

NEW URBANISM

**What is it?
Does your community have it?
Does your community want it?**

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"New urbanism," a term from the early 1990's, continues to be promoted as a model for new communities. Can it also be applied to new and established common interest communities and what is it? This article explores "new urbanism" and the relation of this concept to Colorado owner associations and the communities they govern and operate.

What is "new urbanism?"

New urbanism is land use or land planning that advocates compact (dense) mixed-use (residential and commercial) pedestrian friendly developments. Automobiles are accommodated, but not the center of a development. The new urban community encourages people to get out of their cars and walk.

What do communities based on "new urbanism" look like?

New urbanism communities are different from traditional subdivisions. How? In ways that encourage walking and include neighborhood shopping. Other characteristics of new urbanism are:

- integration with adjacent neighborhoods (no security gates, fenced communities or cul-de-sacs)
- private recreational amenities (swimming pools and clubhouses) are replaced with public facilities or private facilities open to the public
- sidewalks and paths lead to local or neighborhood grocery stores, dry cleaners, schools, churches and public parks
- three car garages are not at the front of a home but are accessed in the back or from an alley
- front porches and pedestrian friendly facades are dominant
- housing choices abound – from detached houses to row houses or townhomes, to apartments and condominiums, to carriage houses or garage apartments
- in commercial areas, housing is provided above ground floor retail uses
- the boundary between uses is flexible

Can existing communities take on features of "new urbanism?"

Yes, but it may take amendments to the governing documents for an owner association, to allow for the characteristics, density and possibly also, zoning changes.

The changes necessary to go completely to "new urbanism" may not be acceptable or approved by owners or local government in existing communities, but aspects of new urbanism can be sought and achieved in established communities.

Do new communities face difficulties in achieving "new urbanism?"

Yes. Issues with local governments continue to revolve around density, street widths, sidewalks or drainage pans, turning radius, sight lines, street fees and placement of utilities.

Inside a "new urbanism" community, what are the areas of conflict?

Even though residential and commercial uses are desired in "new urbanism" communities, conflicts between these uses remain.

The areas of conflict include:

- ❖ protection of commercial uses (usually there are fewer, subjecting this minority use to overzealous regulation by homeowners or the owners association)
- ❖ maintenance standards will vary, especially for high use commercial areas, where high levels of maintenance are desired
- ❖ separation of uses into separate owner associations often occurs
- ❖ application and use of the Colorado Common Interest Ownership Act becomes more complex
- ❖ favorable income tax treatment of owner associations is tilted toward the community being comprised of "substantially all" residential property.

Is "new urbanism" right for your community?

The answer is in the users and owners of the community. New urbanism is apparent in many new Colorado communities (like Stapleton). Implementing new urbanism in an established community may require significant change to the community and its documents.