

The Bradenton Times

With Gallo Strongly Opposed, City Council Passes Form Based Codes

Published Thursday, June 9, 2011 2:05 am

by Dennis Maley

BRADENTON – Progress takes many shapes and forms. Some of it is good and some of it is bad, but it is the hope and intention of most civic leaders that progress is undertaken in order to be better prepared to adapt to the future needs of a community and that is part of the reason behind form-based codes, which serve to simplify conformity by adopting codes that use physical form rather than separation of land uses.

Tim Polk, Director of Planning and Community Development for the city, says that while the public discussion over form-based codes is relatively new, the concept is six years in the making. It's not hard to see why planners are attracted to the method, which dates back centuries. It's an answer to the big-box retail style of development that has come to dominate urban landscapes in recent decades, stripping communities of much of their character. Land use based codes are conducive to such development and the cold, vanilla structures and unwelcoming environs they often create.

As Bradenton gets set to roll the dice on a multi-million dollar plan to revitalize its urban core and riverfront, form-based codes, if used correctly, can be an effective tool to ensure that the end product is an attractive and welcoming environment that attracts retailers, shoppers and residential dwellers alike. An impressive multimedia demonstration on the homepage of the Form-Based Codes Institute's website makes a pretty good case for the design concept as a whole, and I would highly suggest viewing it if you have any questions as to just what exactly the concept entails and strives to achieve.

The debate has stirred mostly over implementation. Will the extra costs associated with conforming scare away potential retailers? Are some of the standards realistic? Has each component been thoughtfully addressed? One interesting area of objection was from a contingent of plant and tree specialists that disagreed with the codes as they applied to the area. It was pointed out by Michael Miller, an independent Landscape designer and consultant based in Anna Maria, that while there has been a movement to plant “native Florida” vegetation and resist exotic or invasive species that can be problematic, “Florida” is a geo-political rather than a true geographical distinction and that allowing something that would occur naturally in the panhandle or Miami area to be planted as “native” in an area where it does not naturally occur makes little more sense than a species from outside the state.

In the end, commercial demands and practicality seemed to trump such adherence, but Councilman Gallo said that these issues highlighted the problems in the codes. He said that it's easy to build a consensus among the industries that benefit from “their part,” but that it doesn't mean the total package is good for the community.

“It's invasive, intrusive and over-regulatory,” said Gallo, who says that while some

portions he's okay with, there were still no less than 16 problems he had with the dense legislation. The councilman specifically pointed to a regulation that 25 percent of the windows in a building be operable, which he says is not needed for many businesses that never actually open one, such as a doctor's office.

Councilman Bemis Smith said that the concept of form-based codes dates back to William Penn and that the fact of the matter remains that governments have been regulating what you can build and how you can build it as long as government's have existed – that form-based codes were simply a way to move forward in the way it achieves such regulation.

Councilman Patrick Roff added that because of the areas that will be affected, this was really about redevelopment and how to make use of existing structures or their replacements in the best possible way, saying that for the most part, they were talking about a part of town that had been "rode hard and put away wet," and asking what to do about it.

While Mayor Poston did not vote on the issue, as he only does so in a tied vote, he nonetheless voiced his support for the measure, adding that it will be a living and evolving idea that they'll have the power to change over time, should some of the issues prove less than feasible or counterproductive. The motion passed 4-1 with Gallo as the lone nay.