



Form-Based Zoning

A Division of New York State Department of State

Course Outline

- What is Form-Based Zoning?
- Benefits
- Development
- Components
- Administration & review process



Basics
Comparison to
conventional zoning

Smart Growth Principles

- Distinctive communities with a sense of place
- Pedestrian-friendly design & walkable communities
- Compact building design & redevelopment of existing places
- Mixed-uses
- Variety of transportation options
- Range of housing choices
- Preserve open spaces, farmland & other community resources
- Greater community participation in planning
- Predictable, fair & cost effective development decisions



Public Realm

"I observed that the vitals of the village were the grocery, the barroom, the post-office, and the bank;...and the houses were so arranged as to make the most of mankind, in lanes and fronting one another, so that every traveler had to run the gauntlet, and every man, woman, and child might get a lick at him."

Henry David Thoreau
Walden 1845, The Village



Public Realm

Uninviting



Inviting



Conventional Vs. Form-Based

Conventional	Form-Based
<ul style="list-style-type: none"> • Use is primary • Segregated <ul style="list-style-type: none"> – Single-use • Auto-centric • Reactive & development led • Proscriptive <ul style="list-style-type: none"> – Regulates to create buildings 	<ul style="list-style-type: none"> • Physical form is primary • Mixed-use • Urban-centric <ul style="list-style-type: none"> – Walkable & compact • Proactive & community led • Prescriptive <ul style="list-style-type: none"> – Regulates to create places



Conventional vs. Form-Based

Conventional	Form-based
<ul style="list-style-type: none"> • Maximum height requirements • Minimum lot width • Minimum parking requirements for each use 	<ul style="list-style-type: none"> • Minimum & maximum height standards • Minimum & maximum lot width • Maximum or shared parking requirements



User-friendly zoning

Conventional	“Graphic”
<ul style="list-style-type: none"> • Text-based <ul style="list-style-type: none"> – Zoning map • Complex text <ul style="list-style-type: none"> – Legal jargon – Textual descriptions • Difficult to understand 	<ul style="list-style-type: none"> • Uses Graphics to help illustrate requirements <ul style="list-style-type: none"> – “A picture worth a thousand words” <ul style="list-style-type: none"> • <i>Text trumps graphics</i> • User-friendly



User-friendly zoning

Text-based

Graphic

Pedestrian Walkway Lighting

"Pedestrian walkway lighting should be appropriate in style with the design character of the space. The bottom of pedestrian walkway fixture lenses is expected to be 14 ft. above surrounding grade. Raised concrete pole bases should be adjusted in height based on the style of pole base. Many traditional style light poles should not have any raised base. They should be set at the surrounding walk elevation. It is expected that special attention will be taken to select and coordinate a pole and fixture color that matches site furniture and accessory colors."



Not just for cities

- Glut of retail space
 - US: 46.6 square feet of retail space per person
 - Lower rents
 - Deferred maintenance



Suffolk County

Not just for cities

- Grayfields
 - Strip malls
 - Dead malls
 - Parking lots
 - Obsolete buildings



Tualatin, Oregon

Benefits & barriers

Residential benefits

- Human-scale streetscapes & compact development
- Transportation options
- Walkable & bikeable
- Diverse housing options
- Accessible & lively public spaces



Community benefits

- Lowers cost of public services, infrastructure & transportation
- Less air & water pollution
- Maintains community character
- Complementary infill projects
- Creative reuse of historic structures
- Preserves farmland, open space & other natural resources



Community benefits

- Encourages greater public involvement community planning & development
- Easier to use & understand
- Ease of use encourages greater compliance
- More predictable & better quality development



Developer benefits

- Provides detailed development guidance
- Clearly illustrates the community's vision
- Provides standards that helps developers meet that vision
- Avoids conflict
- Helps streamline the review approval process



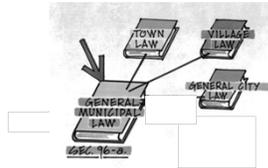
Barriers

- Few NY examples
- Awareness & understanding
- Detailed development
 - Requires professional staff or consultants
 - Initially more costly
 - Particularly on a larger scale



Grant of Power

- NYS constitution
 - MHRL
 - Enabling statutes
- No case law
- Consistency with:
 - NYS Constitution & General Laws of NYS
 - Local Laws
 - Comprehensive Plan



- General City Law § 20
- Town Law § 261
- Village Law § 7-700



Developing Form Based Zoning



Pre-Phase: Scoping

- Assemble the team
- Specialized disciplines
- Architects, urban designers, traffic engineers...
- Elected officials
- Municipal departments
- Police, fire, parks....



Pre-Phase: Scoping

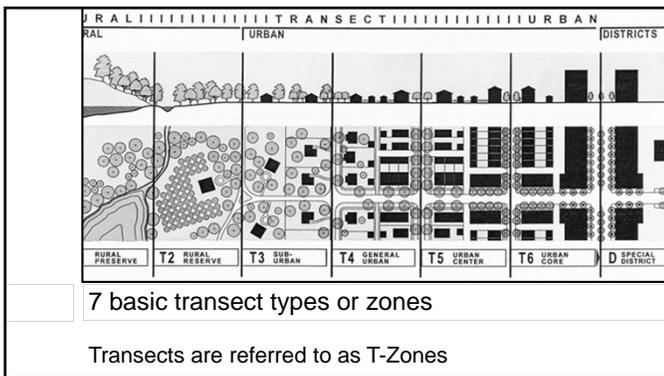
- Determine type or structure
 - Transect Based
 - SmartCode™
- Other types
 - Building-type
 - Street
 - Frontage
- Local templates



The Transect

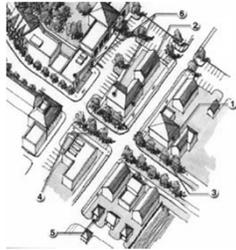
- Natural
 - Rural
 - Sub-urban
 - General urban
 - Urban center
 - Urban core
 - Special district
- “Rural to Urban”
 - Seven basic transect zones
 - Increasing intensity
 - “Immersive” environments





Pre-Phase: Scoping

- Determine the scope
 - Geographic
 - Development issues
 - Degree of change desired



Pre-Phase: Scoping

- Comprehensive replacement
- Embedded/ Hybrid
- Mandatory
- Municipal wide
- Specific areas



Pre-Phase: Scoping

- Parallel
 - Optional
 - Specific areas
 - Traditional Neighborhood Development (TND)





Built under FBZ Standards

Saratoga Springs

FBZ: Saratoga Springs



NEW YORK STATE OF GOVERNMENT
Division of Local Government Services

Phase I: Documenting

- Existing Conditions
 - Data gathering
 - Document
 - Describe
- Two site visits
 - Macro
 - Micro



NEW YORK STATE OF GOVERNMENT
Division of Local Government Services

Phase I: Documenting

- Macro elements
 - Neighborhood
 - Districts
 - Corridors
 - Patterns of development
 - Existing zoning classes
- Base Map



Phase I: Documenting

- Micro elements
- Thoroughfare types
- Building types
- Civic spaces
- Frontage types
- Architecture
- Historic periods
- Styles



Phase II: Visioning

- Public participation
 - Neutralizes opposition
 - Engages
 - Informs the process
 - Creates support



Phase II: Visioning

- Charrette
 - Public meeting
 - Kickoff
 - Hands on
- Feedback loops
- Holistic approach



Phase II: Visioning

- Illustrative plans
 - Transects
 - Micro elements
 - Foundation future zoning document
- Draft regulations
- Administrative review process



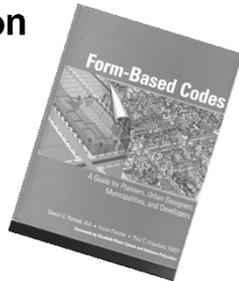
Phase III: Assembling

- | | |
|--|---|
| <ul style="list-style-type: none"> • Create final zoning document <ul style="list-style-type: none"> – Comprehensive replacement – Embedded <ul style="list-style-type: none"> • Splicing • Basic formatting <ul style="list-style-type: none"> – Layout options • Ease of use <ul style="list-style-type: none"> – Identify users | <ul style="list-style-type: none"> • Staff planners • Property owners • Potential property owners • Developers • Architects • Consultants /Planners • Business owners • Local politicians • General citizens |
|--|---|

Standard Components

Typical organization

- Table of Contents
- Introduction
- Regulating Plan
- Public Space Standards
- Building Form Standards
- Other standards
- Administration
- Glossary



Regulating Plan

- Outlines development requirements
- Conventional zoning distinguishes zones by land use
- FBZ defines or delineates zones by physical characteristics:
 - Existing development patterns
 - Character or development desired
 - Physical boundaries
 - Alleys, rear lot boundaries lots, avenues, etc.

Regulating Plan

Regulating Plan

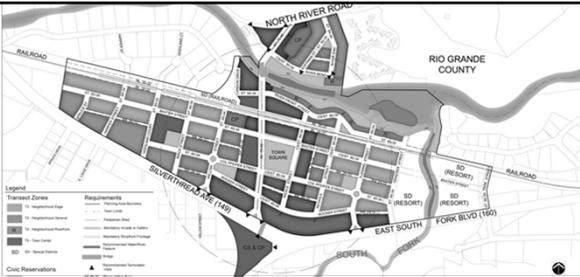
Conventional Zoning





Conventional Zoning Map

Batavia, NY



Regulating Plan

South Fork, TX

Regulations & Standards

- Building Form
 - Building Type
 - Public Space
 - Street Type
 - Frontage Type
 - Block
- Optional
 - Architecture
 - Landscaping
 - Signage
 - Green Building



Regulations & Standards

Building Form

- Building Type
- Public Space
- Street Type
- Frontage Type
- Block
- Signs
- Landscape

- Dictates the physical form
 - Building Placement
 - Building Form
 - Frontage & Facades
 - Encroachments & Parking



Regulations & Standards

Building Form

Building Type

- Public Space
- Street Type
- Frontage Type
- Block
- Signs
- Landscape

- Based on building form & use
 - Detached single housing unit
- Designated for blocks or districts
- Focused on preservation
- Form & function are key
 - Not architecture
- Effective in smaller settings
 - Downtowns or main streets



Regulations & Standards

- Building Form
- Building Type
- Public Space**
- Street Type
- Frontage Type
- Block
- Signs
- Landscape

- Thoroughfares
 - Largest percentage of public space
- Civic spaces
 - Gathering place
 - Promotes health & social interactions



Regulations & Standards

- Building Form
- Building Type
- Public Space
- Street Type**
- Frontage Type
- Block
- Signs
- Landscape



Regulations & Standards

- Building Form
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Regulations & Standards

- Building Form
- Building Type
- Public Space
- Street Type
- Frontage Type
- Block**
- Signs
- Landscape

- Maximum block length
- Maximum block perimeter
 - Streets break sites into blocks
 - Alleys provide access to lots
- Lots are designated for specific:
 - Building Types
 - Projects



Regulations & Standards

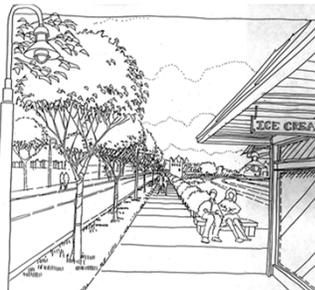
- Building Form
- Building Type
- Public Space
- Street Type
- Frontage Type
- Block
- Signs**
- Landscape

- Materials
 - Mounting Hardware
- Lettering
- Lighting
- Placement
- Color
- Size



Regulations & Standards

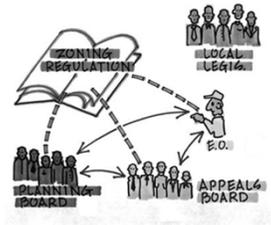
- Building Form
- Building Type
- Public Space
- Street Type
- Frontage Type
- Block
- Signs
- Landscape**



Administration

Administration

- Zoning Board of Appeals
- Required
- Variances & Interpretations
- Provide relief
- Planning Board
- Optional



Administration

- Permit system
- Issued by staff
- Ministerial
- Development & Design Center
- Technical review committee



Administration

- Consultant
- Training
- Design teams
- Point of contact
- Coordinator
- Monitoring



Summary

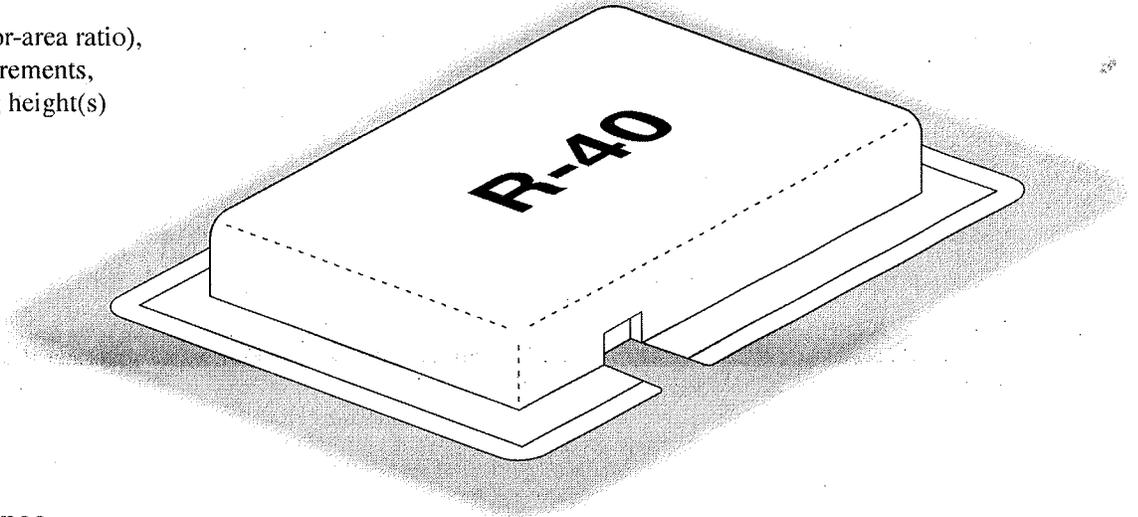
- More upfront investment
- Simplifies & speeds approval process
 - Less discretionary decision-making; more ministerial
- Highly predictable built results
- Smart Growth Characteristics
 - Compact development
 - More efficient provision municipal services
 - Walkable & bikeable
 - Maintains community character

New York Department of State

- Training: (518) 473-3355
- Counsel's Office: (518) 474-6740
- Toll Free: (800) 367-8488
- Email: localgov@dps.ny.gov
- Website: www.dps.ny.gov
- www.dps.ny.gov/lg/lut/index.html

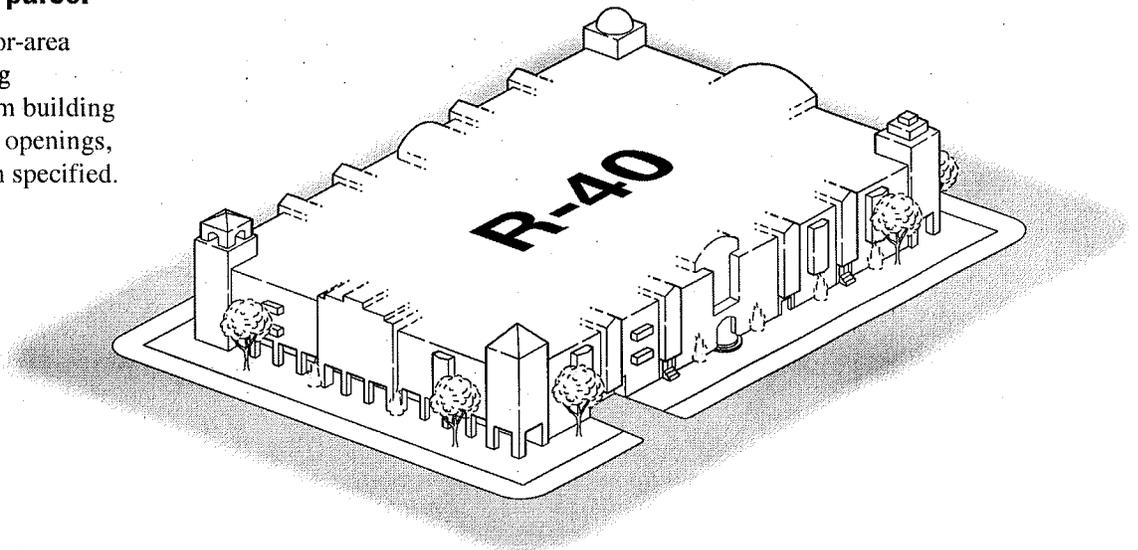
How zoning defines a one-block parcel

Density, use, FAR (floor-area ratio), setbacks, parking requirements, and maximum building height(s) specified.



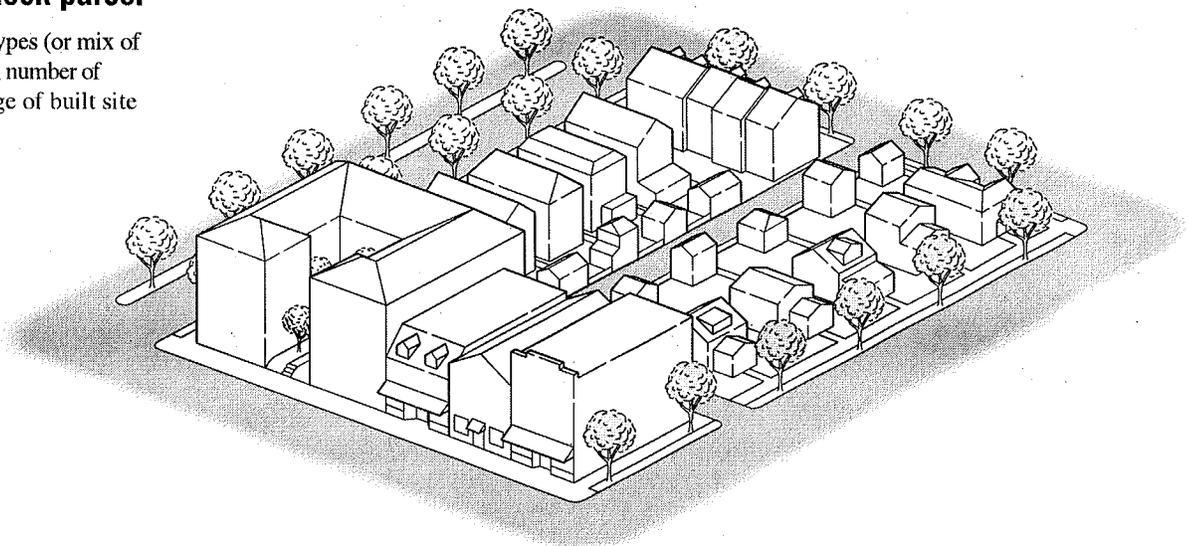
How design guidelines define a one-block parcel

Density, use, FAR (floor-area ratio), setbacks, parking requirements, maximum building height(s), frequency of openings, and surface articulation specified.



How form-based codes define a one-block parcel

Street and building types (or mix of types), build-to lines, number of floors, and percentage of built site frontage specified.




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Checklist for Identifying and Evaluating Form-Based Codes

Identifying Form-Based Codes

A well-crafted form-based code is the most effective form of development regulation for shaping pedestrian-scaled, mixed use and fine-grained urbanism. How does one determine if a development regulation is a form-based code and a well-crafted one? Form-based codes generally receive affirmative answers to all of the following questions:

Is it a Form-Based Code?

- Is the code's focus primarily on regulating urban form and less on land use?
- Is the code regulatory rather than advisory?
- Does the code emphasize standards and parameters for form with predictable physical outcomes (build-to lines, frontage type requirements, etc.) rather than relying on numerical parameters (FAR, density, etc.) whose outcomes are impossible to predict?
- Does the code require private buildings to shape public space through the use of building form standards with specific requirements for building placement?
- Does the code promote and/or conserve an interconnected street network and pedestrian-scaled blocks?
- Are regulations and standards keyed to specific locations on a regulating plan?
- Are the diagrams in the code unambiguous, clearly labeled, and accurate in their presentation of spatial configurations?

Evaluating Form-Based Codes

The following lists of questions reflect best practices of form-based coding. Effective form-based codes usually receive affirmative answers to these questions:

Is the code enforceable?

- Does the code implement a plan that reflects specific community intentions?
- Are the procedures for code administration clearly described?
- Is the form-based code effectively coordinated with other applicable policies and regulations that control development on the same property?

Is the code easy to use?

- Is the overall format and structure of the code readily discernable so that users can easily find what is pertinent to their interest?
- Can users readily understand and execute the physical form intended by the code?
- Are technical terms used in the code defined in a clear and understandable manner?
- Does the code format lend itself to convenient public distribution and use?
- Are the intentions of each regulation clearly described and apparent even to planning staff and citizens who did not participate in its preparation?

Will the code produce functional and vital urbanism?

- Will the code shape the public realm to invite pedestrian use and social interaction?
- Will the code produce walkable, identifiable neighborhoods that provide for daily needs?
- Are parking requirements compatible with pedestrian-scaled urbanism?
- Is the code based on a sufficiently detailed physical plan and/or other clear community vision that directs development and aids implementation?

Resources

- **FORM-BASED CODES INSTITUTE (FBCI)** is a non-profit professional organization dedicated to advancing the understanding and use of form-based codes. FBCI develops standards for form-based codes (zoning), provides education through courses, workshops and webinars, and provides a forum for discussion and advancement of form-based codes: www.formbasedcodes.org
- **SMART GROWTH AMERICA** is a coalition that advocates for people who want to live and work in great neighborhoods. They promote smart growth solutions that support businesses and jobs, provide more options for mobility and make it more affordable to live near work and the shopping: www.smartgrowthamerica.org
- **CONGRESS FOR THE NEW URBANISM** is the leading organization promoting walkable, mixed-use neighborhood development, sustainable communities and healthier living conditions. With a history of forming productive alliances, CNU has been at the forefront of efforts to reform how we design and build communities and their infrastructure: www.cnu.org
- **PROJECT FOR PUBLIC SPACES** is a nonprofit planning, design and educational organization that helps citizens, using their pioneering *Placemaking* approach to create and sustain public spaces that build stronger communities: <http://www.pps.org/>
- **THE NATIONAL CHARRETTE INSTITUTE** is a nonprofit educational organization that offers certificate trainings, publications, including the comprehensive Charrette Handbook published by the American Planning Association, free articles and presentations to help municipalities and planning professions build community capacity for collaboration to create healthy community plans: www.charretteinstitute.org