

Dialing-in your zoning to fit your community

TONY PEREZ

You pop in the bread expecting nicely toasted slices. But no, out come two overtoasted slabs of hard bread. But what if you could adjust how long you toasted the bread instead of leaving it up to the machine? Well of course. Who wouldn't want the ability to adjust the machine? That's why as soon as it was possible, toasters began to feature dials. But this ability to adjust the machine is exactly what's missing from conventional zoning. Ok, you can adjust it. It's just that conventional zoning is very difficult to adjust to the realities of a community. In fact, it's adjusted too often and in ways that don't improve it. So why keep something that's difficult to adjust when form-based codes (FBC) exist?

Some keep such a system because it's what they know or feel comfortable using every day. Working with what you know despite the limitations can be very comforting. Never mind that it may not serve the community but it can be comforting and maintain administrative tranquility nonetheless. Others keep such a system because they're not sure about FBC. Others want to try FBC but see it as an all or nothing trade. By the way, whether or not you apply FBC citywide is optional and different for every community. So, let me explain why you should transition away from the conventional zoning system to a form-based zoning system.

Ability to see the parts

Remember those cool 1970s electronic devices called equalizers? They were an innovation for the general public because

the device let you adjust sound to your liking. If you liked a song with a bit more treble, you turned the dial. If you wanted less base, you turned the dial. What an invention! Until this point, unless you had access to a recording studio or were an electronics wizard, the general public wasn't able to adjust sound in this way. Generally, this innovation was made possible because of two key factors: a) sound has a identifiable structure called frequencies, and b) the equalizer was set up to directly recognize that identifiable structure. If you had the basic equalizer, you had 3 to 5 'bands'. The more bands, the more divisions of the frequencies you can make to adjust to your hearing, giving you more control over the sound.

That's essentially how FBC's work: Each community and the places that comprise it have an identifiable structure: a physical structure. Yes, there are many other non-physical factors such as land use but overall, it's the physical structure that accommodates everything. Historic communities are the most obvious examples of this fact but your community doesn't have to wait to be historic to embrace this approach. The FBC is set up to directly recognize and respond to the physical structure of your community. FBC's respond to the needs of real places, whether large, medium or small, in the desert or plains, in the mountains or along the coast.

In contrast, conventional zoning was never set up to recognize the actual structure of a community. It was set up with the best of intentions: to keep negative things from happening. However, these rules were applied to physical objects - communities - with little to nothing addressing the repeat-

Example FBC Approaches and Scenarios

	Degree of Change	Greenfield Neighborhood	Infill Neighborhood	Regeneration Corridor	Preservation Corridor
	Level of Expectations	Basic	Moderate	Moderate	High
Components	Regulating Plan	X	X	X	X
	Block Standards	X		X	X
	Street Standards	X		X	X
	Streetscape Standards	X	X	X	X
	Civic Space Standards	X			X
	Building Placement Standards	X	X	X	X
	Parking Placement Standards	X	X	X	X
	Building Height Standards	X	X	X	X
	Adjacency / Massing Standards		X	X	X
	Building Type Standards		X		X
	Frontage Type Standards	X	X	X	X
	Land Use Standards	X	X	X	X
	Architectural Style Standards				X
	Signage Standards	X		X	X
	Public Art Standards				X
Other Standards identified by you	?	?	?	?	
Sustainability is addressed within each relevant code topic					

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ing structure of which they were a part. Conventional zoning arrived after many of the places that it now regulates were built, creating a huge disconnect between the well-intended protection that is conventional zoning and the physical place being protected. Across the country, numerous examples exist where the conventional zoning system rendered the very places it was designed to protect as ‘non-conforming’ because the very system did not recognize the places it was regulating. Communities tried to address this by applying procedures or exceptions without really getting to the issue: the physical realities of the place.

Repeating physical structure

Communities, large, medium and small, are made of the same basic parts: neighborhoods, corridors, districts, natural areas, and civic spaces. Some communities have less parts while others have more parts with some of the parts more complicated than others. That’s how real communities occur. For example, Manhattan, NY and central Pasadena, CA are extremely different places but both share the physical realities of having downtowns with large and intense buildings. Both have a wide variety of activities along busy, pedestrian-oriented streets with wide sidewalks and transit. Both places use the same parts but arrange their individual components differently through scale and intensity: In Manhattan, the dials are turned all the way up while in Pasadena, the dials are over the middle setting but very far from the top setting. Conventional zoning tries to make better places by applying more process: the idea is that somehow more hearings and reviews will get it right. Such processes typically take participants through a subjectively based endurance test only to repeat it on the next participants. And, such processes exist in spite of the fact that much of what is trying to be addressed is an identifiable, repeating structure that can be translated into settings on a dial.

Responsive zoning system

A primary strength of FBC is its inherent ability to be adjusted to local conditions and community policy direction. There’s a misperception that somehow it’s applied the same throughout a community, regardless of policy intentions. That’s just not the case. Upon identifying where in your community you want to apply FBC, your community direction or vision then needs to provide three key pieces of information to set the FBC’s dials:

a) Degree and Type of change: Will the next investment cycle be directed toward keeping the pattern of an area, slightly adjusting the pattern to allow some new things, or to entirely regenerate a new pattern? For example, is one area looking more for sensitive infill and completion of a very stable pattern while another is looking for transformation from a pattern that the community doesn’t want? The degree of change for each area of your community is critical to identify in order to apply the appropriate amount of regulation: turning the dials up or down to your needs. Otherwise, as in conventional zoning, the requirements will not be aware of what patterns the community does and does not want.

b) Range of desired outcomes: What is the range of appropriate results across all topics? Information is needed on civic spaces, streetscapes, sufficient areas for different types

of development, the variety of buildings and their individual scales, to how each area deals with parking and land use. The key word here is ‘desired,’ as the FBC focuses on what you want the zoning to support and generate. Sure, there are things you don’t want to allow. But after that, what are the results that you want? Your vision needs to be realistic about this range and it needs to articulate it across the different areas of the physical landscape. Different solutions for different areas: Turning the dials up or down to your needs.

c) Level of expectations: This is about the ambition for each area of your community. By ambition, this does not imply that lower quality results are acceptable for your community. It’s about being clear that expectations for one corridor may be moderate because of its role and location while expectations may be quite high for another corridor. Your vision needs to provide that direction to inform the code writer about which components to apply in the FBC. In the areas with moderate expectations, you will tend to regulate less components and have lesser requirements than you will in the high expectation areas: turning the dials up or down to your needs.

Flexible system of components

Upon identifying your community’s repeating physical structure, dials can be applied and informed by the above three aspects of your community’s vision and direction. The dials can be further adjusted by the actual requirements you choose to apply for each component. As the equalizer that can control as few or as many frequencies as you like, FBC’s respond to your community in as little or as much detail needed to implement the community’s direction. For example, the same code can utilize an array of components for a high expectation, preservation area of historic buildings while utilizing fewer components for a moderate expectation, infill corridor. The table below illustrates the versatility of FBC to respond to the community’s policy direction for four very different scenarios.

Test your system

Take a look at your conventional zoning system to see if it is consistently delivering the results that the community wants. This is distinct from whether or not you’re comfortable using the system. Also, see how easy it is or is not to adjust the system to the very community it is regulating. If it’s doing well on all points, wonderful. It’s working for the community. If it’s not, consider moving away from the conventional zoning system to one that reprioritizes the purpose of your zoning to make walkable and adaptable places that hold and increase in value. FBCs have come a long way. I know that the codes I’ve written in the past several years are much better than the ones I first wrote 14 years ago. Upgrade to a form-based system that keeps the conventional zoning for those areas not likely or desired to change soon along with FBCs for those areas that want it. In this way, the FBC becomes the norm and readies you for the future without needing to apologize for recognizing and responding to the very community it is serving. ♦

Tony Perez is director of form-based coding for Opticos Design, Inc. This article appears courtesy of the Form-Based Codes Institute, which seeks to advance the knowledge and use of form-based codes.