like steel, meat packing, and mining.[4]

The new immigrants crowded into cities, living in cramped tenement houses, in some locations at densities as high as 290,000 persons per square mile.[5] Although many recognized these conditions as inhumane and the source of disease, death, and delinquency, it was gen erally believed that the "redemption of the tenement classes" was beyond the purview of city government and best left to the private sector. Still, some physical design regulations, to provide the "proper share of space, natural light, and air, "[7] would reduce or eliminate the threat of fire, disease, and disorder and would protect private property values.[8]

Thus began the government's foray into the regulation of private property. The earliest development regulations dealt only with pressing public health issues like the tenements and, even then, only where such uses had proved deadly.[9] Existing structures did not have to com ply with the new requirements, though, and so the tenements remained.

Tired of the filth and overcrowding around them, those who could *afford* it moved to the suburbs and used modern electric streetcars to travel to and from work. Theirs was a world far removed-both socially and geographically-from the congestion and disorder of downtown. But how could they prevent their new neighborhoods from becoming just like the places they had left?

History suggests two distinct responses to this question: the first attempted to design an ideal human community, and the second opted to expand public regulation of private property.

If nothing else, the utopian visions were creative. H.G. Wells's *A Modern Utopia (1905)* "imagined that vice, crime, greed, and lust for power would be unknown if basic needs were universally met."[10] Wells, in fact, removed criminals to various islands in the Atlantic, where they organized their own communities and practiced crime on one another.[11] Edward Bellamy went so far as to suggest that the lack of crime in an ideal community would preclude the need for lawyers.[12] Regardless of their practicality, these attempts to describe an ideal living environment represent some of the earliest examples of crime and crime prevention related to community design.

Certainly more realistic versions of the ideal community existed. Ebeneezer Howard's "garden cities" called for small, balanced communities surrounded by a permanent greenbelt and connected to other garden cities by rail transportation. The garden city design was at tempted in several locations (Greenbelt, Maryland, among them), but in reality, they were garden suburbs, not garden cities.[13]

The second and more pragmatic approach to maintaining property values and neighborhood character was an extension of the common law concept of "nuisance"[14] to land use through zoning.[15] New York was the first to use this approach when, in 1916, it adopted a comprehensive zoning code for the city.

New York City's zoning code differed from its earlier tenement reforms in that it divided the city into districts and then required uniformity for all new buildings of the same type within each district. Still, it did not deal with existing uses-those overcrowded, poorly lit, and disease-ridden tenements that had started the process-primarily because owners feared zoning would reduce their property values.

Of course zoning was quickly challenged, but comprehensive zoning was able to pass muster in the courts because it "betters the health and safety of the community; it betters the transportation facilities; and it adds to the appearance and the wholesomeness of the place, and as a consequence it reacts upon the moral and spiritual power of the people who live under such surroundings."[16] Indeed, the U.S. Supreme Court affirmed comprehensive zoning as a valid exercise of police power in its review of *Village of Euclid v. Ambler Realty Co.:*

> . . . The segregation of residential, business, and industrial buildings will make it easier to provide fire apparatus suitable for the character and intensity of development in each section; it will increase the safety and security of home life; [and it will] greatly tend to prevent street accidents, especially to children, by reducing the traffic and resulting confusion in residential sections ....

To ward off further court challenges and to promote the institution of zoning throughout the country, the U.S. Department of Commerce published the Standard State Zoning Enabling Act in 1924. Any codes based on the model it provided would be within the limits of local police power and therefore defensible in court.[18] It would preserve the status quo for homeowners1[9] and protect them from unwanted land uses (and, discreetly, from unwanted people). In addition, the Department of Commerce believed the act would solve unemployment and reduce housing shortages by stimulating development that would be protected

from intrusion by incompatible uses.[20] The act was immensely popular, and, in fact, most zoning language in effect in the United States today is derived from it.

It is interesting to note that, although the Supreme Court opinion mentions "the safety and security of home life," the exact nature of the hazards that zoning is intended to prevent is better described in the Model Zoning Ordinance-"to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; [and] to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements"[21]-namely, those that had been responsible for zoning's development in the first place. "Safety and security" therefore do not equate to "crime and fear" (likely because, in the prevailing utopian frame of reference of the period, crime and fear would vanish in a properly zoned community, while the threat of fire might not).

With zoning in place-and the housing market properly stimulated-the country soon found itself confronted with another problem. Communities were reeling from the uncontrolled subdivision of newly zoned residential property. Land speculation and greed left in their wake numerous developments without adequate infrastructure and, as a result, with declining housing values. True, zoning offered a scheme for orderly development, but it failed to provide a comprehensive view of the future direction of the community. "Zoning" was not "planning."

Again the Department of Commerce stepped in, this time with the Standard City Planning Enabling Act (1928). This act promoted comprehensive planning and recommended subdivision regulations as a means for implementing the plan.[22] Like the Standard State Zoning Enabling Act before it, the Standard City Planning Enabling Act provided a model for communities to follow when developing local requirements. And, like the previous act, this act soon formed the basis for subdivision regulations in most municipalities across the country.

Its text emphasized minimum lot sizes and adequate streets (adequate for traffic and emergency access, plus space for utilities[23]) "to protect and provide for the public health, safety, and general welfare." Of course, safety refers to "fire, flood, and other danger" and makes no reference to crime.

Since its publication in 1928, the Standard City Planning Enabling Act and its Model Subdivision Regulations have been modified to reflect contemporary issues and problems, among them growth management, environmental impact, and the dedication of land for parks, schools, and open space. The models still do not address issues of crime and fear.

Planning and Design to Prevent Crime: The Principles Denied

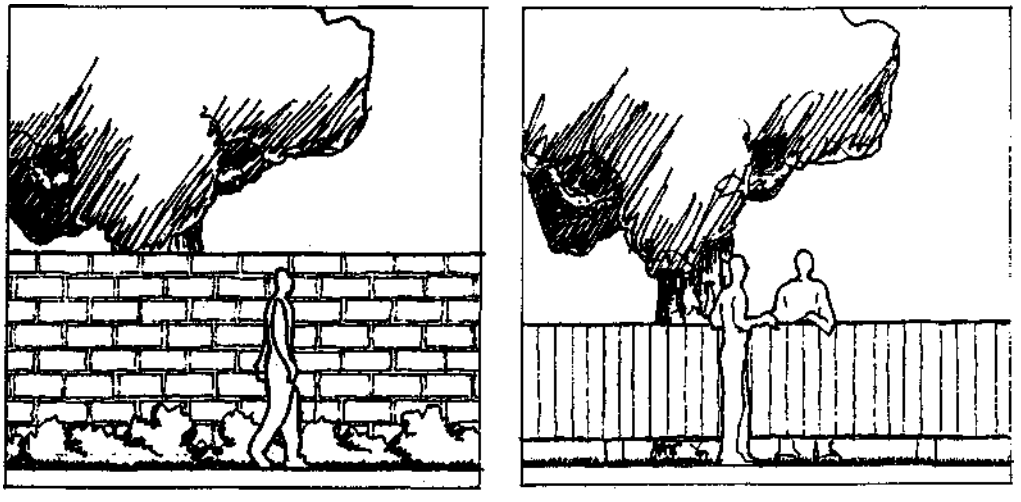
This reliance on historical models for land use regulation creates problems in three general areas-out-of-date codes, the use of standard codes, and suburban-oriented codes-particularly as they relate to the community's ability to promote the two design principles and therefore prevent crime.

Fast, out-of-date codes do not reflect changes in lifestyles, technologies, or community problems and needs. Many local codes are based on models created in a time when people lived and worked in a relatively small geographic area near the central business district. Indus trial, commercial, and residential uses were clustered together and, as a result, so was crime.[24] City residents established homes and stayed in them, surrounded by generations of families and friends.

In the decades since the development of the standard codes, cities in the United States have experienced flight to the suburbs, construction of the interstate highway system, and the emergence of "edge cities." Contemporary employment patterns and improvements in transportation have produced local residents who are highly transient, who live far from families and friends, and who stay in one place only until they find new jobs or become wealthy enough to move to better neighborhoods[25] Cities now cover large geographic regions and, as a result, have widely dispersed patterns of crime.[26]

Remember that zoning originated because families moving to the suburbs wanted to protect their neighborhoods from intrusion by incompatible uses, i.e., slums and tenements. Thus, many communities created large single-family neighborhoods with minimum lot sizes and without accessory apartments, daycare centers, or other supportive uses. These neighborhoods are now inhabited by single-person, single-parent, and two-worker households that bear little resemblance to the families who were the defining element for many ordinances.

For example, consider the impact of the nation's shift to the two-worker household: when only one member of the family worked, it left the other parent, usually mom, home with the children. Moms knew one another and knew what was going on in the neighbor hood, and they could watch out for their children, their homes, and their neighbors. Now, with two-worker households, many neighborhoods are nearly vacant during the workday, providing ample opportunities for crimes like burglary because no one is there to "see." The zoning in these communities:



, creates more homogeneous neighborhoods with higher property values, but it precludes the potential for neighborhood businesses (e.g., grocery stores, laundries). Thus, the Mom & Pop store, which in days gone by largely provided neighbors with convenient shopping and the opportunity for social encounters, has disappeared from the new urban landscape.

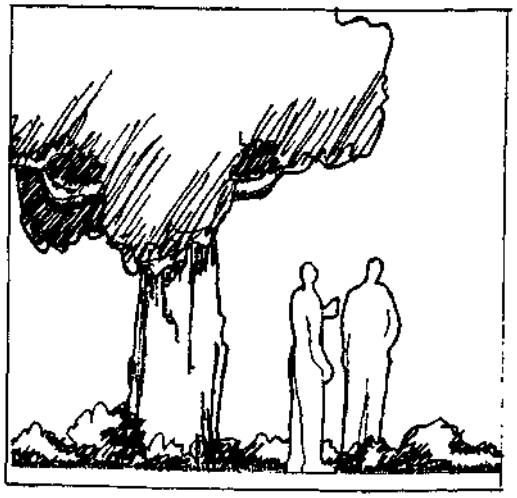
This homogeneity is exactly what suburban residents want, and so there is no room for the mom-and-pop store. As one planner complained, "Nothing is wrong with the old neighborhood grocery. And this troubles me because I can't find a decent way to put it in my zoning ordinance. "[28]

Second, the application of standard codes does not allow the designer or the developer to consider the particular characteristics of the community, let alone a site. Using zoning, the community is divided into districts with varying densities and types of land uses. A set of requirements applies to each district so that uses in that district are uniform.

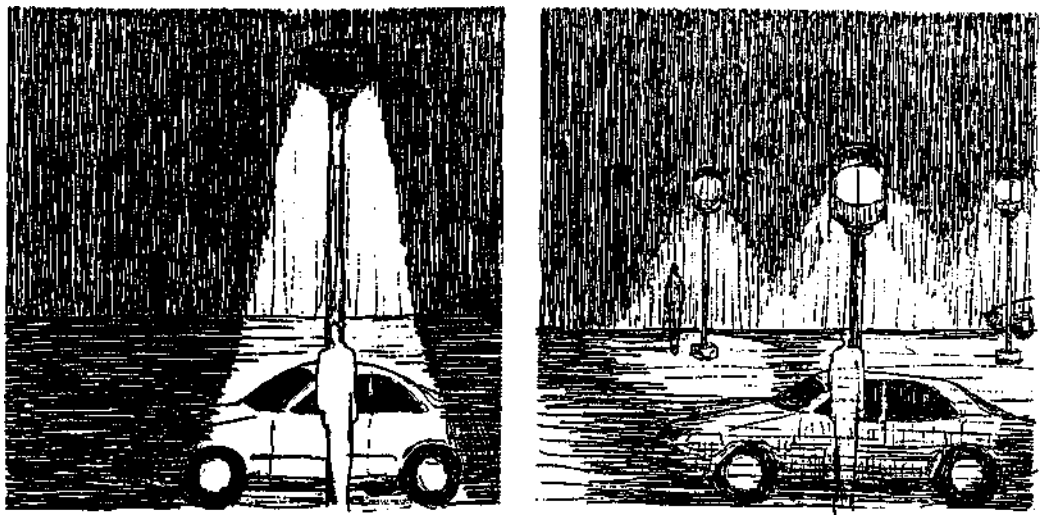
The zoning process assumes that community characteristics like crime are consistent throughout a single district *and in* every other like district in the jurisdiction, which is seldom the case. Although crime is now dispersed over a wide geographic area, it still tends to cluster in some areas of the community and not others.[29] Therefore, crime or other conditions in one neighborhood may warrant special consideration of the two design principles, which is not possible using standard rules and regulations.

For example, suppose the development code requires a wall or other landscape treatment at the perimeter of a property. The perimeter wall is a good way to define public and private space, but the wall also eliminates opportunities to see and be seen, which may be more important than the definition of space. Crime conditions in the area, such as the number and types of crimes committed, should be evaluated to determine the most appropriate perimeter treatment and, in fact, may show that the treatment is unnecessary.

Another difficulty with standard codes is the minimum standards they establish. To give greater clarity to the intent of the ordinance, most zoning language creates "minimum stan-



Different perimetertreatments, such as walls, fences, and planting strips, create different opportunities for surveillance.



Application of minimum average footcandles (left) can create wide variation in light levels-tram very bright to very dark-while minimum maintained footcandles (right) will result in more even illumination.

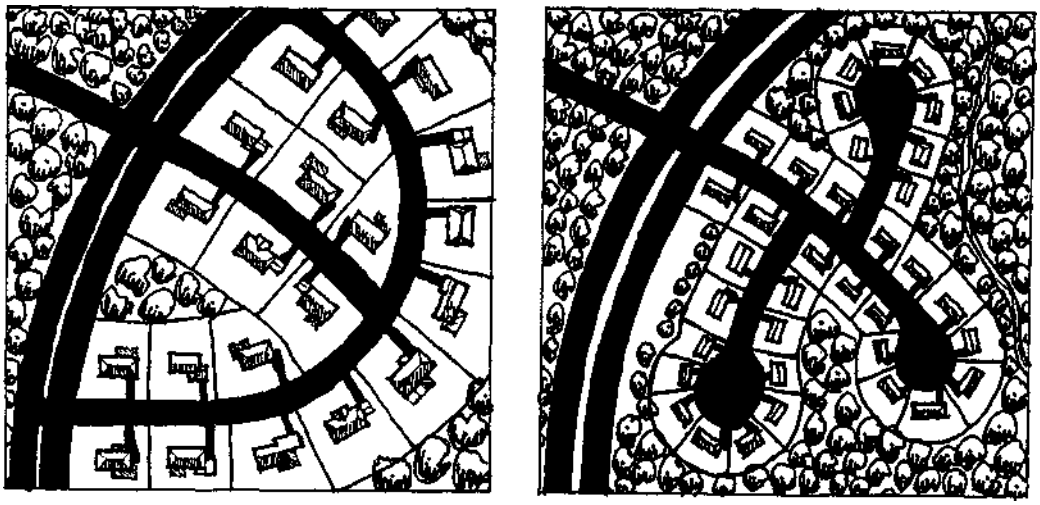
dards" that must be met to have development approved; in many instances, the minimums become the maximum the developer provides.[30] Again, it does not allow for consideration of the local environment for crime.

Consider, for example, minimum lighting requirements, which in many communities are based on standards established by the Illumination Engineering Society (IES).[31] When the IES standard of "minimum average footcandles" is strictly applied, portions of a site may be very brightly lit while others are completely dark, yet the average lighting level may meet- or even exceed-the IES standard. Using an average calculation makes it difficult or even impossible to see or be seen in some locations on the property, increasing opportunities for crime. In high-crime areas, an alternative standard, *minimum maintained footcandles,* may be more appropriate and should be encouraged.

Third, suburban-oriented codes do not necessarily translate well to a more urban setting. Because zoning historically was designed to preserve quiet, safe, single-family suburban neighborhoods, ordinances often contain requirements that are out of context in a more densely developed, mixed-use (or more crime-ridden) setting.

One example is the treatment of nonconforming uses. With its goal of creating uniformity within a district, zoning generally prohibits rehabilitation or expansion of uses that do not meet district standards. This approach assumes that owners will attempt to bring the property into conformance with the code when, in fact, the terms of the ordinance may cause nonconforming uses to get "stuck in time." Owners do not try to meet code and because they cannot make improvements, their properties fall into disrepair.

A second example is the provision of open space. Contemporary subdivision regulations often promote environmental preservation and other goals through cluster development, smaller lots, zero-lot-line construction, or other means. Preserving open space may be a



Techniques that preserve open space often create unassigned territory that is subject to vandalism or other problems.

worthwhile and commendable activity, but as the word "open" suggests, ownership of the resulting space is not defined, allowing for a wide range of activities, including crime and vandalism. Open spaces "that were never specifically designed ... those wild leftover or unassigned spaces ... where they constructed camps and dug tunnels and lit fires"[32] can be highly problematic.

A third example is the move to a wider street right-of-way to accommodate traffic, parking, emergency vehicles, and local utilities. These wide streets promote driving rather than walking, and commuters often use them as a shortcut. The increased traffic flow discourages pedestrians' use, and so there is no one on the street to "see." Neighborhood streets then become the territory of outsiders, increasing opportunities for their use by criminals as well as commuters.

The post World War II phenomenon of constructing houses with back patios and without front porches must also be mentioned here, although it is not necessarily a function of development codes. Why is it important? Because the front porch works well to define the transition from public to private space, and also to provide a place for people to sit where they can see and be seen. Something that seems as insignificant as a front porch actually employs both design principles!

The final problem with many ordinances is their reluctance to incorporate signs into the local landscape. Fearing information overload and an unsightly array of billboards, many communities have drastically reduced both the size and the number of signs allowed on a parcel. Off-site directional/informational signs are illegal as well. Although this approach does improve the visual landscape, it fails to consider the role that signs play in establishing space and territory and in communicating who belongs in a particular place. Signs are an important component of "wayfinding" and therefore also important in preventing crime.

Signs are an important component of "wayfinding" and help to define appropriate behaviors and intended users.

opportunities and Exceptions: Crime Prevention and Planning in Florida

If it is true that planning, design, and development are guided by local land use regulations that historically have not had safety from crime as one of their objectives, is it possible that application of these models can still result in safety and security? Alternatively, do any newer models for land use regulation give greater regard to those issues of siting, layout, and design that influence opportunities for crime?

The land use regulations of four communities in Florida-Fort Lauderdale, Jacksonville, Sarasota, and South Miami help to answer these questions. The four cities were selected for their varying approaches to land use regulation and their varying degrees of success in implementing design- and development-related crime prevention programs.

In Fort Lauderdale, the police department actively participates in design review and has made minor inroads with other agencies. Thus, even though the city's development code may resemble the historical models, crime prevention is included informally in design review. For example, the urban forester in Fort Lauderdale has compiled a list of plants he recommends as part of any landscaping plan to help prevent crime (see Figure 5-1).

Jacksonville has seen a lot of interest in crime prevention, and the sheriffs office has sponsored several programs to promote adoption of the basic design principles. Even so, the sheriff's office has yet to convince the planning department of the principles' value in design and development. Jacksonville, too, is working with a relatively "standard" set of codes, but opportunities to incorporate crime prevention still exist.

Sarasota is probably a national model with regard to its implementation of the two basic design principles. Nearly all staff understand them, and the two design principles are considered as part of comprehensive planning, zoning, design review, and many other related activities. Sarasota has used these design principles to address physical, social, and economic decline along one of its primary commercial arteries, and it provides an interesting contrast to the Fort Lauderdale and Jacksonville cases.

Figure 5-1

Plants to Enhance Security

Botanical Name	Common Name	Defense	Size/rype	Location	Flowers/Berries	H2O	Comments
Acacia farnesiana	Sweet acacia	T	S tree	S	Yellow/tan pods	X	Native/fence row
Agave	Century plants	pf	S/M bush	S/sh	Green	X	Use under windows
Asparagus falctus	Sicklethorn asparagus	pf	M vine	S/sh	White/black		Climbs trellis
Bougainvillea	Bougainvillea	T	L bush	S/sh	Many colors	X	Damaged by frost
Bromeliaceae	Bromeliads	pf	S	S/sh	Varied colors		Use as ground cover
Carissa grandiflora	Natal plum	T	M bush	S	White/red	X	Good choice barrier
Chamaerops humilis	European fan palm	pf	M bush	S		X	Clumping under windows
Citrus aurantifolia	Key lime	T	S tree	S	Whi"ellow	X	Natural fruit tree
Citrus aurantium	Seville sour orange	T	S tree	S	White/orange	X	Good fence row
Cortadeia argenta	Pampas grass	pf	M bush	S	White plumes		Fast growth
Doryalis	Gooseberry; Kei apple	T	M/L bush	S	Orange/purple		Fruits edible
Duranta repens	Golden dewdrop	T	L bush	S	Bluelorange		Nice flowers/ barrier
Euphorbia lactea	Candelabra cactus	T	L bush	S/sh		X	Tough plant
Euphorbia milii	Crown of thorns	T	S bush	S	Red flowers		Ground cover
Ilex	Holly	pf	M bush	S/sh	White/red		Difficult to grow
Juniper chinesis	Upright juniper	pf	M bush	S	Blue berries		Fence row/barrier
Mahonia	Oregon or holly grape	pf	S bush	sh	Yellow/purple	X	Use in narrow area
Opuntia	Prickly pear cactus	pf	S/M bush	S	Yellow/red	X	Fruits edible
Panadus veitchi	Screwpine	pf	L bush	S/sh		X	Can get out of hand
Parkinsonia aculeata	Jerusalem thorn	T	S tree	S	Yellow/tan pods	X	Tree
Pyracantha	Firethorn	T	M bush	S	White/orange		Good espalier, hedge
Rosa	Roses (many varieties)	T	S bush	S	Many		Use nematode resistant
Severinia buxifolia	Box orange	T	S/M bush	S/sh	White/black		Good barrier/ dwarf available
Triphasia trifolia	Lime berry	T	S bush	S/sh	White/red		Attacked by nematodes
Xylosma compacta	Dwarf xylosma	T	L bush	S		X	Rare
Yucca	Spanish knife/sword	pf	M bush	S	White/pods	X	Under windows/ barrier
Zanthoxylum fagara	Wild lime; Prickly ash	T	L bush	S	Greenish/brown		Rambling native

Defense: T = thorns; pf = prickly foliage.
Size/Type: L = large; M = medium; S = small.

Location: S = sun; sh = shade; S/sh = half-and-half.
H20: X = drought tolerant.

Source: City of Fort Lauderdale.

South Miami's case is a complete departure from the first three cities, because its newly adopted "hometown" (an area of retail, office, and other uses) development regulations do not focus on the model codes. The regulations were proposed by a group that follows the philosophy of the "new urbanism." Thus, although the city does not specifically address the problem of crime, its new approach may unintentionally offer opportunities for crime prevention.

Before discussing the details of these ordinances, however, let's review the two design principles and the three problem areas already covered. The two design principles suggest that an ordinance that promotes safety and security includes 1) opportunities to define public, semipublic, and private space, and the appropriate users of that space; and 2) opportunities to see and be seen. The ordinances allow some flexibility to consider local conditions, including volumes and types of crime; hence, review processes and negotiations with the developer attempt to achieve a combination of design elements appropriate for the local neighborhood, including:

- A suitable mix of land uses;
- The proper selection of walls, fences, or other territorial markers;
- Adequate lighting;
- Signage that enhances wayfinding;
- Rights-of-way wide enough to accommodate pedestrians and to handle neighborhood traffic; and
- Clearly defined and thoughtfully located recreation areas or other open spaces.

The four examples from Florida clearly demonstrate the inadequacies in historical models that segregate land uses and focus on unimpeded traffic flows.

A Mix of Land Uses

Figure 5-2 examines the types of uses allowed in the single-family residential districts in Fort Lauderdale and Jacksonville and the "downtown" districts in Sarasota and South Miami. Fort Lauderdale allows several uses in addition to single-family houses-churches, schools, and libraries-and Jacksonville permits a variety of uses by right or as conditional uses. Either ordinance has the potential to create single-family neighborhoods with legitimate daytime activity-thereby increasing the ability to "see"-but they may require additional review and approval.

Sarasota's and South Miami's development regulations instead deal with a wide range of uses-retail, office, service, residential, and mixed. Although some of these uses require review and approval, the result is an array of activities that will attract users to the area for many hours during the day and into the evening.

It is also important to note that, because Sarasota and South Miami are dealing with existing development (and primarily with redevelopment), they have fewer requirements with regard to site and lot dimensions, lot coverage, and other characteristics. Yard setbacks are small, or no yards are required, to create a consistent street environment. South Miami

requires arcades or colonnades as away to encourage pedestrians' use in this tropical climate. Thus, the arcades and the buildings themselves serve to define public and private territories.

Landscape Buffers

Landscaping elements like walls and fences often are required to minimize the impact of nonresidential uses on neighboring houses. Called "buffers," the landscape requirements instead often create "barriers" that prevent any opportunities to see and be seen as they minimize the negative impacts of adjacent land uses. For example, according to Figure 5-2, Fort Lauderdale requires a five-foot masonry wall or fence to separate parking from residential uses.

Figure 5-3 lists the landscaping requirements for the four cities. Notice how the historical requirements would reduce opportunities to see:

- In Fort Lauderdale, shrubs must be 24 inches tall when planted and must be maintained at a minimum of 30 inches-eliminating opportunities to see from a passing automobile.
- Jacksonville requires buffers that are 85 percent opaque. Perimeter treatments must be at least four feet tall, sometimes higher.

In contrast, the city of Sarasota specifically addresses the need to establish a transition between uses without eliminating opportunities to see and be seen. Mature shrubs and ground cover are not to exceed 30 inches in height, and trees must have a clear trunk to five feet at installation. Sarasota also calls for "well-lit" parking and transparent building frontage that encourages users inside buildings to watch activity on the street.

South Miami's development guidelines use landscaping to define the perimeter of a lot, but it is limited in height to promote visibility. Architectural standards are included to give greater specificity to the requirements for landscaping.

Most communities, concerned about traffic safety, require that intersections be designed so as to promote opportunities to see. Fort Lauderdale requires visibility for two-and-one-half to eight feet above the intersection centerline for ten to 25 feet from the intersection. In Jacksonville, it is required for two to eight feet above the pavement, in South Miami, from three to six feet above the centerline. Why are these requirements always true for intersections but not necessarily along the remainder of the street?

Requirements for setbacks also influence opportunities to see and be seen. In Fort Lauderdale and Jacksonville, setbacks for yards range from 15 to 30 feet in the front, five to 20 feet on each side, and ten to 20 feet in the back (see Figure 5-2). These setbacks apply to lots with areas from 4,500 to 43,560 square feet and widths of 50 to 100 feet. Large lots and large yards reduce local residents' ability to see and be seen, especially if landscaping creates a visual barrier between their houses. Setbacks are not even required under some conditions in the higher-density areas addressed in the Sarasota and South Miami regulations.

Figure 5-2

Code Requirements for Local Land Use Districts

	Single-Family Districts	
	Fort Lauderdale	Jacksonville
Uses Allowed by Right	Single-family dwellings Churches Public uses Private docks, moors, wharfs Accessory buildings Schools Libraries Parking lots	Single-family dwellings Mobile homes Foster-care homes Community residential homes Churches Golf courses Parks and playgrounds Country clubs Home occupations
Conditional Uses		Cemeteries Schools Borrow pits Bed-and-breakfast inns Daycare centers
Site Dimensions	4,500–10,000 square feet 50–75 feet minimum width	6,000–43,560 square feet 60–100 feet minimum width
Setbacks	15–25 feet front 5–10 feet side 15 feet rear (25 feet on water) 25 percent of lot width, up to 25 feet on corner	20–30 feet front 5–20 feet side 10–20 feet rear
Height	3 stories 35 feet maximum	35 feet maximum
Floor Area	750–1,250 square feet	20–35 percent lot coverage
Other	6-foot masonry wall or other fence material separating parking lot from residential uses	

"Downtown" Districts

Sarasota		South Miami
Retail outlets	Colleges and universities (and dormitories); vocational and business schools	Retail/personal
Service establishments	Libraries	Office
Banks and financial institutions	Parking lots and parking garages	Residential and lodging
Professional and business offices	Mixed office, retail, or hotel/motel with multifamily residential	• Multifamily
Urgent-care centers and medical clinics	Multifamily dwellings; existing single- and two-family dwellings	• Community residential home
Restaurants, plus restaurant-related open-air facilities	Adult congregate living facilities	• Outbuildings and accessory apartments
Houses of worship	Child-care centers	
Art and dance studios	Specialty automobile dealerships	
Hotels, motels, and bed-and-breakfast inns		
Trade schools	Radio/TV stations and transmitters	Restaurants
Boarding or lodging houses	Marinas	Consignment store
Drive-in restaurants or refreshment stands	Automotive service stations	Dry cleaning
Outdoor sale and display of goods	Package stores (liquor stores); bars or taverns	Congregate living facility
No minimum lot requirements		• Plan working with historically platted sites
10 feet front (unenclosed balconies may extend 2 feet on 2nd and 3rd floors; marquees, unenclosed porches or patios 5 feet)		Yard setbacks established on block-by-block basis using existing setbacks as guide
0 feet side, unless adjacent to residential uses, then 8–15 feet		Porches, balconies, arcades/colonnades required to cantilever over setback
15 feet rear (30 feet on water)		
25 feet maximum height; 35 feet for theaters and when 3rd floor is residential, hotel, or motel		• 3 stories maximum (maximum 2 stories along some streets)
Coverage unrestricted		20,000 square feet or 50–60 percent maximum coverage
35–50 dwelling units per acre; 50 guest rooms per acre (dormitories unrestricted)		• Building frontage 75–100 percent of street frontage
Identification wall or ground sign; canopy or marquee sign		
Off-street parking required		• Different parking required (historic structures exempt), but total number of spaces retained for increased density and land use mix

Figure 5-3

Landscaping and Buffering Requirements

Single-Family Districts

Fort Lauderdale

10-foot planting strip between residential lot and arterial traffic

Fences: 6.5 feet maximum residential; 15 feet maximum business and industrial districts

Trees: 8 feet minimum height at installation

Shrubs: 24 inches minimum height at installation; maintained at 30 inches minimum

Visibility at 2.5-8 feet above centerline elevation for 10 - 25 feet at intersections

Jacksonville

Street frontage requires 3 feet minimum height for shrubs, 18 inches understory plantings, or 4-foot wood fence or masonry wall (85 percent opaque)

Between "uncomplementary uses": wood or masonry wall (85 percent opaque to 8 feet), minimum height of 5 feet for landscaping, or earth mound

Intersection visibility requires open space at 2-8 feet above pavement

Remaining landscaping standards use percent of coverage, not height requirements

"Downtown" Districts

Sarasota

Adjacent to right-of-way

- Mature growth height not to exceed 2.5 feet for shrubs, ground cover, or solid barrier; other treatments to 5 feet if less than 60 percent opaque
- 5 feet clear trunk at time of installation of trees; 8 feet for palms
- 80 percent opaque within 12 months
- Pedestrian access from streetsidewalk and off-street parking areas

Side and rear yards

- 100 percent opaque to 6 feet

Chain link and wood fences prohibited

"Well-lit" parking

Combined ground floor and 2nd floor building frontage at least 15 percent transparent per gross area of footage

South Miami

5-foot buffer between building and on-site parking

Fence, wall, or hedge to define perimeter

30-36 inches maximum front and side yards

36-60 inches maximum rear yard

7 feet clear trunk for trees

Architectural standards for configuration of fences, walls, and other buffer treatments

Rights-of-Way

As mentioned, most communities have standards for residential rights-of-way that provide enough room for at least two lanes of automobile travel plus some on-street parking. Their requirements also consider access for emergency vehicles. The resulting street configuration is anything but pedestrian-friendly and may encourage cut-through traffic during rush hours.

The Florida communities are no exception. As shown in Figure 5-4, Fort Lauderdale and Jacksonville require rights-of-way for residential streets of 50 to 75 feet. South Miami establishes a hierarchy of streets with corresponding widths for rights-of-way, from 45 to 60 feet for "downtown" streets to 100 feet for boulevards.

This evaluation suggests that downtown areas, with their higher density and mix of land uses, inherently offer greater opportunities to incorporate the two basic design principles. They experience higher volumes of legitimate activity during the day and potentially the evening. Economic demands require maximum use of small lots and therefore also result in smaller

setbacks. Pedestrians' use of downtown areas is key to their ultimate success, and so lighting, landscaping, and facades must provide opportunities to see merchandise or business activity.

The evaluation also reveals the fundamental flaws in design regulations that result in single-use districts with large yards, wide streets, and landscaped barriers. These regulations, although they deal with previously important issues of safety, actually prevent planners and developers from creating the kinds of communities that promote safety from crime and fear.

An Action Plan for the Future

Land use regulation today is a very complex and controversial form of police power, and local communities, struggling to provide for existing residents and businesses while creating opportunities for newcomers, must evaluate a wide array of variables related to the development of land. While crime and crime prevention may be among the items they consider, likely these issues do not lead the discussion, and it is not the intent of this chapter to suggest they should.

But given the increasingly critical nature of the crime problem in many communities, three actions would allow them to more consistently consider crime, victimization, and fear in their decision making:

1. Communities need to reevaluate their interpretation of the term "public safety." Our system of land use regulation in this country is based on a set of circumstances that are less critical than is crime in many communities. The rationale behind land use regulation, whether real (protect the health, safety, general welfare) or implied (preserve property values) must now be translated so as to include issues of crime, victimization, and fear, because crime is a safety issue and crime rates directly impact property values.
2. Communities need to review and revise their codes and ordinances to reduce or eliminate conflicts with the two design principles. Supportive regulations are essential to the ability

Figure 5-4
Right-of-Way Standards

Single-Family Districts		"Downtown" Districts	
Fort Lauderdale	Jacksonville	Sarasota	South Miami
Cul-de-sac • Up to 400 feet long • 70-foot diameter turnaround	Cul-de-sac • 50-60 feet	Working within historically established right-of-way	Main street • 80 feet
Residential street . 50-75 feet (minor street) • 60-90 feet (major street)	Residential street • 50-60 feet • 5-foot sidewalks required		Boulevard • 100 feet
Collector - 60-90 feet	Collector • 70-80 feet		Downtown street • 45-60 feet
			Residential street • 50-60 feet

Figure 5-5

Design Review Papticipants

Fort Lauderdale	Jacksonville	Sarasota	South Miami
(Development Review Committee)	(For subdivision)	Planning Department, plus any city department with a concern related to the plan	Application directed to director of Building, Zoning, and Community Development
Planning, Zoning, and Building	Planning	Community associations are notified of all applications.	
Public Works	Public Works	Development plans, rezoning petitions, and special exception petitions must be reviewed and signed by one law enforcement officer and one CPTED-trained planner or building official.	
Utilities	Health, Welfare, and Bioemrironmental Services	Review encompasses the principles of natural surveillance, natural access control, territorial reinforcement, and maintenance.	
Police	School Board		
Fire	Jacksonville Electric Authority		
Parks and Recreation	Southern Bell		
Economic Development	Florida Department of Transportation		
Broward County Transportation	Community		
	Recreation and Parks		

to create safe and secure neighborhoods. The examples from Florida show how many opportunities are available for incorporating crime prevention, either formally or informally, into planning and design.

3. Communities need to offer education and training on the relationship of the environment, land use, design, and behavior to create more knowledgeable professionals. Implementation of these principles requires interdisciplinary teamwork and cooperation and, at a minimum, should include residents, business and property owners, design and engineering professionals, and government agencies, such as planning and zoning, building/construction, code enforcement, public works, parks and recreation, schools, and law enforcement.

As Figure 5-5 shows, only Fort Lauderdale and Sarasota have design review processes that include law enforcement officers or other professionals trained in crime prevention. Jacksonville's difficulty in bringing crime prevention to planning in design is evident in its absence from the review list.

Multidisciplinary representation and participation in problem solving are necessary for combating crime over the long term. Communities need to establish an ongoing dialogue on local concerns, one that includes issues like crime, victimization, and fear, and the relationship among these issues and the day-to-day activities of local government. If a wide range of professionals are educated on the two design principles, they will understand how best to take advantage of existing codes and how best to frame new rules and regulations to promote

the definition of territory and the ability to see. Only then will communities consistently protect citizens from crime as they protect the public health, safety, and general welfare.

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