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From the Selected Works of Michael E Lewyn

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Alternative Learning Formats in a Land Use Seminar

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For the past several years, I have taught on seminar on “Sprawl and the Law” at the Florida Coastal School of Law. The purpose of the seminar is to inform the students about legal rules that encourage and create sprawl, and about some of the policy options that could be used to alter those legal rules. Most of the work in the seminar is similar to what goes on in other law school courses: we read and interpret cases and statutes; because the seminar is somewhat more policy-oriented than other law school courses, we also read more policy-oriented documents criticizing some of the cases and statutes we discuss. Nevertheless, the course is essentially a typical law school seminar in many ways, focusing on reading and writing.

However, I have tried to add some more experiential forms of learning to the seminar, in order to give the students a different set of ways of learning about sprawl and its remedies. In particular I have used two techniques: field trips and guest speakers.

Because my school is located in a suburban office park, and many of my students have spent most of their lives in suburbia, they really have very little experience with anything that isn’t sprawl. Even if they have visited an area more lively and pedestrian-oriented than downtown Jacksonville, they might not have reflected on what makes those places different from where they live and work. To solve this problem, I always take the class on trips to at least two of Jacksonville’s more walkable 1920s neighborhoods, San Marco and Riverside. The first trip is usually in San Marco, which is closer to the school. (Also, it’s on a bus route that goes to the school, so I invite the students to accompany me on a bus ride as I point out the 1950s suburbs between the school and San Marco; I haven’t usually been able to get a majority to go with me but I can always get at least one or two).

In San Marco, I walk through the neighborhood, and point out the respects in which it is different from where the school is. I usually began on San Marco Boulevard, which is the area’s main commercial street: I point out that there are three main differences between San Marco and the commercial strips near the school. First, the shops are right behind the sidewalk rather than being set back behind 30 yds of parking; as a result, pedestrians can walk to shops more easily. Second, the street is much narrower than Jacksonville’s typical suburban streets; while many suburban arterials are six to eight lanes wide, San Marco is usually four fairly narrow lanes. As a result, pedestrians can cross the street more easily.

Then we go into the residential section of San Marco. There are two major differences between residential San Marco and where I live: first, in San Marco the residential section begins as soon as the commercial ends- that is, you don’t have to walk through a maze of car-oriented collector streets to reach the first house. As a result, more people live within walking distance of the commercial street. Second, the neighborhood is a grid rather than a cul de sac: so people can walk to other residences without having to go out of their way to the commercial street. Third, apartments and single family homes are a little more intermingled in San Marco, than in most suburbs where the two groups of housing are totally isolated from each other.

A few weeks later, we look at Riverside, another 1920s city neighborhood not far from downtown. I do not lead the Riverside tour; instead, someone who owns a neighborhood bed and breakfast, and has lived there for decades, gives the tour, so her presentation is a bit more

historically oriented, and a bit less focused on today's urban design, than mine is.

One year I made time to look at a couple of other downtown neighborhoods, downtown and Tapestry Park. I didn't think those were as successful; I think it's harder to apply the lessons of a downtown to other neighborhoods, and Tapestry Park (a local new urbanist development) is just too small to inspire much discussion or interest. So I think touring a full neighborhood is more useful than touring a development that is just one or two blocks.

Another form of learning I use in my sprawl seminar is the guest lecture. I use a lot of guest speakers for two reasons. First, sprawl relates not just to law, but to other disciplines such as urban planning- so I think that bringing in experts in those disciplines adds something that I don't have. Second, my major area of practice is not land use, so I think that bringing in a land use lawyer gives a perspective I can't give. Third, I'm not from Jacksonville, so bringing in guest speakers often brings in a local angle that I can't always supply. My guest speakers have nearly always been local, but they come from a variety of backgrounds. Because I try not to overburden one or two speakers too much, I try to have different speakers every year, which means my students never take the same course twice.

In 2010, there was a statewide referendum on land use planning (called Amendment 4) on the Florida ballot. This amendment would have required cities to hold referenda whenever they amended a comprehensive plan, and was ultimately defeated by a wide margin. So I focused much more on the Florida planning system than I otherwise would have.

In particular, I had speakers both for and against Amendment 4. In addition, I brought in a local lawyer who had written extensively about Florida's planning legislation, who discussed not only Amendment 4 but the entire history of Florida planning leading up to Amendment 4. By hearing the latter speaker, students realized the motive behind Amend. 4: that Florida planning, though perhaps successful in protecting some environmentally sensitive areas from development, didn't prevent the onward march of development through suburbia. Such development created a powerful "Not In My Back Yard" reaction- not powerful enough, however, to prevent homeowners from being frustrated, since in Florida developers can sometimes actually beat the NIMBY lobby.

Once students were exposed to the statewide planning system, and to some of the arguments about how the system could be reformed, I wanted them to see how planning works at the local level. So I brought in the head of the city of Jacksonville's planning department, who focused extensively on the city's long-term vision. And because the city's vision involved at least the possibility of transit improvements, I brought in someone from the local public transit agency, who elaborated a bit more on the city's plans for bus rapid transit.

In other years, by contrast, I focused a little more on the basics of sprawl. In the first year I taught the course, for example, I wanted students to get a more technical grasp of street design issues than I could give them, so I brought in a transportation engineer who specialized in designing roundabouts. And rather than just talking about new urbanism as an alternative to sprawling subdivisions, I brought in a local attorney who specialized in designing new urbanist subdivisions.

So how does this work out in practice? What do students get out of this? Students remark in evaluation forms that they like the tours and the speakers- especially the tours, which I think is a sharper break from typical teaching techniques than are the guest speakers.

Of course, the proof of the pudding is in student papers. Are they good enough to show they are learning something? Its hard to say, but I do have a basis for comparison. The first time I taught this course was when I was at Southern Illinois; that year, I ran a much more conventional course, with only one guest speaker and no tours. The student papers were good but I think a bit different- they were more focused on legal lessons, and much less focused on street and neighborhood design. By contrast, the papers I read this year tended to be more focused on what elements of street and neighborhood design create sprawl, and as to how streets and neighborhoods could be designed differently