

Plan On It

A Dutchess County Planning Federation eNewsletter

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Converting Conventional Zoning to Form-Based Codes

By John Clarke, Development and Design Coordinator

Community-wide zoning has been around in America for almost 100 years, starting with the 1916 New York City regulations that began setting maximum structure heights and separating incompatible uses. Initially sparked by the desire of high-priced department stores to keep garment factories and workers away from fashionable Fifth Avenue, the essential promise of zoning was to protect overall property values by limiting the locations of perceived nuisances. In 1926 the Supreme Court upheld the local zoning practice of separating uses, ruling that the intrusion of industry or even apartments into single-family residential zones was the equivalent of a public nuisance, "like a pig in the parlor instead of the barnyard."

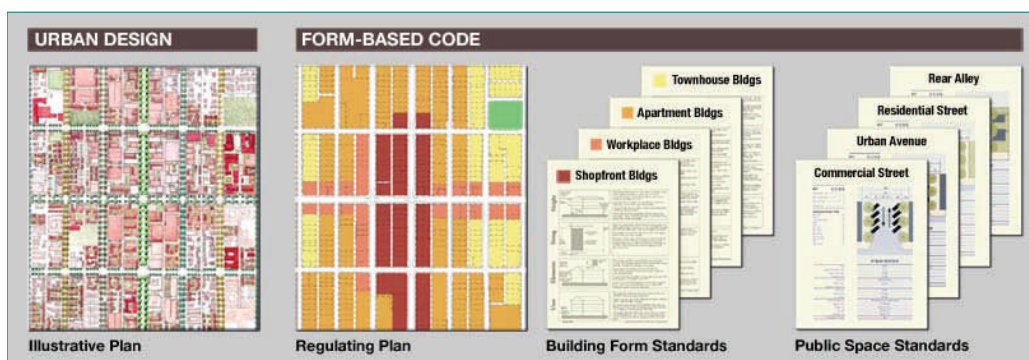
Zoning laws have become far more complex over time, creating more specialized districts and compiling new rules to counter every land use problem that comes along. Despite the widespread adoption of zoning laws and the protections they provide neighborhoods against the worst land use abuses, several major complaints remain about conventional zoning codes:

- They are complicated, relying on legal text that is difficult for many people to easily interpret;
- They mostly focus on negative restrictions, stressing what you cannot do rather than providing positive examples of what the community would like to see;
- They overemphasize separation, leading to an unjustifiable segregation of income groups and building types. Especially in the automobile age, the prevalence of segregated zoning districts has too often fragmented communities into spread-out pockets of similar uses, all dependent on cars to make connections.

What is a Form-Based Code?

Form-based codes address these concerns and promote more traditional neighborhoods, where walking between a variety of nearby uses is still possible. This is how we used to build great places, and form-based codes are helping us to break out of the conventional zoning box and rediscover the valuable art of quality placemaking. Instead of relying on just text and tables, these new kinds of codes incorporate lots of graphics to illustrate basic concepts and present positive images about preferred characteristics for the area. Rather than concentrating on restrictions to prevent bad development, they provide directions to encourage good development. Most importantly, they de-emphasize separation of uses and focus more on physical design — how buildings fit in with the surrounding context to build attractive public streetscapes and successful mixed-use neighborhoods. In less than a decade of adopting form-based amendments for several downtown districts, Saratoga Springs experienced \$200 million of investment in 15 major projects that help reinforce the city center.

Conventional Zoning	Form-Based Code
Text, Tables and Maps	Adds Design Illustrations
Mostly Negative Restrictions	Provides Positive Examples
Focus on Numbers, Single Parcels, and Parking Lots	Emphasis on Urban Form and Streetscape Context
Separated Use Districts	Mixed-Use Neighborhoods
Unpredictable Results	Cohesive Sense of Place



[click image for larger view] Image Credit: Illustration created by Steve Price, from Wikipedia.

As shown in the above graphic, form-based codes generally begin with a comprehensive plan or visioning process that culminates in a fairly detailed Illustrative Plan for desirable future growth in an area. This public design process helps create a community consensus and a Regulating Plan with much more specific objectives than the typical zoning map. These plan maps can then be supplemented with illustrated Building Form Standards and Public Space Standards. Conventional zoning laws do not usually address streets and public space. This more explicit and place-based process generates more predictable outcomes designed to reflect community character, while the mixed-use nature of the districts allows a greater degree of market flexibility. The up-front design guidance and drawings offer clarity for both applicants and local planning boards, resulting in a less confrontational and often more streamlined review process.

Local Examples

In Dutchess County, three municipalities have adopted versions of form-based codes: the Town of Red Hook, City of Beacon, and City of Poughkeepsie.

Red Hook

The Town of Red Hook, as part of an intermunicipal Centers and Greenspaces Plan, included form-based provisions in its 2011 [Traditional Neighborhood Development district](#) immediately south of the Village of Red Hook. Intended to retrofit an auto-oriented strip into a mixed-use, walkable extension of the existing Village, it emulated lot sizes, setback details, building forms, and streetscape features of the historic center.

City of Poughkeepsie

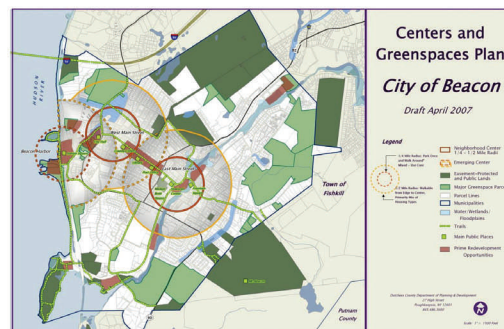
The City of Poughkeepsie recently adopted a new [Walkway-Gateway district](#) for the area around the approach to the Walkway Over the Hudson, encouraging an expanded mixture of new retail, restaurant, residential, and other uses in what is now a mostly industrial zone.



The City of Poughkeepsie Walkway-Gateway Illustrative Plan in the form of an aerial sketch, giving general guidance for future neighborhood character, mixture of uses and building sizes, and placement of buildings in relation to the streets and rail trail. This view is of Parker Avenue looking west toward the Hudson River and Walkway Over the Hudson State Park.

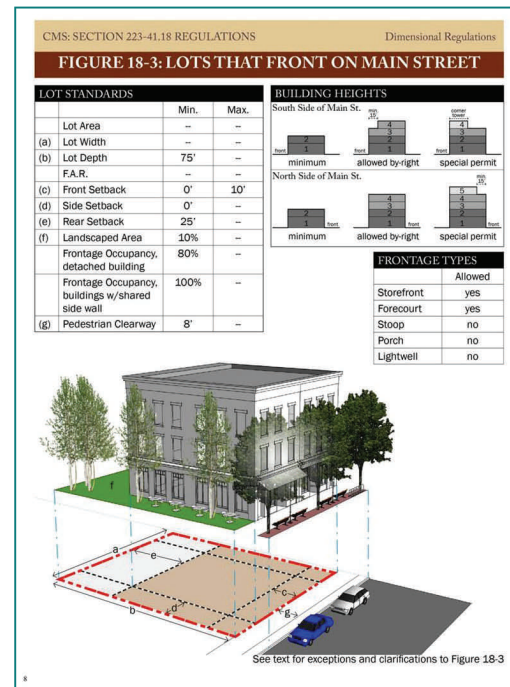
City of Beacon

As perhaps the most complete case study in the County, the City of Beacon adopted form-based amendments for two new districts in early 2013. The City's 2007 Comprehensive Plan identified specific areas as prime redevelopment opportunities that needed new zoning as an incentive to rebuilding. To begin to implement that infill strategy, the City hired Joel Russell Associates to prepare form-based codes for a new Central Main Street district between the East End and West End historic districts, and a Linkage district connecting Main Street to the Train Station.

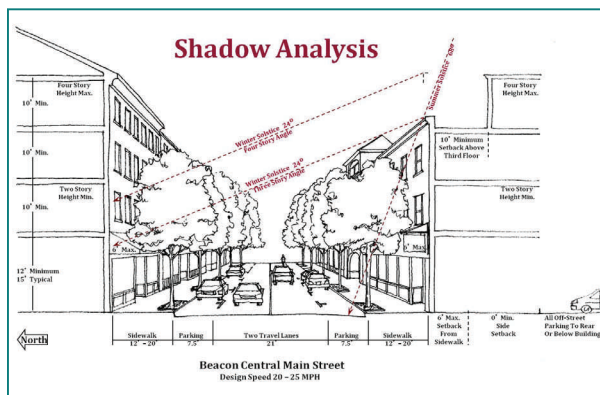


Centers and Greenspaces Map from Beacon's 2007 Comprehensive Plan identifies prime areas for future infill redevelopment. [click image for larger view]

The [Central Main Street district](#) used as examples building types and streetscape standards from the adjacent historic areas. The committee considered taller building heights for the new central district to encourage more economically viable redevelopment and a stronger residential base to support the surrounding Main Street businesses. Working with the consultant, Dutchess County Planning and Development prepared various streetscape studies to determine if taller buildings might substantially interfere with mountain views, and to show summer and winter street shadows. As a result, the approved code allows four-story buildings along the south side of Main Street and up to five-stories with special permit conditions along the north side, but requires the top floors to be set back from the front building line by 15 feet to allow in more sunlight and to give a three- and four-story appearance from the street.



A sample page from the code, showing graphic representations of the basic building standards. [click image for larger view]

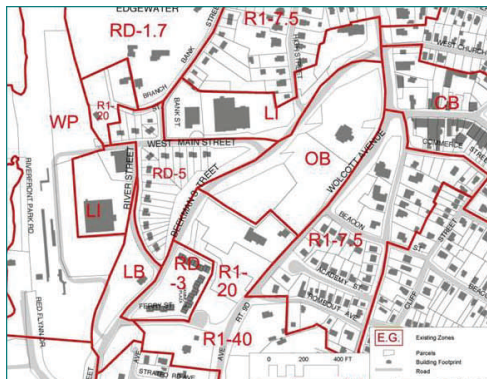


The more detailed streetscape, height, and other regulations in a form-based code, tailored to the specific neighborhood, often require additional analytic studies, in this case exact street measurements, shadow drawings, and block-by-block view simulations. [click images for larger view]

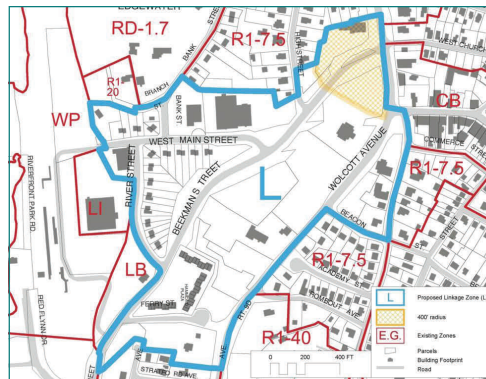


The [Linkage district](#) leading up the hill from the Train Station had been demolished during the Urban Renewal era and only partially rebuilt over the last 35 years, a clear indication that the current zoning was not working effectively. The existing zoning in the Linkage area had been divided up over time into seven separate zones, further complicating the rebuilding of a cohesive neighborhood. The new Linkage district creates a single flexible mixed-use area, designed to encourage new development with active, safe, and pedestrian-friendly street frontages. Parking standards were

substantially reduced because of the walkable proximity to the Train Station and Main Street, with all parking lots and garages to be placed out-of-sight toward the rear of the parcels. Intended as primarily a residential area to support and not compete with Main Street businesses, commercial uses were confined to certain street frontages.

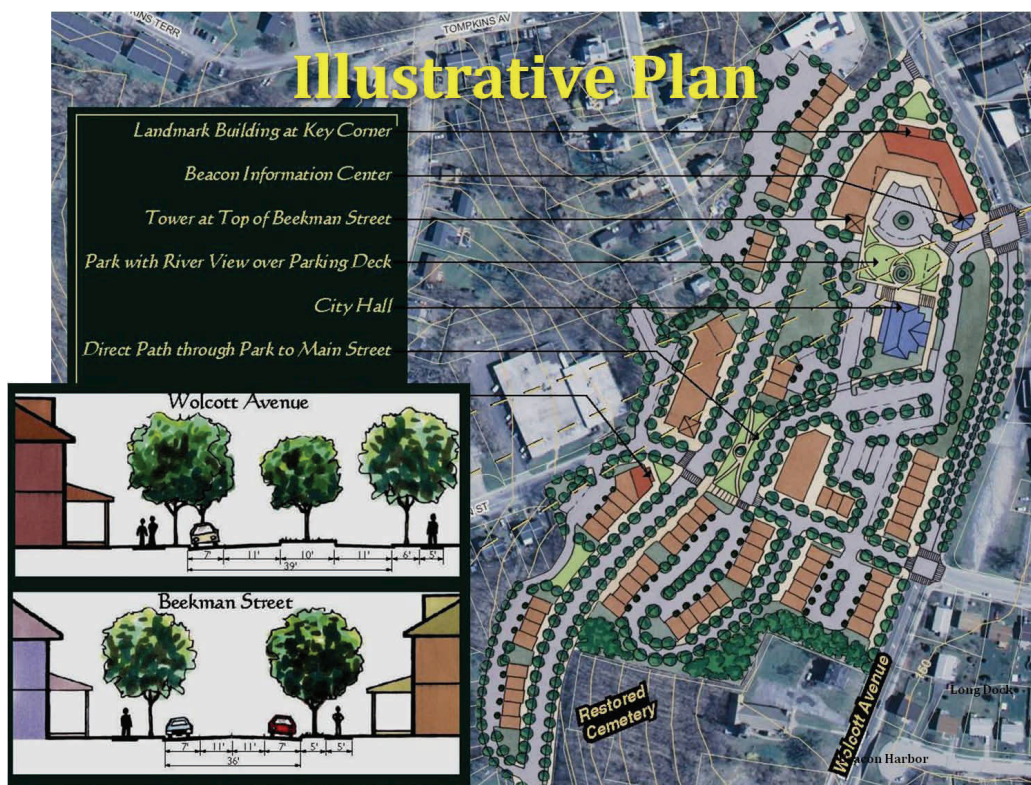


Former zoning map



Adopted Linkage district

The Linkage district amendment replaced a maze of seven separate zones with one mixed-use district in order to simplify the code and create a more interconnected neighborhood. [click images for larger view]



Sketch plan and street sections from the Comprehensive Plan were included in the Linkage amendment not as a blueprint for development, but as an illustration of planning principles. [click image for larger view]



Detailed architectural standards are not necessary in form-based codes, but Beacon provided general building design standards, using photos primarily from local examples. [click images for larger view]

A Form-Based Code for Your Community?

Municipalities interested in updating their zoning with new form-based codes can compare these local examples or national models from the [Form-Based Code Institute](#). They are often targeted at places with special community character concerns, such as central business areas or historic districts, rather than starting from scratch with entire new zoning laws. However, the core lessons of form-based codes are relevant anywhere:

- Add illustrations to help make community intentions clear;
- Provide positive examples to promote good development;
- Pay attention to how private development improves the public realm; and
- Concentrate on creating close-knit, walkable neighborhoods, rather than strictly separated zones with driving as the only option.

More Information

[Form-Based Codes Institute](#)

City of Beacon:

- [Central Main Street district](#)
- [Linkage district](#)

City of Poughkeepsie [Walkway-Gateway district](#)

Town of Red Hook [Traditional Neighborhood Development district](#)

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This newsletter was developed by the Dutchess County Department of Planning and Development, in conjunction with the Dutchess County Planning Federation.

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