

## Form-Based Codes

By Kaizer Rangwala, AICP, CEcD, CNU-A

### ECONOMIC BENEFITS OF PLACE-BASED REGULATIONS

Municipal budgetary woes have increased the urgency to streamline development processes and make “the good” easy to build – to find a way to do more with less. The original meaning of the word “permit,” that is “to allow,” seems lost under the burden of regulations and processes with no end in sight. There is a pressing need for streamlined administrative processes and development regulations that emphasize creating great and lasting places, which attract and retain prosperity within the community. Form-based codes (FBCs) are clear and predictable place-based development regulations and processes that can save significant time and money. Economic developers can offer FBCs as an incentive to attract new investments and produce great places by making “the good” easy to build.

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# form-based codes

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Development is vital to the practice of economic development. Development can attract and retain jobs, increase sales and property tax receipts, eliminate blight, and enhance tourism. Typically, the public sector develops a vision, develops efficient regulations to implement the vision, and provides infrastructure; the private sector carries out development. Economic developers fill funding gaps and try to facilitate a smooth development review process. Form-based codes (FBCs) can play a vital role in helping economic developers accomplish their goals.

This article focuses on form-based codes, which are place-based development regulations that foster a place-based economy. The primary focus of these codes is on the design of the spaces outside and between the buildings to create an authentic and desirable public realm, which attracts and retains businesses, young talent, and retiring boomers looking for places that offer emotional attachment. FBCs also offer clear and precise standards that produce predictable outcomes through a streamlined and predictable development review process, which is a significant incentive to attract new investment.

## DEVELOPMENT REGULATIONS

Development regulations shape the places where we live and work. These regulations encourage good development that will add value to people's lives and discourage bad development that will impair their quality of life. Despite the many wonderful visions and policies developed by municipalities, the quality is lacking in many places shaped by recent development. Development regulations, a key tool in achieving long term visions and policies,

Form-based codes provide a participatory, bottom-up regulatory process where the local businesses and residents create a collective unique vision and adopt purposeful codes that ensure implementation of the vision. FBCs' local focus also responds to the larger challenges of energy and global warming crises. Unlike financial incentives, a unique place has a distinctive advantage that cannot be copied by competitors.

allow us to use individual development projects to create the places we want.

In the last century, we abandoned the age old tools of building memorable places and traded them for arcane, vague, and ineffective codes. The art of place-making was traded for the science of separating uses and controlling the amount of development so the individual impacts of development could be measured and mitigated. The primary focus of development regulations has become separating the activities of daily life into zones and limiting the quantity of development. These regulations have a very indirect relationship to the physical form of the building, streets, and open space.

Vague development regulations, such as 15 feet minimum setback for buildings, can result in a building placed at 15 feet or 150 feet away from the sidewalk. A floor area ratio (FAR) of one (1) can result in a one-story rowhouse or eight-story apartment building, as long as the building's total square

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Kaizer Rangwala, AICP, CECd, CNU-A, is the founding principal of Rangwala Associates, a town-planning, urban design, and economic development firm that practices the principles of smart growth and walkable urbanism ([rangwalaassoc@gmail.com](mailto:rangwalaassoc@gmail.com)).

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## ECONOMIC BENEFITS OF PLACE-BASED REGULATIONS

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footage is the same as the lot's square footage. This unpredictable outcome has disillusioned much of the public towards any and all development. The regulations have destroyed traditional walkable and diverse downtowns and allowed sprawl to consume farms and other open spaces.

Conventional zoning focuses on what you cannot do. There is often little guidance on how to create the place called out in the community vision. When standards are ineffective, distrusted, and their results disliked, everything becomes heavily negotiated, resulting in an unpredictable process and its outcomes. Some places that have tried to cope with this problem by creating design guidelines have been criticized as being arbitrary or dictatorial.

**FORM-BASED CODES**

Form-based codes (FBCs) are a viable alternative to zoning regulations. FBCs are purposeful place-based regulations with an increased focus on the design of the public realm: the public space defined by the exterior of buildings and the surrounding streets and open space. They can be used to protect and preserve stable areas from incompatible development and to attract appropriate (re)development to transform areas at risk.

*FBCs foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as their organizing principle. These codes are adopted into city or county law as regulations, not mere guidelines. FBCs are an alternative to conventional zoning.*

– Definition by Form-Based Codes Institute

Viable FBCs must be based on a community-generated vision. The vision and code are developed under an open, transparent, and participatory public process. A discovery process allows anyone to raise an issue. The urban design team works iteratively with the community to address these issues.

The vision is not abstract text and numbers but is physical and describable. The vision is also integrated in that all aspects of city building – urban design, landscaping, architecture, public safety, and engineering – work together to create a specific place. Hence it is possible to analyze the vision from all points of view. It is also

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possible to cost the vision to understand how it might be implemented through public and private sector investments. In this way, the vision and the code become an economic development strategy for the community.

A critical difference between conventional use-based codes and FBCs is that FBCs do not determine permitted square footage entitlements through FAR. FARs encourage a developer to max-out the lot's development capacity. The conventional density controls have failed to produce diversity in living and working arrangements. Instead, FBCs deal with building types that differ in intensities of development.

Building types is a classification system resulting from the process of creation, selection, and transformation of a few basic character defining features of a building that when repeated, produce predictable results. The building types system encourages a much more diverse stock of buildings that can gracefully accommodate higher intensity of development in a contextual manner and produce great places. The diverse building types also offer a variety of local affordable housing options for all incomes and ages. Human scaled building types when consistently aligned with similar or compatible building types create a harmonious and pedestrian-friendly streetscape.

Typically, FBCs include easy to understand drawings, diagrams, and photographs. The key to a FBC is a regulating plan, which specifies the intensity of development and character of a place. Urban Standards define the relationship between the private and public realm established by setback, height, parking location, and allowed building and frontage types and uses. Frontage type

CONVENTIONAL ZONING	FORM-BASED CODES
The zoning designations are placeholders, seldom tied to a specific community vision. Each subsequent revision to the zoning standards makes the ordinance more complex and abstract, pushing it further from the community's vision. Zoning is proscriptive – it prohibits development not consistent with zoning.	FBCs are based on a community-generated physical vision that is also the economic development strategy for the community. The prescriptive code outlines what is expected of development. FBCs are integrative: all dimensions of urban design, public safety, open space, landscape, building, and infrastructure work together.
Controls land use to a higher level of specificity.	Sets broad parameters for permissible uses and lets the market dynamics establish the best use for the site.
Outcome difficult to predict as the project may be subject to discretionary review.	FBCs are developed with broad based public input. The requirements are spelled out in a clear, concise, and easy-to-follow manner. The discretionary review is minimized or eliminated and the outcome becomes predictable.

defines how the building's face interacts with the street. The building type simplifies complex form defining features into standards that are easy to understand and implement. Street sections specify mobility and pedestrian comfort details.

The sole purpose of the development review process is to achieve the vision. If the development standards are not defined to facilitate a community driven vision, then the standards are open to different interpretations by each and every person that comes across the standards. The efficacy of the process is undermined to a point where the end is no longer driving the process. In contrast, FBCs clearly and precisely define the standards within a participatory framework, which minimizes discretionary review and increases the predictability of the process and outcome. A good code balances predictability and flexibility. Carefully modulated allowances for deviations encourage creativity and provide flexibility.



Components of Westview Village Form-Based Code, Ventura, CA

## METHODS OF DEPLOYING FORM-BASED CODES

Depending on local politics and resources, FBCs can be deployed in three different formats within the existing regulatory framework:

**1. Mandatory Codes:** Mandatory codes are the most commonly preferred format. The codes are binding and not optional. In this case, the FBC replaces the conventional zoning code for a specific portion of a community. The code can be free-standing or integrated into the existing conventional zoning code framework.

The freestanding FBCs can be distinct in format and allow more freedom to create a user-friendly code. In California, Specific Plans allow policies, development regulations, capital improvements, and resources to finance public improvements for a defined area to be all identified within a single free-standing document. As the codes are binding, there is a greater chance of achieving the overall vision for the area.

**Example:** In Ventura, California, limited resources, and development and political pressures redirected the coding efforts from citywide to infill areas. Over the past five years, the city has adopted seven FBCs for the downtown area, commercial corridors, hospital district, and new neighborhoods on the city's east side. The FBCs are spliced into the existing zoning as stand-alone chapters, and new streamlined development review provisions are added.

**2. Optional (parallel) Codes:** This parallel system of coding retains all the existing zoning designations and development standards, and offers another set of form-based standards for a specific geographic area. Compliance with new form-based codes is voluntary, often avail-

able with incentives to encourage their use. The parallel code can be accessed without any rezoning or any discretionary review. Politically, optional codes are easier to adopt as they preserve existing development rights and offer an additional choice.

By offering optional standards, the code encourages the gradual transformation of these areas over time into an urban form more consistent with the overall vision. In doing so, the code protects the rights of the affected properties to be maintained according to the development standards under which they were built, without being deemed nonconforming.

**Example:** Columbia Pike, a 3.5-mile corridor across the Potomac River from downtown Washington, DC, had seen little development in the past 30 years. Arlington County, VA, initiated a revitalization effort to attract economic development to the corridor by creating an optional (parallel) form-based code. This code leaves all the underlying zoning in place but includes incentives, such as expedited review and approvals, to encourage the use of parallel FBCs.

**3. Floating-zone Codes:** This format can be used when landowners are unreceptive to any regulations because the parcel is not currently ripe for development but may be developed in the near future. Floating codes are not assigned to specific parcels. The regulations are floated and only stick when a landowner is ready for development and needs rezoning. The floating code requires a regulating plan and offers standards for preparing this plan.

Like parallel codes, floating codes are politically easier to adopt because the existing development rights are not



Photograph courtesy of Alexander Iams.



*Penrose Square development on Columbia Pike Corridor, Arlington, VA – an example of new development along the corridor entitled within a FBC framework.*

changed, hence non-conforming lots, buildings, or uses are avoided. The floating zone codes are triggered by a property owner.

**Example:** In response to growth pressures, North St. Lucie County, FL, prepared a “Towns, Villages and Countryside” plan for a 28-square-mile agricultural area. The plan calls for existing development rights to be concentrated in new villages surrounded by farmland. The county adopted a floating form-based code to implement this plan.

### PLACE-MAKING WITH FBCS

The greatest advantage of FBCs is that they produce predictable outcomes. The FBCs are prescriptive and not proscriptive. Instead of focusing on what you cannot do, they simply state what is desired in the vision. For example, instead of a minimum setback of 15 feet, the codes prescribe a defined build-to line where all buildings must be located or a range such as five to 15 feet within which the building must be located.

The specific place described in the visioning documents is much more likely to be accomplished with an FBC than with any other type of regulation. The focus of FBCs is to control those elements that shape the public realm. The FBCs offer greater flexibility in the private realm – for example, the land uses are regulated broadly and can be tailored to respond to market changes.

Preserving an area’s distinctiveness requires that new buildings are rooted in and evolve from the traditional adaptations to local history, climate, materials, and land-

scape. The one-style fits all doctrine of international style, or the glass towers that look identical in Anchorage, Austin, or Ahmadabad, fail to create great places and are not sustainable. The infusion of fossil fuel energy has allowed the climate of the building to be controlled, resulting in look alike, placeless architecture that is not grounded in the local place. Every locality has different building materials that are available for different climates, resulting in a distinctive architecture.

FBCs link the form, function, and material to the natural environment, reducing energy consumption while creating or preserving a sense of place. A well designed building can be adapted and re-used. Land uses are not ignored but regulated by broad parameters that better respond to market economics and allow for a mix of uses serving daily needs within easy walking distances. FBCs are flexible in order to respond to market dynamics.

### FBCS AS AN ECONOMIC DEVELOPMENT TOOL

The emerging young and talented labor force and retiring boomers prefer the vitality of compact, connected, and complete cities over the sterile environments of business parks, shopping centers, and residential subdivisions. Changing unhealthy suburban patterns and behaviors, and restoring urban areas offer an unprecedented opportunity for a restorative and green economy.

The synergy of smart growth and a focus on the local, restorative, and green economy create memorable and lasting places. These places allow communities to retain and attract talent and reduce energy consumption and greenhouse gases. An economy based on creation of place is local, participatory, sustainable, and enduring. Economic development is about selling places, and the higher quality the place, the stronger the product is in a very competitive marketplace.

Conventional zoning codes present a clear barrier to protecting and creating distinctive places, as these codes often prohibit the construction of mixed-use, pedestrian friendly places. Alternatively, FBCs offer clear and precise place-based standards together with a streamlined development review process. An authentic civic engagement and education process raises public awareness. The coding process frames and analyzes alternatives, incorporates public ideas, and addresses concerns early on in the process, making it easier for smart growth projects to gain approval.

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Typically, developers borrow money to pursue pre-construction work. For developers, time is money. The biggest incentive that cities can offer is not money, but clear and predictable development regulations and a timely review process. Most developers are willing to build to higher standards if the rules are clear and guarantee a streamlined approval process. Predictable outcomes and a streamlined process with greatly reduced discretionary review are business-friendly attributes of this coding method.

While demand is held back by archaic and unworkable zoning requirements, investment and development under FBCs have been extensive and rapid – and usually highly regarded by community members. Columbia Pike, in Arlington, Virginia, is such an example. By 2040, the Columbia Pike vision and FBC would allow an additional 2.2 million square feet of commercial development, 7,000 jobs, and 3,900 dwelling units.<sup>1</sup> Since adopting the FBC a decade ago, the Pike has already added almost 1,000 dwelling units and 200,000 square feet of commercial space, and several projects are approved and in various stages of the entitlement process.

In the current economic downturn, communities that have implemented FBCs in areas like Ventura, CA; Miami, FL; and Arlington County, VA, have held or even increased their value. While communities with sprawling development that separates land uses, promotes wide streets, low density, and extensive parking have decreased in value.

“As a developer you can really get a handle on the economic viability of your project early on in the process because you know what you can and cannot do and this is also a big benefit to the land owner. Land owners can get comfortable with land value expectations because there should be very little surprises under the Form Based Code,” says Dan Lockard, president of the Board of Directors for the Columbia Pike Revitalization Organization and a principal with ARA National Land Services, responsible for over \$400 million in new development along the Columbia Pike.

“FBCs create an inherent master developer environment that links catalytic projects across multiple ownerships to drive economic development,” says Scott Polikov

of Gateway Planning Group. Within the framework of a unifying master plan and form-based code, incremental development over a period of time benefits everybody. By offering a predictable environment, FBCs reduce risks and banks are more willing to loan construction money.

## FBCS AND SUSTAINABILITY (ENERGY, CLIMATE, AND HEALTH)

Growing well is a choice that affects our economy, quality of place, health, and the air we breathe. Before conven-

tional zoning and resulting sprawl patterns became widespread, daily activities of work, school, and shopping were conducted to and from home by foot or mass transit. Traditional urban forms within compact, diverse, and connected communities encourage walking, biking, and transit use – reducing trips and air pollution. Recent studies have shown that compact development has the potential to reduce vehicle miles travelled (VMT) by 20 to 40 percent and CO2 emissions by 7 to 10 percent.<sup>2</sup> People who live in walkable com-

munities are also more physically active and healthy.

The individual choices that local governments make when adopting long-term growth policies impact public health, community air quality, and global climate. Government investments in transportation and public improvements; decisions about the development pattern affecting where people live, work, and how far they travel; and whether they drive or ride with others, have a direct positive – or negative – result. Zoning and subdivision ordinances that separate land uses, promote wide streets, create lots of parking, and encourage low density, need to be reexamined in light of their contributions to VMT and greenhouse gases.

The form-based approach to development coding ties together the region's long term policies and transportation investments with clear, precise, and streamlined development regulations. The codes are drafted to achieve a community vision based on time-tested forms of urbanism, making the connections among land use, transportation, and air quality. While more flexible than conventional zoning in many ways, these codes can require compact, diverse, and connected community design and development.

Photograph courtesy of Alexander Iams.



*The Halstead development on Columbia Pike Corridor, entitled within a FBC framework.*

Over the next 30 years, urbanism in Central Hercules, CA, will reduce daily VMT by 25 miles, saving consumers nearly half a billion dollars in gasoline.<sup>3</sup> Peter Calthorpe, in *Urbanism in the Age of Climate Change*, compares a 30 percent energy savings from a green home in sprawl, to a townhome in a village that will conserve 58 percent less energy, and a condo in the city that will have 73 percent energy savings. "Traditional urbanism, even without green technology, is better than green sprawl," says Calthorpe.<sup>4</sup>

Given good information and a choice, most communities embrace sustainable design. Such design will decrease VMT and CO2 emissions and promote physical activity and good health, while saving resources and creating lasting prosperity for individuals and the community.

## CONCLUSION

Communities simply don't have the money to offer businesses as an incentive to locate within their jurisdictions, and given the need for that money to be spent on many other community necessities, many question the efficacy of such cash incentives. Instead of creating desirable places, complex development regulations encourage abuse by shrewd people that find loopholes to abuse the law with impunity. Providing clear standards, a streamlined development process, and predictable outcomes

that create a vibrant quality of place are the greatest incentives any community can provide to naturally attract and retain capital investment, businesses, jobs, and skilled people.

Form-based codes provide a participatory, bottom-up regulatory process where the local businesses and residents create a collective unique vision and adopt purposeful codes that ensure implementation of the vision. FBCs' local focus also responds to the larger challenges of energy and global warming crises. Unlike financial incentives, a unique place has a distinctive advantage that cannot be copied by competitors.

Do your development codes make "the good" easy to build? It is time to return to the original meaning of "permit," and make it easy to create development that adds lasting value to the community. 🌐

## ENDNOTES

- 1 Citizen Editor, Columbia Pike – Arlington's Next Main Street, <http://arlingtoncitizen.wordpress.com/2011/10/24/columbia-pike-%E2%80%93-arlington%E2%80%99s-next-main-street/>, October 2011.
- 2 Reid Ewing, Keith Bartholomew, Steve Winkelman, Jerry Walters, and Don Chen, "Growing Cooler: The Evidence on Urban Development and Climate Change," Urban Land Institute, April 2008.
- 3 UC Berkeley report by Joanna Malaczynski.
- 4 Peter Calthorpe, *Urbanism in the Age of Climate Change*, Island Press, 2010.

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