Distinguishing Among Different Zoning Approaches

By Daniel Parolek

This article excerpt and supporting table are intended to classify different zoning approaches, to clarify what an FBC is, and to enable comparison for cities and code writers alike. These are generally organized from least to most comprehensive and effective.

Adding Graphics to an Otherwise Conventional, Use-Based Code

An FBC is not simply a conventional code with graphics added to it. Even though taking this step can make a document a bit easier to use and understand, it does not address the core problems that are inherent in almost every existing zoning code, which is their inability to effectively regulate urban form. Taking this step often confuses users because they think they are using a new code and then get frustrated when they realize the core problems have not been addressed. This is not a recommended approach.

Adding Design Guidelines Without Changing Base Zoning Districts

In this approach, the code writer is simply adding another layer of regulations or policy direction (depending upon how they are adopted) but not addressing the problems inherent in the existing zoning code, and when completed, the guidelines often conflict with the zoning standards, making it difficult to administer and confusing to users. Simply said, adding this additional layer of regulation decreases clarity and predictability. Meanwhile, a well-written FBC incorporates the elements that, in a Euclidean system, might historically be included in site planning guidelines and makes them integral to the zoning code.

Adding Mixed Use Districts to an Otherwise Conventional Use-Based Code

Starting in the mid- to late-1990s many communities added mixed use districts to their existing zoning codes in an attempt to make walkable, urban development easier and to facilitate neighborhood revitalization. The problem was that, in too many cases, these districts included proscriptive numerical dimensional standards and did not

LESS COMPREHENSIVE & EFFECTIVE

MORE COMPREHENSIVE & EFFECTIVE

	Typical Approaches to Zoning Urban Form (from least to most effective)	What Should this Approach be Called?	Organizing Principle	New Components Created and Included	Is the Overall Code Reorganized for Usability?	Likely Cost Range	Considerations for this Approach
Euclidean, use-based codes	**1. Adding graphics to a Euclidean, use-based code**	Graphics-Based Code	Use	Primarily additional graphics and tables, content has minor changes only	Not in this example	Low; Primarily because it is a graphic design-usability exercise only	This is completely ineffective and should be avoided. This is what you will often get if your budget is too low for a true FBC: Will look good, but will not produce predictable results. Does not address obstacles for good development or process-related issues inherent in most zoning codes.
	2. Adding design guidelines/ site planning guidelines to a Euclidean, use-based code	Design Guidelines or Design Standards	Use	Components similar to FBC components may be created, but they do not replace the code so they do not need to be as carefully vetted and many times create conflicts within the zoning code	No	Low; Primarily because it does not address the problems with underlying zoning	Mostly ineffective due to typical issue inherent in existing code that are not addressed and may even contradict zoning. Adding another layer of regulations that confuses intent and negatively impacts usability and administration
	3. Adding mixed use zones to to a Euclidean, use-based code	Targeted Mixed Use Zone Application	Use typically, sometimes form	New base zones and zone standards only	No	Low; Primarily because this approach entails crating only new base zones	Effectiveness depends highly on quality and clarity of existing code and development review process. If administration and the code document structure is good, and detailed visioning is completed, and the mixed use zones are not over-simplified this can begin to show good results. Existing parking, use tables, landscape standards, etc. must be vetted
	4. Adding graphics, reorganizing code, cleaning up administration, and minor changes to development standards	Code Clean Up and Re-organization	Use	Mostly just translating existing information into tables and creating drawings to support existing code information	Yes	Medium to high depending on scale of city or county	Addresses many of the issues above, but ultimately still has use as an organizing principle, which limits the effectiveness of the code and stops it short of being an FBC. Does not typically complete documentation and analysis of place to extract the DNA that becomes the basis for the code but rather uses existing zone standards as starting point and makes changes to those
Form-Based Codes	**5. Optional Form-Based Code overlay**	Form-Based Code Overlay	Form	All typical FBC elements included, process rethought for FBC application	No	Low to Medium, depending primarily on extent of visioning completed	Administration, parking, landscape, and all other elements within code must be vetted and coordinated with intent of the FBC and potentially included in the FBc and replaced when the overlay is triggered
	6. Integrating a complete Form-Based Code within a pre-existing zoning code	Parallel Form-Based Code	Form for the FBC section, use for the rest of the pre-existing code	All typical FBC elements included, process and all general standards (parking, landscaping, etc.) rethought for FBC application	Sometimes	Medium; Primarily due to the fact that a complete, parallel code is being created to replace the existing code in targeted areas	Administration, parking, landscape, and all other elements within code must be vetted and coordinated with intent of the FBC Division. If you are doing a complete code rewrite and you choose this approach, you are writing two complete, parallel code documents which is not a good use of resources. This approach is still sending a message that the default is drivable suburban development and that FBCs are the exception
	7. Using Form as an organizing principle for the entire zoning code and using Form-Based Code components as the driver for your Table of Contents	Citywide Form-Based Code	Form	All typical FBC elements included, process and all general standards (parking, landscaping, etc.) rethought for FBC application, admin and procedures, variances, etc. are all rethought to support the FBC	Yes	High; Slightly higher than #4. Due to charrettes for FBC Focus Areas, and extensive documentation and analysis phase completed, and that all standards are carefully vetted	In this approach, the structure of the entire zoning code is completely rethought, a new operating system is established, and thus the entire table of contents of code document is structured with a form-first philosophy. Every last bit of content from the pre-existing code is vetted for it applicability to the form-first operating system before it is transferred so that it does not compromise the intent. This approach is perfect for a city that has made a strong commitment in its city policies to promote smarter, more sustainable growth. Let Euclidean zoning regulate drivable suburban contexts, and the FBC regulate walkable urban contexts. It is called citywide Form-Based Code not because the entire city has Form-Based Coding applied, but rather the entire city has been assessed, FBC applied to where it make sense, and the FBC application can easily spread

signal a clear intent on form. Furthermore, other suburban-oriented regulations in the code, such as parking and landscaping requirements, compromised the end result of these districts or limited their use by developers.

Reorganizing the Code and Adding Graphics

This method takes the first approach one step further by cleaning up administration and procedures and restructuring the code organization, in addition to adding graphics. This will make a code much easier to understand, but it is still not addressing the core problem of suburban DNA and tendencies of a code to incentivize auto-dependent development. Use is still the organizing principle. The first few projects will likely provide disappointing results after such a large coding effort. Such results only reinforce the misconception that built form cannot be regulated effectively and is best addressed in arbitrary design review meetings.

Integrating a Complete FBC Into an Otherwise Use-Based Code

This is an excellent approach when you do not have the budget or are not in a good position to do a complete code rewrite. This approach puts a framework in place for targeted application of a complete FBC, and if it is done correctly, it can grow to cover other parts of a city as the budget, political will, or other factors enable it. An example is Mesa's parallel FBC, which was written for initial application to its downtown to respond to the implementation of light rail but done in a way that could either be used by the city in future planning and coding efforts or by property owners of larger sites that met a certain set of criteria, such as a large grayfield site. What is often not understood about this approach is that it is not simply adding some new form-based standards or form-based zones but rather creating a complete, parallel code within an existing zoning code.

To be most effective, the FBC should be mandatory, replacing the zoning for one or more mapped districts. In states with strong private property rights concerns, a mandatory FBC effort may be politically infeasible. When a mandatory code is not possible, an optional FBC overlay may still be an effective alternative. In this approach, property owners have an option of developing under conventional zoning or under the FBC. At first glance, this may seem similar to a planned development district, but unlike a planned development, the FBC is mapped to one or more areas and does not require a rezoning. The future of these areas has been predetermined by the visioning and coding process and is not subject to site-by-site negotiation. The Columbia Pike FBC is an excellent example of this optional overlay approach.

Using Form as an Organizing Principle for the Zoning Code

This is the most comprehensive approach and, when done well, the most effective approach to form-based coding. In this approach, the table of contents of the code document is structured with a form-first philosophy. Every provision from the preexisting code is vetted for its applicability to the form-first operating system before it is transferred so that it does not compromise the intent. All regulations, including parking, landscaping, lighting, and signage,

relate to context rather than to a specific use. This approach is perfect for a community that has made a strong commitment to promote smarter, more sustainable growth, transit-oriented development, or simply non-auto-dependent development that reinforces its unique character.

Miami 21, the citywide code for Miami, which received APA's 2011 National Planning Excellence for Best Practice award, is the most comprehensive application of this approach to date. Most of the city of is mapped with form-based zones. This was possible because a majority of the city is urban in character, and the process had strong support from then-Mayor Manny Diaz.

Livermore, California, used this approach to make infill a priority and to reinforce its commitment to promoting redevelopment. Even though the form-based zones were only mapped on a limited basis in Livermore, the system was in place to default to walkable urban development instead of making it the exception, reinforcing the city's smart growth policies and allowing the FBC to spread geographically in the future without any major changes or additional work on the code.

Flagstaff, Arizona, also used form as the organizing principle for its new code. Flagstaff's process replaced a problematic performance-based system that had a primary objective of protecting natural resources with a form-based approach that promotes appropriate urbanism, while still protecting natural resources.

This approach can work effectively in small towns as well. For example, Kingsburg, California, is an agricultural community in California's Central Valley with a population of approximately 11,500 people. It adopted this approach successfully within its zoning code to preserve its small-town character.

In the cases of Livermore, Flagstaff, and Kingsburg, the suburban parts of the city, where there was no intent to change them, is still mapped with used-based zones; these zones reside on the map next to form-based zones. In addition, the cleaned-up use-based regulations reside next to the form-based regulations in the code. If the city decides to transform these suburban areas into walk able urban places, it can apply the form-based zones to these areas, after visioning, without requiring a new coding effort. Note that it is best to call these hybrid codes, not hybrid FBCs, because it is not the FBC that is hybrid but rather the entire code because it has both form-based and Euclidean components.

This is an excerpt from "Avoiding Common Form-Based Code Mistakes, Part 1," originally printed in the May 2013 issue of Zoning Practice, a publication of the American Planning Association.

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