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In recent years, America's older suburbs—sometimes called 'inner ring' or 'first' suburbs—have become the focus of a tremendous amount of popular and scholarly attention.[1] A sense of doom pervades much of the commentary on these communities, which are home to approximately one-fifth of the nation's population.[2] Since the publication of Myron Orfield's *Metropolitics* in 1997, a steady stream of reports have emerged warning that many of our inner ring communities are on a path of decline that will lead inevitably to the social and economic crises facing inner city communities.[3] Inner ring suburbs are, according to these accounts, our next ghettos. The 2014 riots in Ferguson, Missouri—a poor, predominantly African American suburban community—heightened these anxieties about the future of the inner ring, leading some to warn that the unrest in the St. Louis suburb was reflective of a pervasive and deep suburban dysfunction resulting from failed public policies at all levels of government.[4]

Among many scholars of metropolitan America, inner ring suburbs have assumed a symbolic role previously reserved for struggling urban communities: They have become the poster children for all of the land-use and local government reforms *du jour*, including regional growth controls, redistributive tax

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policies and—most recently—the various tools in the New Urbanists' regulatory tool kit. A complete discussion of all of these regulatory options would consume (and has, indeed, consumed) volumes. But the most interesting and perhaps the most significant of these options is, the argument that New Urbanist regulatory tools, specifically transect zoning and form-based codes, are uniquely suited to the task of renewing older suburbs.

The Inner Ring Today

Generalizations about the current state of inner ring suburbs are risky, given the stark regional and intra-metropolitan variation among inner ring communities. The inner suburban communities of the Sunbelt are quite distinct from those in the 'old and cold' metro regions of the Northeast and the Midwest. Moreover, while some older suburbs, like Ferguson, Missouri, are poor, majority-minority communities, others are extremely affluent. Indeed, many of the wealthiest communities in the United States are tony older suburbs. That said, despite the gloom pervading much of the commentary, inner ring suburbs, compared to the national median, continue to be relatively wealthier, and have a better-educated workforce, lower rates of unemployment, and higher housing values. [5]

Still, inner ring suburbs unquestionably have undergone dramatic demographic transformations in recent decades. To begin, as demographer William Frey recently observed in the *New Republic*, these suburbs are "not just for white people anymore."[6] Many inner ring communities that were once

exclusively or almost-exclusively white are today racially diverse.  A majority of

racial minorities in the nation's largest metropolitan areas now live in suburbs.[7]

In the past decade and a half, the lion's share of suburban population gains was

attributable to minority migration to suburbs, primarily inner ring suburbs.  These

demographic shifts include unprecedented 'black flight' from cities, dramatic

increases in Hispanic suburban population share, and the emergence of new

suburban immigrant gateways and 'ethnoburbs.'[8]  In 2014, sixty-one percent of

immigrants lived in suburbs (up from just over fifty percent in 2000), with

increasing numbers of new Americans shunning traditional "gateway" cities and

settling directly in suburbs, especially in inner ring communities.[9]

Many inner ring suburbs also are facing new economic strains, with

relative poverty more prevalent  than it was a generation ago.  A comprehensive

study of the economic and demographic profiles of sixty-four inner ring suburban

counties undertaken by Robert Puentes and David Warren in 2006 found that,

while the median income in inner ring suburbs remains about twenty-five percent

higher than the nation's median, income levels in inner ring suburbs were

stagnating and poverty rates were increasing, even as national income levels rose

and poverty levels declined.[10] The number of high-poverty inner suburban

neighborhoods is mirroring the promising decline in concentrated urban poverty.[11]

Elizabeth Kneebone and Alan Berube found, for example, that during first decade

of the twentieth-first century, the number of poor individuals living in the suburbs

rose by more than half, which was more than twice the 23 percent rate of increase

in cities.  Kneebone and Berube also found that the number of poor individuals living in suburban neighborhoods where poverty rates exceed 40 percent rose by 63 percent between 2001 and 2010, mostly heavily concentrated in inner suburban communities.[12]

Inner ring suburbs also are growing more slowly than their outer suburban cousins.  Puentes and Warren found, for example, that while inner ring suburbs were growing faster than central cities, their rate of growth was only half that of newer suburbs. The slowing of growth is frequently coupled with an aging population and stagnating or declining housing values.[13]

The Inner Ring as a Distributional Problem

Most academics consider the challenges facing inner ring suburbs that are a result of these demographic shifts—such as a declining tax base, strains on public education, aging infrastructure, increasing crime and a heavier social service burden—to be a distributional problem.  According to this view, inner ring suburbs are victims of a local government system that enables suburban sprawl and exclusionary zoning, encourages better-resourced communities to lure wealthier residents, and deprives older suburbs of access to a fair share of the regional tax base.  According to these critics, the fragmentation of American metropolitan regions enforces intra-metropolitan inequalities, leaving older struggling suburbs to play a constant and futile game of catch up. Unable to finance improvements in local services without raising taxes, imposing tax

increases in turn makes inner ring suburbs less attractive places to live.  As

Bernadette Hanlon has argued, "The 'push factors' of deteriorating schools and

poor services combined with relatively high tax rates encourage further

population loss, particularly of any remaining high income families."[14]

Critics who view the problems of the inner ring suburbs in distributional

terms tend to endorse redistributive policy solutions: Growth management is

promoted as a means of redirecting populations that might otherwise locate in

outer suburbs into older, built-up areas.  These critics endorse tax base sharing

mechanisms to ensure what they consider the fair distribution of fiscal resources

across municipalities in a metropolitan region.  Also proposed: new regional

government structures to tame the excesses of inter-municipal competition for

resources and residents, allocate the inputs required for new development (such as

infrastructure funds), and foster intra-metropolitan collaboration.[15]

Commentators such as Richard Briffault and Myron Orfield specifically link the

need for regional policy solutions to the plight of inner ring suburbs.  As Briffault

has argued, "For many poorer urban municipalities—especially the older,

declining suburbs, which lack even the business districts, housing stock, and

cultural amenities of older cities … [a] regionalist strategy that recognizes the

relationships and connections among localities in a metropolitan area is

essential."[16] These arguments are not without intuitive appeal, although, as I have

written elsewhere, it is unclear whether the costs of policies designed to tame the

woes of metropolitan fragmentation will sacrifice too many of the benefits of the

inter-municipal competition predicted by Charles Tiebout.[17]

The Inner Ring as an Aesthetic Problem: Enter the New Urbanism

Briffault hints at a related, but distinct, concern about inner ring suburbs, one that

is framed in aesthetic rather than distributional terms.  Observers frequently refer

to the built environment in many older suburbs as aging, unattractive, and

unappealing, and contrast the housing and commercial stock (tract, ranch and

split-level houses and strip malls) to the older, more architecturally appealing

homes and commercial buildings found in central cities and select early suburbs.

This critique is primarily directed not at the true first suburbs, as inner ring

suburbs are sometimes called, but at what more accurately might be called the

second suburbs.  The first American suburbs were developed prior to the great

depression, and tend to have the older housing stock and traditional street front

commercial districts that are favored by elite opinion.  The second wave of

suburbia, which was developed on a massive scale in the post-war period, lacks

such amenities.  These homes and communities are considered by many to be

aesthetically challenged timepieces with little to offer in the frenzied metropolitan

competition for wealthier residents.[18]

The distributional view of inner suburban problems suggests policy

solutions that would minimize competition between municipalities.  The aesthetic

view suggests a slightly different approach that seeks to overcome impediments to

competition imposed by the presumably unappealing built environment of post-war suburbs.  Critics raising aesthetic concerns assert that inner suburbs cannot be expected to compete because they lack the inputs needed to fuel successful regeneration, especially the types of residential and commercial structures attractive to would-be gentrifiers.  In a recent book, for example, Ellen Dunham-Jones and June Williamson argue that suburbs need to be "retrofitted" to reflect contemporary architectural and urban design preferences and accommodate modern land use patterns.  That is, "isolated privately owned malls and aging office parks" need to be demolished and replaced by "multiblock, mixed-use town centers," "[e]dge center agglomerations of suburban office and retail…interlaced with residences and walkable streets," "ambitious new public transit networks … proposed, constructed and integrating into rapidly developing suburban contexts," and [a]rchaic zoning ordinances … thouroughly overhauld to permit higher-density, mixed-use development.[19]

Not surprisingly, New Urbanists embrace the view that inner ring suburbs face many problems as the result of aesthetic challenges.  From its inception, the New Urbanism has been, in important respects, an aesthetic critique that views American suburbia as an affront to good urban design—one which can only be remedied by implementing better, more urban, design principles.  New Urbanists believe, in other words, that suburbs need to be urbanized. [20]

Some of the development tools promoted by New Urbanists could conceivably serve older suburban communities well.  For example, 'dead' malls

can be flipped, unused parking lots filled, and one-way streets rerouted and lined with sidewalks to achieve greater connectivity and walkability. The challenge for inner ring suburban leaders, however, is that many New Urbanist redevelopment efforts are pricy—well beyond the reach of many cash-strapped local governments.

In this context, the allure of using land use regulations to require alterations in the urban landscape is apparent. Land use regulations appear costless, since they theoretically only set the stage for the desired development and redevelopment, which will in turn be undertaken by private parties. The difficulty is—as decades of social science research demonstrate—that land use regulations are far from costless. And, unfortunately, their costs all too frequently are borne by those of modest means.[21] Proponents of the distributional approach to inner-suburban challenges acknowledge the costs of land use regulations. Indeed their proposals flow in important respects from their critique of prevailing regulatory practices. They also acknowledge that their proposed alternatives are not costless, although, in my view, they may underestimate those costs. Proponents of the New Urbanist alternatives to current land use regulations tend to ignore or downplay the costs, frequently billing them as cost saving devices that will free communities from the constricting grip of traditional zoning tools, when in reality, compliance costs can be extraordinarily high.

New Urbanists argue that cities should reject use-based zoning regulations in favor of a system of form-based aesthetic controls. This regulatory alternative

to zoning flows from the assumption that urban development proceeds naturally from more dense areas to less dense ones. Andrés Duany called this progression the "urban transect," and New Urbanists urge local governments to replace traditional use zoning with regulations on building form appropriate to the various "transect zones" along the progression. The extent of the New Urbanists' influence is reflected in the fact that local governments are increasingly supplementing or supplanting traditional land use regulations with transect zoning laws and the form-based codes that inevitably accompany them.[22] The extent of this trend is difficult to gauge, but the fact that it is a trend is verifiable. Local governments as large as Miami, Denver and Cincinnati and as small as 100-person villages have enacted these devices into law.[23] Transect zoning and form-based codes may be particularly attractive to inner ring suburban leaders, since they are billed as a way to remedy the aesthetic challenges that prevent their communities from competing with their suburban neighbors, both older and newer. A good example of such a community is Arlington, Virginia, an inner ring suburb of Washington, DC, which adopted a form-based code to govern its Columbia Pike corridor in 2013.[24]

Countering Costlessness of New Urbanist Codes

Despite their allure, however, the adoption of these codes may prove counter-productive, especially in inner-suburban communities, for four related reasons:

First: Transect zoning is billed as embracing a simple theory about how to regulate urban development, which is that buildings appropriate for the city center should go in the city center, regardless of their use, and suburban buildings should look suburban, again, regardless of their use.  In its implementation, however, transect zoning is anything but simple.  As a practical matter, New Urbanists favor replacing traditional zoning with very meticulous and exhaustive aesthetic regulations, found in the form-based codes that fill the ubiquitous gaps in transect zoning regimes.  To varying degrees, these codes dictate the architectural details (that is, the form) of buildings appropriate for the various zones in the urban transect.  These details can consume dozens, even hundreds, of pages of regulations.  As an alternative, some codes, including the Columbia Pike form-based code, provide illustrative "examples" of  "appropriate" building and design styles, and require architectural review of all but the smallest projects.[Figure 1] Both forms of regulation raise development costs, and the vagueness of the second approach raises its own serious concerns.[25]

Second: The concept of the "urban transect" is ill suited to many suburban communities.  The foundational planning principle of New Urbanism is that urban development naturally proceeds from more to less dense—from urban, to suburban, to rural.  After decades of zoning, however, the urban transect frequently reflects New Urbanists' preferences and aspirations for urban development more than the actual facts on the ground in American communities. Rather than proceeding neatly along the transect, the densities of many

metropolitan areas are either flat, or proceed from less dense, to more dense, to

less dense again.[26]  While New Urbanists would like to reverse this trend, they

have not satisfactorily addressed how to confront communities with development

patterns that fail to approximate the urban transect. In fact, transect zoning has

been imposed in locales where development patterns are entirely divorced from

predictions of how the urban transect would develop.  Columbia Pike is, again, a

case in point.  Consider, for example, the regulating plan for Baileys Crossroads,

a neighborhood along the Columbia Pike corridor.  [Figure Two] Not

surprisingly, in suburban places like this, the transect is defined to fit existing

development patterns, rather than the ideal progression New Urbanists prefer.

Third: Transect zoning and form-based codes seek to impose, by law, a

particular urban aesthetic.  Real estate developments governed by transect zoning

and form-based codes look and feel very different from the developments, both

urban and suburban, that preceded them for decades.  This is because form-based

codes have as their goal the reversal of over a century of planning practices that

reflect what the New Urbanists consider wrongheaded aesthetic preferences. I

happen to share the New Urbanists' aesthetic preferences in large part. This fact,

however, does not alleviate my concerns about using the law to impose aesthetic

preferences on the built landscape. On the contrary, if the New Urbanists' critique

of twentieth century planning practices teaches anything, it is that using public

land use regulations to impose architectural fads on the urban landscape can lead

to unfortunate, even socially damaging, results.  This may be particularly true in

inner ring communities, where recent demographic shifts have led to the adaptive

reuse of commercial structures considered obsolete by many New Urbanists. For

example, many inner ring suburbs, features many strip malls filled with stores

serving newly arrived immigrant populations, including this one in suburban

Indianapolis. [Figure 3] Although these uses do not match the aesthetic preferred

in most form-based codes, they can serve the residents of the community

surrounding them well. As a result, just as the modernists' wrecking balls

destroyed functional urban communities during the postwar urban renewal period,

so might the New Urbanists' codes target suburban communities that function

well for the thousands of newcomers who are discovering them.[27]

Fourth: Finally, at least in the inner ring, the goal of form-based codes is

to 'upscale' communities. Form-based codes are in many respects, the equivalent

of a highly technical performance-zoning schemes. (Performance zoning regulates

land use by establishing parameters designed to limit the negative impact of the

use. Although performance zoning is more flexible than conventional zoning, it is

often prohibitively difficult to administer.)[27] Anecdotal evidence suggests that

compliance costs have stalled many redevelopment efforts governed by form-

based zoning.[28] But, even the successful implementation of form-based codes

carries a risk of driving up housing costs, as well as the costs of running

businesses like the ones in the Figure 3 above. Critics of inner suburbia

frequently lament that many residents move up and out to newer suburbs with

more attractive housing styles (read: McMansions, not split-levels). That is

undoubtedly true, but it not necessarily lamentable.  Not only is the economic

mobility reflected in such moves, generally speaking, a good sign, but these

moves also free up quality housing stock for families and individuals of more-

modest means.   The reality is that the housing filtering process has, for

generations, been one of the most important sources of affordable housing in the

United States. The goal of the New Urbanist retrofit of inner suburbs essentially is

to stop the filtering process, with the result being gentrification that prices-out

many potential new suburban residents.  Pulling up the suburban ladder at a time

when immigrant and minorities are finally reaching its rungs raises serious

transitional fairness issues.  It also threatens to deplete the reservoir of vitality and

diversity that can enliven and enrich struggling inner-suburban communities.[29]


Rethinking the Older Suburbs

Local leaders in older suburbs rightly want to promote economic growth by

infusing an aging physical infrastructure with new life.  The New Urbanists

promise that this goal can be not only accomplished, but can be micromanaged

through public land use regulations.  The promise is undoubtedly attractive to

local leaders who feel trapped by the geographic footprint imposed by zoning, but

are wary of land use deregulation.  Nonetheless, inner ring suburban leaders

would do well to resist the deceptive allure of controlled diversity.   A different

vision of regulatory reform—one which embraces the goal abandoning the

regulatory straightjacket of single-use zoning but eschews the desire to control the

aesthetic details of the transition from single-use to multi-use communities (which I have previously called "mixed use zoning without the strings")—would better enable these communities to promote growth, maintain a stable supply of affordable housing, and harness the entrepreneurial energies of the individuals, families, and business who now call older suburbs home.[30]

Endnotes

[*] Robert Puentes and David Warren, "One-Fifth of America:  A Comprehensive Guide to America's First Suburbs," at 1, Brookings Institution, Metropolitan Policy Program, last modified, February 2006, accessed April 7, 2015, http://www.brookings.edu/research/reports/2006/02/metropolitanpolicy-puentes.

[2] Myron Orfield, *American Metropolitics: The New Suburban Reality* (Washington, D.C.:  Brookings Institution Press, 2002); Bernadette Hanlon, *Once the American Dream: Inner ring Suburbs of the Metropolitan United States* (Philadelphia:  Temple University Press, 2010); William H. Hudnut III, *Halfway to Everywhere: A Portrait of America's First-Tier Suburbs* (Washington, D.C.: Urban Land Institute, 2003); Elizabeth Kneebone and Alan Berube, *Confronting Suburban Poverty in America* (Washington, D.C.:  Brookings Institution Press, 2013); William H. Lucy and David L. Phillips, *Confronting Suburban Decline: Strategic Planning for Metropolitan Renewal* (Washington, D.C.:  Island Press, 2000).

[3] Orfield, *Metropolitics,* 23-65.

[4] Peter Dreier and Todd Swanstrom, "Suburban Ghettos like Ferguson are Ticking Time Bombs:  The Protests there might be the First in a Wave of Suburban Riots," *Washington Post*, Aug. 21, 2014; Daniel J. McGraw, "Ferguson:  Race and the Inner ring Suburb," *Belt Magazine*, Aug. 14, 2014, accessed April 7, 2015, http://beltmag.com/ferguson-race-inner-ring-suburb/; Pete Saunders, "The Death of America's Suburban Dream: The Events in Ferguson, Missouri Reveal the 'Resegregation' of America's Once-aspirational Inner Suburbs," *The Guardian*, Sept. 5, 2014, accessed April 30, 2015, http://www.theguardian.com/cities/2014/sep/05/death-america-suburban-dream-ferguson-missouri-resegregation; Jeff Smith, "In Ferguson, Black Town, White Power," *New York Times*, Aug. 17, 2014.

[5]  Puentes and Warren, "One-Fifth of America,"5-7

[6] William H. Frey, "The Suburbs: Not Just for White People Anymore," *The New Republic*, Nov. 24, 2014.

[7] *Ibid*.

[8] Frey, "The Suburbs"; Wei Li, *Ethnoburb* (Honolulu:  University of Hawaii Press, 2009); John Iceland, *Where We Live Now:  Immigration and Race in the United States* 38 (Berkeley, University of California Press, 2009) Lucy and Phillips, *Confronting,* 26-30.

[9] Janie Boschma, "America's Immigrants are Moving to the Suburbs:  They're Drawn There for the Same Reasons that the Rest of Us Are—Affordability, Jobs,

and Schools, *National Journal*, December 11, 2014, accessed April 7, 2015,

http://www.nationaljournal.com/next-america/america-s-foreign-born-population-

is-increasingly-moving-to-the-suburbs-20141208; Jill H. Wilson and Nicole

Prchal Svajilenka, "Immigrants Continue to Disperse, with Fastest Growth in the

Suburbs," *Brookings Immigration Fact Series No. 18*, Oct. 29, 2014, accessed

April 7, 2015, http://www.brookings.edu/research/papers/2014/10/29-immigrants-

disperse-suburbs-wilson-svajlenka.

[10] Puentes and Warren, at 5.

[11] *Ibid.*, 11.

[12] Kneebone and Berube, *Confronting*, 16-20 These trends are arguably related,

with increased suburban poverty being the unintended consequences of policies

seeking to break up pockets of urban poverty.  Hanna Rosen, "American Murder

Mystery," *The Atlantic*, July/August 2008, accessed April 8, 2015,

http://www.theatlantic.com/magazine/archive/2008/07/american-murder-

mystery/306872/.

[13] Puentes and Warren, *One-Fifth of America,* 8-9.

[14] Hanlon, *American Dream*, 54.

[15] Richard Briffault, "Our Localism, Part I:  The Structure of Local Government

Law, *Columbia Law Review* 90, (January 1990): 18-24; Richard Briffault,

"Beyond City and Suburb, Thinking Regionally," *Yale Law Journal Forum* 116,

(Dec. 11, 2006), accessed April 30, 2014,

http://www.yalelawjournal.org/forum/beyond-city-and-suburb-thinking-

regionally; Orfield, *American Metropolitics,* 85-150.

[16] Briffault, "Beyond City and Suburb," supra.

[17] Nicole Stelle Garnett, "Suburbs as Exit, Suburbs as Entrance," *Michigan Law Review* 160, (November 2997): 277; Nicole Stelle Garnett, "Unbundling Homeownership:  Regional Reforms from the Inside Out," *Yale Law Journal* 119, (June 2010): 1905; Charles M. Tiebout, "A Pure Theory of Local Expenditures," *Journal of Political Economy* 64, no. 5 (October 1956): 416-24.

[18] D. Jamie Rusin, Sean Slater and Ryan Call, "New Suburbanism: Reinventing Inner ring Suburbs," *Urban Land Magazine*, July 8, 2013, accessed April 15, 2015, http://urbanland.uli.org/planning-design/new-suburbanism-reinventing-inner-ring-suburbs/; Garnett, "Suburbs as Exit, Suburbs as Entrance," 282-85.

[19] Ellen Dunham-Jones and June Williamson, *Retrofitting Suburbia: Urban Design Solutions for Redesigning Suburbs*. (Hoboken: John Wiley & Sons, 2011).

[20] Ibid.*,* 3.

[21] Edward Glaeser and Joseph Gyourko, "Zoning's Steep Price," *Regulation*, Fall 2002; Edward Glaeser and Joseph Gyourko, *Rethinking Federal Housing Policy: How to Make Housing Plentiful and Affordable* (Washington, D.C.:  AEI Press, 2008); Peter Ganong and Daniel Shoag, "Why has Regional Convergence in the U.S. Stopped?" (Working Paper RWP12-028, Kennedy School of Government, Harvard University, Cambridge MA, 2012), accessed April 30, 2015, http://dash.harvard.edu/handle/1/9361381.

[22] Nicole Stelle Garnett, "Redeeming Transect Zoning," *Brooklyn Law Review* 78, (Winter 2013): 571.

[23] In 2008, Hazel Borys and Emily Talent found that 279 form-based codes had been enacted by local governments and that about 200 additional were being considered. "Form-Based Codes, You're not alone," Accessed April 14, 2015, http://www.placemakers.com/how-we-teach/codes-study/.

[24] "Arlington County Adopts Innovative Tools to Increase Affordable Housing on Columbia Pike," last modified November 16, 2013, accessed April 15, 2015, http://news.arlingtonva.us/releases/arlington-county-adopts-innovative-tools-to-increase-affordable-housing-on-columbia-pike.

[25] Garnett, "Redeeming Transect Zoning," 579-85."Columbia Pike Neighborhoods Special Revitalization District Form Based Code," accessed April 15, 2015, http://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2014/07/CP_FBC_Res_Complete-Code.pdf.

[26] Robert Brueggman, *Sprawl: A Compact History* (Chicago: University of Chicago Press 2005): 19-20; Léon Krier, *The Architecture of Community* (Washington, D.C. Island Press: 2009), 11-13. Krier argues that the "fiasco of the suburbs is the tragic illustration" of "erroneous [urban] planning" and architectural design.

[27] Kaid Benfield, "As We Remake Suburbia, Should We Guard Against Gentrification?" *Switchboard* (blog) *Natural Resource Defense Council,* June 11, 2013, accessed April 15, 2015,

http://switchboard.nrdc.org/blogs/kbenfield/as_we_remake_suburbs_should_th.ht ml; Nicole Stelle Garnett, *Ordering the City: Land Use, Policing, and the Restoration of Urban America* (New Haven: Yale University Press, 2010), 44-48.

[27] Julian Conrad Juergensmeyer and Thomas Roberts, *Land Use Planning and Development Regulation Law* (St. Paul: West Academic Press, 2d ed. 2007), 101.

[28] Robert Steuteville, "Survey: Combine New Code with Activities and Investment," *New Urban News*, last modified April 1, 2010, accessed April 15, 2015, http://bettercities.net/article/survey-combine-new-code-activities-and-investment; Mark Simpson, "Cost and Business Resistance Kill Orlando Suburb Beautification and Traffic Calming Effort," *Transportation Nation*, last modified April 2, 2011, accessed April 15, 2015, http://transportationnation.org/2011/04/02/cost-and-business-resistance-kill-orlando-suburb-beautification-and-traffic-calming-effort; Ed Tombari, "The Future of Zoning?" *Land Development Magazine* 22, (2009): 25.

[29] Thomas Bier, "Moving Up, Filtering Down:  Metropolitan Housing Dynamics and Public Policy," Discussion Paper: Brookings Institution Center on Urban and Metropolitan Policy, September 2001, http://www.brookings.edu/~/media/research/files/reports/2001/9/metropolitanpoli cy%20bier/bier.pdf; Matthew Yglesias, "Filtering:  How to Get Growth without Genterfication," *Moenybox* (blog), *Slate*, Dec. 11, 2012, accessed April 15, 2015, http://www.slate.com/blogs/moneybox/2012/12/11/filtering_vs_gentrification_how_to_g et_urban_growth_without_displacement.html.

[30] Garnett, *Ordering the City*, 200-201.

Bibliography

Arlington County Adopts Innovative Tools to Increase Affordable Housing on Columbia Pike, http://news.arlingtonva.us/releases/arlington-county-adopts-innovative-tools-to-increase-affordable-housing-on-columbia-pike.

Kaid Benfield, "As We Remake Suburbia, Should We Guard Against Gentrification?" http://switchboard.nrdc.org/blogs/kbenfield/as_we_remake_suburbs_should_th.html.

Thomas Bier, "Moving Up, Filtering Down:  Metropolitan Housing Dynamics and Public Policy,"  Discussion Paper:  Brookings Institution Center on Urban and Metropolitan Policy, Sept. 2001, http://www.brookings.edu/~/media/research/files/reports/2001/9/metropolitanpolicy%20bier/bier.pdf

Richard Briffault, "Beyond City and Suburb, Thinking Regionally," *Yale Law Journal Forum*, Dec. 11, 2006, http://www.yalelawjournal.org/forum/beyond-city-and-suburb-thinking-regionally

Richard Briffault, "Our Localism, Part I:  The Structure of Local Government Law, *Columbia Law Review*, 90: 1 (1990)

Columbia Pike Neighborhoods Special Revitalization District Form Based Code, http://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2014/07/CP_FBC_Res_Complete-Code.pdf

"The Codes Study," http://www.placemakers.com/how-we-teach/codes-study/

Peter Dreier & Todd Swanstrom, "Suburban Ghettos like Ferguson are Ticking Time Bombs:  The Protests there might be the First in a Wave of Suburban Riots," *Washington Post*, Aug. 21, 2014.

Ellen Dunham-Jones and June Williamson, *Retrofitting Suburbia: Urban Design Solutions for Redesigning Suburbs* (Hoboken:  John Wiley & Sons, 2011).

William H. Frey, "The Suburbs: Not Just for White People Anymore," *The New Republic*, Nov. 24, 2014

Peter Ganong & Daniel Shoag, "Why has Regional Convergence in the U.S. Stopped?" (Harvard Kennedy School, Working Paper No. RWP12-028, 2012), http://dash.harvard.edu/handle/1/9361381.

Nicole Stelle Garnett, "Redeeming Transect Zoning," *Brooklyn Law Review* 78: 571 (2013)

Nicole Stelle Garnett, "Suburbs as Exit, Suburbs as Entrance," *Michigan Law Review*, 106: 277 (2007)

Nicole Stelle Garnett, "Unbundling Homeownership:  Regional Reforms from the Inside Out," *Yale Law Journal*, 119: 1905 (2010).

Nicole Stelle Garnett,  *Ordering the City:  Land Use, Policing, and the Restoration of Urban America* (New Haven:  Yale University Press, 2010)

Edward Glaeser & Joseph Gyourko, *Rethinking Federal Housing Policy:  How to Make Housing Plentiful and Affordable* (Washington, D.C.:  AEI Press, 2008)

Edward Glaeser & Joseph Gyourko, "Zoning's Steep Price," *Regulation*, Fall 2002.

Bernadette Hanlon, *Once the American Dream: Inner ring Suburbs of the Metropolitan United States*
(Philadelphia:  Temple University Press, 2010)

William H. Hudnut III, *Halfway to Everywhere:  A Portrait of America's First-Tier Suburbs* (Washington, D.C.:  Urban Land Institute, 2003)

John Iceland, *Where We Live Now:  Immigration and Race in the United States* (Berkeley:  University of California Press, 2009).

Elizabeth Kneebone & Alan Berube, *Confronting Suburban Poverty in America* (Washington, D.C.:  Brookings Institution Press, 2013)

Léon Krier, *The Architecture of Community* (Washington, D.C. Island Press: 2009)

Wei Li, *Ethnoburb* (Honolulu:  University of Hawaii Press, 2009).

William H. Lucy & David L. Phillips, *Confronting Suburban Decline:  Strategic Planning for Metropolitan Renewal* (Washington, D.C.:  Island Press, 2000)

Julian Conrad Juergensmeyer & Thomas Roberts, *Land Use Planning and Development Regulation Law* (St. Paul: West Academic Press, 2d ed. 2007)

Daniel J. McGraw, "Ferguson:  Race and the Inner ring Suburb," *Belt Magazine*, Aug. 14, 2014

Myron Orfield, *American Metropolitics:  The New Suburban Reality* (Washington, D.C.:  Brookings Institution Press, 2002)

Myron Orfield, *Metropolitics:  A Regional Agenda for Community and Stability* (Washington, D.C.:  Brookings Institution Press, 1997)

Robert Puentes & David Warren, "One-Fifth of America:  A Comprehensive Guide to America's First Suburbs," Brookings Institution, Metropolitan Policy Program, February 2006, http://www.brookings.edu/research/reports/2006/02/metropolitanpolicy-puentes

Hannah Rosen, "American Murder Mystery:  Why is crime rising in so many American cities? The answer implicates one of the most celebrated antipoverty programs of recent decades," *The Atlantic*, July-August 2008.

D. Jamie Rusin, Sean Slater & Ryan Call, "New Suburbanism:  Reinventing Inner ring Suburbs," *Urban Land Magazine*, July 8, 2013.

Pete Saunders, "The Death of America's Suburban Dream: The Events in Ferguson, Missouri Reveal the 'Resegregation' of America's Once-aspirational Inner Suburbs," *The Guardian*, Sept. 5, 2014.

Mark Simpson, *Cost and Business Resistance Kill Orlando Suburb Beautification and Traffic Calming Effort*, *Trans. Nation* (Apr. 2, 2011), http://transportationnation.org/2011/04/02/cost-and-business-resistance-kill-orlando-suburb-beautification-and-traffic-calming-effort

Jeff Smith, "In Ferguson, Black Town, White Power," *New York Times*, Aug. 17, 2014

Robert Steuteville, *Survey: Combine New Code with Activities and Investment*, New Urb. News, Apr. 1, 2010, at 7.

Charles M. Tiebout, "A Pure Theory of Local Expenditures," *J. of Political Economy*, 64 (1956)

Garnett

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Ed Tombari, *The Future of Zoning?*, 22 *Land Dev*. 23, 25 (2009)

Matthew Yglesias, "Filtering:  How to Get Growth without Genterfication," *Slate*, Dec. 11, 2012, http://www.slate.com/blogs/moneybox/2012/12/11/filtering_vs_gentrification_how_to_get_urban_growth_without_displacement.html