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THE STATE OF FLORIDA SPRAWL REPAIR ACT

Whereas the State of Florida aspires to retrofit its inventory of auto-dependent suburban sprawl into compact, walkable, diverse and transit-ready communities that are more socially equitable, consume less petroleum and generate fewer greenhouse gases,

Whereas the public servicing of suburban sprawl disproportionately consumes the tax base of Florida's municipalities,

Whereas the Baby-Boom Generation, the largest demographic group among Florida residents, will not be well-served by being able to live only in auto-dependent suburban areas,

Whereas the Millennial Generation, the second largest group and the most important to the future workforce of Florida, has shown that they prefer urban areas,

Whereas the existing investment in suburban sprawl must not be allowed to become uncompetitive and thereby lose value,

Whereas the current financial crisis has opened certain real estate assets in Florida to transformation and that principal among them are underperforming malls and shopping centers,

Whereas shopping malls are sizeable greyfield sites large enough to sustain a rebalancing of investment on their open parking lots, and that such rebalancing would entail the addition of dwellings, offices, hotels, schools and civic structures, with the result being town centers,

Whereas these town centers would revitalize the housing subdivisions around them that might otherwise become obsolete,

Whereas retail nodes have been overbuilt by as much as 400% and much of the land they occupy is under single ownership and open to repurposing,

Whereas such retail nodes are located along arterial roads with a great deal of already-committed Right-of-Way, convertible to Urban Complete Street capacity,

Whereas such retail locations are usually well placed regionally for service by streetcar and bus rapid-transit, as emerging transportation options,

Whereas Florida's focus on arterial highways has helped rural mobility, but has not supported the finer grained urban street networks that encourage vital modes like walking, cycling and transit,

Whereas the immediate neighbors would be less inclined to oppose the redevelopment of a retail node than new greenfield development or densification by infill,

THEREFORE, by action of the Florida Legislature

THE STATE OF FLORIDA SPRAWL REPAIR INITIATIVE is hereby adopted as policy and the Florida Department of Community Affairs is directed:

To draft policy and corresponding model ordinances intended to enable the retrofit of shopping malls and shopping centers into dense, walkable, mixed-use town centers,

To establish protocols that encourage the incorporation of the model policy and ordinances into municipal zoning codes and subdivision regulations,

To mandate that the associated policies be incorporated into the updates or amendments of local Comprehensive Plans,

To develop Urban Complete Streets in cooperation with the mandated Vehicle Miles Traveled (VMT) reduction efforts of the Florida Department of Transportation (FDOT) and Florida Metropolitan Planning Organizations (MPOs) to serve these centers with a balanced, diverse set of travel modes,

That the adoption of the amendments and the model ordinances be a condition of receiving Florida and Federal infrastructure funding,

That there be developed a set of legal incentives including but not limited to: (a) permitting by-right, (b) replacement of traffic impact exactions and other state mandated assessments with a fair mobility fee and (c) opportunity for special state taxing districts for public improvements to sites and (d) funding for design and construction of the parking and transit infrastructure enabling redevelopment,

For the purpose of encouraging a human habitat that is hospitable and accessible to more Floridians while lessening environmental impacts on the State.

Appendix 1:

Source: Robert Gibbs, rgibbs@gibbsplanning.com

There are 48 regional enclosed shopping malls in the state of Florida, listed below. Most of these malls have been experiencing significant declines in traffic and sales.

[Altamonte Mall](#) in Altamonte Springs, Fl
[Town Center At Boca Raton Mall](#) in Boca Raton, Fl
[Boynton Beach Mall](#) in Boynton Beach, Fl
[Brandon Mall](#) in Brandon, Fl
[Countryside Mall](#) in Clearwater, Fl
[Coral Square Mall](#) in Coral Springs, Fl
[Volusia Mall](#) in Daytona Beach, Fl
[The Galleria At Fort Lauderdale Mall](#) in Ft Lauderdale, Fl
[Edison Mall](#) in Ft Myers, Fl
[Butler Plaza Miracle Mile Mall](#) in Gainesville, Fl
[The Oaks Mall](#) in Gainesville, Fl
[Palm Springs Mile Shopping Center Mall](#) in Hialeah, Fl
[Regency Square Mall](#) in Jacksonville, Fl
[St Johns Town Center Mall](#) in Jacksonville, Fl
[The Avenues Mall](#) in Jacksonville, Fl
[Treasure Coast Square Mall](#) in Jensen Beach, Fl
[Lakeland Square Mall](#) in Lakeland, Fl
[Aventura Mall](#) in Miami, Fl
[Cutler Ridge Mall](#) in Miami, Fl
[Dadeland Mall](#) in Miami, Fl
[Dolphin Mall](#) in Miami, Fl
[Kendall Town Center Mall](#) in Miami, Fl
[Miami International Mall](#) in Miami, Fl
[Coastland Center Mall](#) in Naples, Fl
[West Oaks Mall](#) in Ocoee, Fl
[Orange Park Mall](#) in Orange Park, Fl
[Festival Bay Mall](#) in Orlando, Fl
[Florida Mall](#) in Orlando, Fl
[Orlando Fashion Square Mall](#) in Orlando, Fl
[The Mall at Millenia](#) in Orlando, Fl
[Oviedo Marketplace Mall](#) in Oviedo, Fl
[The Gardens Mall](#) in Palm Beach Gardens, Fl
[Pembroke Lakes Mall](#) in Pembroke Pines, Fl
[Cordova Mall](#) in Pensacola, Fl
[Broward Mall](#) in Plantation, Fl
[Pompano Citi Centre Mall](#) in Pompano Beach, Fl
[Seminole Towne Center Mall](#) in Sanford, Fl
[Sarasota Square Mall](#) in Sarasota, Fl
[Tyrone Square Mall](#) in St Petersburg, Fl
[Sawgrass Mills Mall](#) in Sunrise, Fl
[Governors Square Mall](#) in Tallahassee, Fl
[Tallahassee Mall](#) in Tallahassee, Fl

[Citrus Park Mall](#) in Tampa, Fl
[International Plaza Mall](#) in Tampa, Fl
[University Mall](#) in Tampa, Fl
[Westshore Plaza Mall](#) in Tampa, Fl
[Palm Beach Mall](#) in W Palm Beach, Fl
[The Mall at Wellington Green](#) in Wellington, Fl

Appendix 2

MALL REPAIR PROTOCOL

Until recently, an increasing number of new commercial developments placed existing and aging shopping malls under constant pressure to be periodically “reinvented” or face obsolescence. Largely fueled by the economic boom of the 1990s and early 2000s, new malls were being built at the astonishing rate of 100 malls per year. Today, no new malls are being built and hundreds of existing ones are failing or struggling, having become the physical manifestation of overdevelopment.

An opportunity to transform malls and their surroundings into town centers or transit-ready developments now exists. Malls are always well located at major arterial intersections— along the linear or converging paths of growth— in the vicinity of residential subdivisions. This makes them ideal as centers along an integrated regional Bus Rapid Transit network (BRT) or another mode of public transportation. Malls also offer high numbers of square footage of retail space that can be rebalanced or replaced by complementary uses, such as office, residential, hotel, civic or institutional. The mall interiors, which are some of the most attractive “public” spaces suburbia has ever produced, can be incorporated into the future urban fabric destined to fill in all those half-empty parking lots.

Until they start deteriorating, malls are potent generators of economic vitality and tax revenue for suburban municipalities and cities. In order to project the potential for redevelopment, it is necessary to understand the regional context of the mall -- its location and its relationship with the immediate vicinity. As very large structures and agglomerations of retail use, malls have the capacity to influence their surroundings – if a mall is flourishing, additional strip shopping, fast food restaurants and entertainment venues also thrive. Conversely, if a mall starts to flounder, it acts as an over-sized blight on the adjacent suburban context. Yet, not all malls are alike. Indeed, a mall embedded in suburban residential fabric may be retrofitted more swiftly into a town center than a mall recently located in the exurban fringes where it is entirely dependent on regional draw and the prospect of future growth.

To make the critical distinctions between location and type, a series of studies must be performed, and from there the nature of the retrofit may be determined. In some cases where the mall is still successful, the retrofit should be forward looking -- **visionary and proactive** in character -- and the process of retrofit started while there is still economic vitality. However, when the shopping mall has already lost its economic momentum, the retrofit becomes **post-factum or retroactive**.

Below is an outline of the practical steps developers and municipalities are encouraged to take for a successful and well-timed mall transformation. These include relevant preliminary research and studies needed for the process, as well as urban design techniques and implementation strategies.

A. Feasibility and Regional Analysis of the Site

1. Traffic study – a survey must be performed to establish the number of cars driving past or through the mall site. Such a study will inform the projections on future commercial space absorption.
2. External connectivity – a diagram showing the existing and possible future connections will demonstrate the potential for a real town center incorporated within the existing context.
3. Transit potential and location – many shopping malls occupy the corners of important arterial intersections, which by virtue of their size, carrying capacity and destination can accommodate future mass transit provisions. Some already have bus connections. Transit is a crucial prerequisite for successful mall transformation into a true urban core and multi-modal district.
4. Demographic analysis/ marketing study – projections for future population growth in the area will inform the residential program for the site. The marketing study will define the demographic segments most likely to be attracted to the town center. A full range of building types must be coordinated with this study.
5. Commercial study/ Void analysis – potential for office, hotel and other if there is to be any additional retail development.
6. Existing infrastructure/ utilities analysis
7. Environmental analysis – mall sites usually fall under the definition of greyfield redevelopment and do not require extensive environmental remediation. However, in case of landfill sites, close vicinity to gas stations, or use of hazardous materials in buildings, some mall sites may be considered brownfields in need of decontamination procedures.

B. Types of Mall Retrofit and Phasing Identification

1. Embedding of the existing buildings while mall still functions (“pro-active” retrofit)
2. Partial incorporation of structures, keeping some of the anchors and/or parking garages
3. Full replacement of mall (“retro-active” retrofit)
4. Devolution Model - in case the area loses population for economic or social reasons, a partial reversion to agricultural land is possible, in the form of individual and/or community gardens, and farmsteads.

C. Urban Design - Urban Fabric and Walkability Restoration

1. Identification of pedestrian shed structure
2. Creation of new blocks to infill the parking lots, introduction of structured parking
3. Delineation of new streets and alleys for better connectivity
4. Formation of public space – squares, plazas, parks, playgrounds, etc.
5. Introduction of landmarks and civic buildings (buildings of civic importance)

D. Building Scale Intervention – New Building Types

1. Perimeter Block Types with garage structures
2. Live-work Units, Lofts, Attached Townhouses along garages
3. Liner buildings – small business incubator space, located between anchors or hiding parking lots and lining garages or surface parking lots.

4. Large box/ anchor conversions – schools, community colleges, grocery stores, offices, sport facilities, senior centers, art facilities, etc.
5. Workforce Housing Building types

E. Regulatory and Management Tools -

1. Model Ordinances to enable mall retrofits
2. Form-Based Codes to achieve a balanced public realm
3. Regulating Plans
4. Urban Standards, plus build-to-line detailed plans
5. Architectural Standards
6. Thoroughfare Assignments and Standards for existing and new
7. Tenant mix, anchors and smaller retailers - improved mix of national, regional and local retailers
8. Main Street Management – single entity to ensure proper operation, balance and maintenance of shopfronts, simplicity and economy of streetscape
9. Marketing Program designed to emphasize image and “sense of place”

F. Incentives / Implementation / Financial Tools

1. Permitting by Right – requires State enabling legislation
2. Exemption from State and Federal assessments
3. State and Federal Funding for parking and transit infrastructure
4. Public-Private partnerships
5. Bonding companies
6. TDR (Transfer of Development Rights) and PDR (Purchase of Development Rights)
7. TIF (Tax Increment Financing) -- TIF district may cover all retrofit projects in one jurisdiction collectively, and may feature revenue sharing of generated funds, so that money can be distributed to the centers that most need help maximizing build-out.
8. BID (Business Improvement District) or BIA (Business Improvement Area), funded through special assessments collected from the commercial property owners; requires legislative authorization
9. State and Federal Grants – for redevelopment and improvement of blighted areas
10. CDBG housing funds - may help move HUD along to an expanded model of housing choice (for sale, for lease, in mixed use)
11. Renovation /or Retrofit Tax Credit for a site with "Retrofit District" designation, keeping property taxes at pre-development rates for 7 years, and could be renewed once or even twice, depending on investment.
12. Tax credits for workforce housing – if at least 20% of the units on site provide workforce housing needs

