

NEW URBAN NEWS

The source for New Urbanism, smart growth, and walkable communities

Form based codes reach critical mass

By Philip Langdon

A wave of enthusiasm for new urbanist codes has spread from the Southeast to other regions, especially the West.

At the American Planning Association conference in Minneapolis last year, Laura Hall noticed audience members responding differently than they had a few years ago. "When I tried to sell them on form based codes, people got impatient," Hall says. "They said, 'We don't want to be sold on it anymore. We want to know *how to do it*.'"

Something is changing — for the better. Across sizable portions of the US and Canada, codes aimed at shaping communities into compact, walkable, mixed use configurations have crossed a threshold. A constituency has begun to solidify in support of form based codes (FBCs).

"At the New Partners for Smart Growth conference in Seattle in February, about 150 people showed up for an FBC panel on which I spoke about the form based SmartCode, and about 80 percent said they were either working on a form based code or there was one going on in their town," says Hall, a planning consultant with San Francisco-based Hall Alminana. "For those of us who've been doing this a long time, this level of growth in interest is shocking. At a certain point, it was as if someone had flipped a switch."

Altogether, 294 form based codes have been adopted or are being prepared or proposed in the US and Canada, according to a count by Hazel Borys of the consulting group PlaceMakers. "They're in 40 states and three Canadian provinces," says Borys. "We're seeing more every week."

Recent progress includes the drafting of a new zoning code for Denver, Colorado, which aims at replacing a code that has been repeatedly patched during its 53-year existence. The code being proposed in Denver pays close attention to neighborhood context. It follows by a few months the adoption of a new code in Miami, which may be implemented May 20.

FBCs are on the rise in the Pacific Rim and in Europe, too. In March, Andres Duany conducted three "test charrettes" in Scotland. Through the Scottish Sustainable Communities Initiative, Chief Planner Jim Mackinnon is setting up what Duany describes as "an entirely new planning system" for that country.

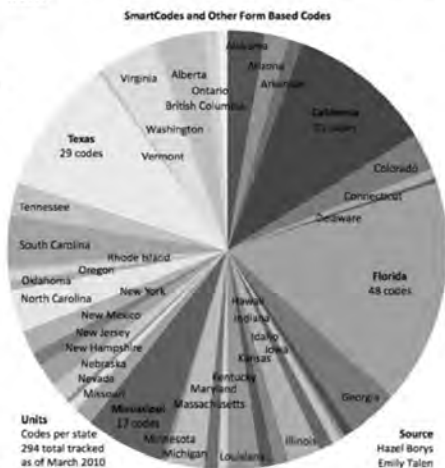
Why the surge?

In the US, says Borys, "When FBCs first started getting traction, we saw a predominance of them in the Southeast. Now it's really expanded significantly, with many of these codes being prepared or adopted in the West and the Southwest, and every one else following." Borys, who relocated from Sarasota, Florida, to Winnipeg, Manitoba, notes, "In Canada, the West is the innovator, but here it's called 'form based by laws.'"

"A lot of places are using form based codes as an economic development tool," Borys says. Here are recent examples of codes intended to spur economic development:

- Owensboro, Kentucky, completed a form based code last September, hoping to spur downtown investment. Because of the new code and other factors, including public investment in critical projects, the city now has projects worth \$120 million under way in its center. "There are almost 20 applications for development in downtown," says Scott Polikov of Gateway Planning Group, which helped prepare the code for the 56,000-population city.
- Hamden, Connecticut, a suburb of New Haven, implemented a SmartCode that is mandatory along the town's three main corridors. The new Hamden document, which took effect in January, is a "blended" or "hybrid" code in that it makes form based regulations compulsory in the corridors but leaves the existing Euclidean zoning intact in other sections of town.

The Form-Based Codes Institute, founded in 2004, says, "Form based codes foster



Geographic distribution of proposed or adopted codes. Source: Hazel Borys, Emily Talen.

The Form-Based Codes Institute, founded in 2004, says, "Form based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. They are adopted into city or county law as regulations, not mere guidelines. Form based codes are an alternative to conventional zoning." Borys adds: "The way form based codes differ from use-based codes is that they regulate the form of the built environment first, and as a secondary measure they determine the mix of compatible uses."

Hamden's code — one of the first moves toward form based regulation in New England — is expected to bolster the commercial base of the 58,000-population town, thus boosting tax revenue. An inner suburb, Hamden has mostly been built out for years, but much of the land in its commercial corridors is occupied by single-story buildings and parking lots. The corridors could generate substantially more tax revenue if they evolve into denser, mixed use areas.

Planning Director Leslie Creane, who prepared Hamden's code with assistance from architect Robert Orr, Planimetrics, and others, anticipates that the major corridors will gain new stores and housing. She expects the transformation to take 15 to 20 years.

• Montgomery, Alabama, began offering a version of the SmartCode in early 2006 as a regulatory option for sites of at least 40 acres, anywhere in the city. The 202,000-population capital later made the SmartCode (as calibrated by Dover, Kohl & Partners) mandatory in five square miles containing the downtown and adjacent residential neighborhoods. This year the city had Dover, Kohl start tailoring the SmartCode to yet another area — an old urban corridor with the potential to become a Main Street kind of setting.

Since the onset of the recession in 2007, little development has taken place in conventionally zoned parts of Montgomery. By contrast, developers are fairly busy in areas where the SmartCode is in force. Those are the 416-acre Hampstead traditional neighborhood development — it was the first site to get a SmartCode overlay — and the urban core says Planning Director Ken Groves.

An old department store was turned into loft apartments. The Alabama Association of Realtors knocked down a suburban-style headquarters surrounded by surface parking and erected a new building with a more urban character. Other existing buildings have been fitted out with lofts. An area containing largely vacant warehouses is being converted into "The Alley" — with restaurants and retail on the ground floor and mostly apartments above.

The new code is a boon to redevelopment partly because it encourages mixed uses and reduces the volume of off-street parking that a property owner must provide. On-street parking is counted toward a development's parking requirement, Groves emphasizes.

Few governments are willing to discard use-based zoning entirely. So far, Borys has learned of only three that have done it: Pass Christian, Mississippi; Miami, Florida; and Ridgeland, South Carolina. All did so within the past year. More commonly, governments make form-based zoning mandatory for central business districts and corridors while offering it as an optional overlay elsewhere.

Consultants such as Polikov warn that an FBC should not be expected to generate development in the absence of other local initiatives or investments. Often government or other institutions must allocate money to public improvements. "We put in angled parking on a street that adjoins The Alley," Groves points out. The city also built two public parking decks nearby.

As part of an overall strategy, a form based code is valuable, Groves says, because it "provides certainty about how a downtown is going to be built out. It gives developers confidence to proceed."

NIMBY softening

Other trends are also encouraging the spread of form based codes. Laura Hall says:

• Citizens who spent much of the past 20 years opposing development have learned that a "no growth" stance is futile in the long term. Activists won a lot of battles, Hall says, but later watched as their successes were overturned, letting sprawl march on. "They're tired of the fight," Hall says. "In the meantime, they've been educated."

• Many environmentalists have been won over by the rural-to-urban Transect. The Transect and the SmartCode have the virtue of providing "a place for everything," from dense, walkable urban settlements to preserved natural terrain, Hall observes. "We've found that people living in a traditional town get the Transect concept immediately if you walk them along a local transect," says code consultant Sandy Sorlien. Hall says people increasingly desire a planning system that "creates places where people can get around on foot."

• Residents are feeling less threatened by the advocates of density. "For a long time, a lot of people thought New Urbanism and smart growth were about adding density to their neighborhood," Hall says. They've come to understand that Transect-based planning generally allows existing low-density suburban neighborhoods to remain as they are. "They can keep their house and neighborhood. There are enough [other] places where density can be encouraged. You can densify the corridors."

New England ponders

Last November the New England CNU chapter held a one-day conference to explore ways of getting more such codes adopted in its six-state region, where progress has been slower.

Architect Donald Powers said that in 5,600-person Jamestown, Rhode Island, public opinion was swayed by showing that the town's existing zoning ordinance allowed development that most residents dislike, such as convenience stores behind expanses of asphalt. A new code was pitched as a method of "preventing change they didn't want," he said. The new code, it was emphasized, would allow owners of oversized lots to subdivide them and build new houses, which would fit comfortably with the town's older houses.

New England urbanists believe the cost of charrettes and consultants has deterred some communities from replacing conventional codes. A good charrette costs \$200,000, said architect Bill Dennis.

There are ways of cutting costs. Borys points out that in Bellevue, Kentucky, PlaceMakers conducted a charrette this March for just \$42,000. The secret lay in

PlaceMakers conducted a charrette this March for just \$42,000. The secret lay in getting city staff and local supporters to do a great deal of the work. At the other end of the financial scale, the Miami 21 program, involving Duany Plater-Zyberk & Co. (DPZ), reportedly cost over \$1.7 million.

Duany says cost doesn't have to be an issue, particularly if government officials are willing to do the political work of getting the code understood by the public. Nonetheless, "visioning" of some kind is often necessary, and can be expensive, depending on how extensive and high-tech it is. Dennis recommends the Orton Family Foundation's Community Viz process, which he used in Damariscotta, Maine. (www.communityviz.com.) About one in five form based codes is produced by government staff.

Consultant Jennifer Hurley suggested identifying barriers that stand in the way of adopting FBCs in a particular state and making those the focus of work on a template tailored to that state. There has been some movement toward devising statewide model FBCs. "They generally provide regional character calibrations, along with a portion of the legal enabling language," Borys says. One state with a model SmartCode is Mississippi. Regional model FBCs have been adopted in New Castle County, Delaware; Jefferson County, Alabama, and other places. See www.smartcodecomplete.com/learn/links.html.

This article is available in the [April-May 2010](#) issue of *New Urban News*, along with images and many more articles not available online. [Subscribe](#) or order the [individual issue](#).