

FORM-BASED CODES/SMART CODES

Description:

In conventional practices, the common approach underlying land use regulation has been "form follows function"—in which the primary basis for regulation is the separation of *uses* for buildings or spaces. In contrast, "function follows form" is the approach underlying form-based codes (or smart codes)—in which there is less emphasis on *uses* and, instead, the primary emphasis is on the *buildings* and *streets* themselves (the physical forms), with codes concentrating on visual aspects (such as building height and bulk, façade treatments, the location of parking, and the relationship of buildings to the street and to one another)—emphasizing the appearance and qualities of the places created by the buildings and streetscapes.¹

Form-based codes regulate the physical form, design, and scale of buildings, primarily for a particular place. The goal of *form-based zoning* is to design a whole built environment that accommodates residents and visitors of all ages—by focusing on the regulation of the physical form of a neighborhood (and less on an architectural style) and by being more flexible about the uses allowed in those neighborhoods. The design of a place lends itself better to certain uses than others. For example, small scale retail and office uses are often able to utilize spaces in close proximity to buildings with residential design specifications.

Across the country, as an aspect of smart growth, form-based codes are becoming an increasingly popular approach to achieve code reforms that can result in creating communities where people *want* to live, work and play. For example, instead of lengthy text to explain the details of zoning requirements, the focus on building and street design allows the use of graphics and photos—which are more readily understood by residents and others who are not members of the land-use or development professions—which can promote greater community participation in planning and zoning decisions.¹

Characteristics of form-based codes include:²

- They are defined around districts, neighborhoods, and corridors, whereas conventional zoning districts may bear no relationship to the transportation framework or the larger area.
- They favor rules for *building-form* in place of *use-regulation*, recognizing that uses may change over time, but the building will endure.
- They emphasize mixed-use development and a mix of housing types in order to bring destinations into close proximity to the housing and to provide housing choices to meet many individuals' needs at different times in their lives.
- Greater attention is given to streetscape, the design of the public realm, and the role of individual buildings in shaping the public realm—recognizing how critical these public spaces are to defining and creating a "place."

- With a form-based approach, a design-focused public participation process is essential to assure that there is a thorough discussion of land use issues as the code is created, which helps reduce conflict, misunderstanding, and the need for hearings as individual projects are reviewed.

References:

¹ Local Government Commission, *Form-Based Codes: Implementing Smart Growth*. Sacramento, CA: Local Government Commission.

² Ibid. Characteristics were modified by the Local Government Commission from definitions by Paul Crawford, AICP, founder of the Form-Based Codes Institute.

Benefits:

For residents:

- Form-based codes help to create walkable, human-scale streetscapes; integrated land uses; diverse housing options; compact development; and accessible, lively public spaces—thereby supporting:
 - The ability of all residents to live in the housing of their choice;
 - The ability of older people and younger people with disabilities to more successfully age in place;
 - The strengthening of a sense of community by increasing opportunities for all residents to more easily interact and communicate.
 - The ability of all residents to engage in walking and biking to work, to amenities, and to neighbors.

For the community:

- By using good illustrations, photos, graphics, and diagrams, form-based codes:
 - Are easier to understand, thus, better enabling the public to become more actively involved in the planning and development of their communities.
 - Allow those individuals who are not members of the land-use and development professions to more easily see and understand what is required, thus making compliance easier and greater.
- Form-based codes provide flexibility and certainty to developers.

Impediments or barriers to development or implementation:

- Form-based codes that lack illustrations and graphics, or that have poor illustrations and graphics, have been criticized as being difficult to interpret.
- While form-based codes are increasingly being used in municipalities across the country, in New York State, few communities have had much experience with these codes; thus, there are few workable in-state models available to serve as examples.
- Few municipalities have sufficient staff and resources to develop form-based codes, and there is a general lack of awareness and understanding of these codes.

- Form-based codes require a great deal of detail; thus, they can be difficult to develop. In addition, while these codes are more easily developed at the neighborhood or district level, the amount of required detail can make their development cost-prohibitive on a larger scale.

Resource—statutory authority:

• Zoning

- Grant of specific powers: General City Law §20.
- Grant of power—appropriations for certain expenses incurred under this article: Town Law §261.
- Adoption of zoning regulations: Town Law §264.
- Grant of power: Village Law §7-700.
- Adoption of first zoning law: Village Law §7-110.

Resource—examples and ordinances:

- Town of Columbia Pike, Arlington, VA—*Columbia Pike Initiative*, "Form Based Code (§ 20, Appendix A of the Zoning Ordinance)"; includes all amendments through January 23, 2010):
<http://www.arlingtonva.us/departments/CPHD/forums/columbia/current/CPHDForumsColumbiaCurrentCurrentStatus.aspx>.
- Form Based Codes Institute: <http://www.formbasedcodes.org>.
 - *Resources*—links to extensive information, publications, technical assistance resources for developing form-based codes, and 20 form-based codes award winning municipalities across the country:
<http://www.formbasedcodes.org/code-resources>.
 - *FBCI Courses*— courses on all aspects of understanding and developing form-based codes: <http://www.formbasedcodes.org/courses-webinars>.
- Daniel Parolek, Karen Parolet, and Paul Crawford (2008), *Form-Based Codes: A Guide for Planners, Urban Designers, Municipalities and Developers*. Hoboken, NJ: Wiley.
- U. S. Environmental Protection Agency, "Examples of Codes That Support Smart Growth Development: Form-Based Codes," *Smart Growth*:
<http://www.epa.gov/livablecommunities/codeexamples.htm>.
 - "Form-Based Code/SmartCode — Area Plans":
<http://www.epa.gov/livablecommunities/codeexamples.htm#area>.
 - "Form-Based Code/SmartCode — City Wide":
<http://www.epa.gov/livablecommunities/codeexamples.htm#city>.
- SmartCode Central—extensive information, case studies, and workshops:
<http://www.smartcodecentral.com>.
 - "Model Smart Code"—a form-based code, SmartCode Central's model transect-based development code is available for all scales of planning, from the region to the community to the block and to a building.
<http://www.transect.org/codes.html>.

- Congress for the New Urbanism, The Marquette Building, 140 South Dearborn Street, Chicago, IL, 60603, (312) 551-7300, Congress for the New Urbanism email: info@cnu.org; <http://www.cnu.org>.
 - 2011 Charter Award Winners for solutions for rail economic development, strategic sustainability, streetcar land use study, campus master plan, better streets plan, beachfront master plan, and others: <http://www.cnu.org/awards/recipients>.
 - 2010 Charter Award Winners for solutions for retrofitting suburbia, serving aging populations, supporting local food sources, remedying foreclosure conditions, and improving health: <http://www.cnu.org/cnu-news/2010/03/cnu-2010-charter-award-winners-set-high-mark-excellence-while-tackling-many-eras-de>.
- Dover, Kohl and Partners—Town Planning, 1571 Sunset Drive, Coral Gables, FL, 33143, info@doverkohl.com, (305) 666-0446: <http://www.doverkohl.com>.
 - "Form-Based Codes for Municipal and Private Clients": <http://www.doverkohl.com/portfoliolist.aspx?type=7>.

Resource—written and web:

- *Form-Based Codes: Implementing Smart Growth*. Sacramento, CA: Local Government Commission, 1414 K Street, 95814, (916) 448-1198: http://www.lgc.org/freepub/docs/community_design/fact_sheets/form_based_codes.pdf. Local Government Commission: <http://www.lgc.org>.
- Brad Broberg (Summer, 2007), "Making Smart Growth Possible with Form-Based Codes," *On Common Ground*, the journal of the National Association of Realtors, pp. 44-49: http://icma.org/en/icma/knowledge_network/documents/kn/Document/5331/Making_Smart_Growth_Possible_with_FormBased_Codes. Click on "Download."
- Peter Katz (November, 2004), *Form First: The New Urbanist Alternative to Conventional Zoning*: <http://www.nh.gov/oep/resourcelibrary/referencelibrary/f/formbasedzoning/formfirst.htm>.
- Paul Crawford (September, 2004), *Codifying New Urbanism: How To Reform Municipal Land Development Regulations*. Washington, DC: American Planning Association.