

Survey: Combine new code with activities and investment

[research](#) [codes](#)

Issue: 4/1/2010

Issue Date: Thu, 2010-04-01

Page Number: 7

A recent survey of US communities that adopted form-based codes (FBCs) produced these findings:

- Codes that were adopted as the result of a full charrette process have proven far more successful than those produced without intensively engaging the public in defining the community's vision. Where a code was applied to part of a community with relatively little public consultation, there has been more "pushback."
- Resistance, mostly from developers, has been a problem in many communities, especially in smaller towns, where developers accustomed to building the same product year after year have had trouble adjusting to the new code.
- Form-based codes started to take off noticeably in 2007, and the surge of adoptions continues today.

Thirty-eight communities were surveyed by Gina Macchiaroli in a master's project completed last December at Arizona State University. Mainly she gathered information from planning staff or city managers on how FBCs are being implemented and how much success they're having.

Macchiaroli, who now works in the transit department of HDR in Phoenix, dealing with light rail and streetcars, said the oldest code she investigated was adopted by West Palm Beach, Florida, in 1995 to bring people and investment into its lagging downtown. The city masterminded the CityPlace mixed use development, aiming initially to create a center no more than five stories high.

In the years since, CityPlace has impressed many visitors. But the rules that were drawn up by Duany Plater-Zyberk have been altered over the years. At one point, Macchiaroli notes, officials decided to allow greater height if the building included residential. This led to problems, such as having a 12-story building rise straight up next to a six-foot-wide sidewalk. "That's not a pedestrian-friendly environment," she said in a phone interview with New Urban News.

In 2007, West Palm Beach shifted to yet another code, prepared by Miami architect Bernard Zyscovich. That code allows up to 25 stories in some places, but it retains some elements of form-based regulation. The intent was to "pull the building back in some areas" and "force some articulation and public spaces," Macchiaroli says. Recently the city has been talking about getting high-rise signature buildings, as the vision has changed to a "world-class business district."

One lesson from West Palm Beach is that a municipality usually must do more than simply put a form-based code on the books. The code "is not a silver-bullet solution," Macchiaroli says. "It's one tool to creating a vibrant community. Political support is key."

In West Palm Beach, Macchiaroli notes, "They used city funds to start events downtown," both at CityPlace and on Clematis Street, the old main street. "They put in fountains, gathering places. On Thursdays or Fridays they had public happy hours in these areas. They gave people a reason to go downtown. They started a farmers' market on weekends. The mayor [Nancy Graham] was having trouble getting farmers to buy into the idea, so she started the farmers' market herself."

Investment and encouragement of activity helped to make downtown West Palm Beach successful.

"Cities that invested their own funds found that developers followed, but those that put the responsibility solely on the developer didn't do as well," Macchiaroli says. "The city has to show it supports FBC politically and financially. Most cities that put the extra effort in got a pretty good return." Among other conclusions of the survey:

- "Overall, planners feel their new form-based codes are a success." The codes are prized for producing predictable results.
- Though 72 percent of respondents described their FBC as user-friendly, 26 percent did not consider them user-friendly.
- Most communities that adopted FBCs before 2007 have seen projects constructed within the area that the code governs. Only 29 percent of communities that adopted a code during or after 2007 have had projects built. The low construction figure in the latter period probably stems from the real estate depression and the limited time-frame, not from any ineffectiveness in the code itself.
- In some communities, it seemed that "all their developers were waiting for someone else to try the first project with the new code." Suggests Macchiaroli: "The best way to avoid this kind of resistance seemed to be a large amount of front-end education for developers to get them comfortable with the code; providing existing examples of successful similar designs also helped."

- “If time and money are constrained, it is better to do a full charrette process on a smaller area than to add a few FBC concepts to the entire city without public buy-in.” Some recommended starting with smaller areas first and then proceeding neighborhood by neighborhood.
- Respondents emphasized “the need to ‘personalize’ the code to its specific geography, politics and culture in order to be successful. Take the time to identify each neighborhood’s character and vision.”
- The codes used most often were a “specific plan” or “overlay.” Recently, “floating rezones” have become more common, possibly because of concern about legal challenges to mandatory codes. The floating rezone is the least effective type of code if judged by how often it is used. Macchiaroli says this is “because the rezone is optional and a developer would have to go through an often cumbersome process to have his property rezoned from traditional zoning to form-based zoning.”
- “Though they can cause legal issues,” says Macchiaroli, “mandatory codes provide more predictability to the urban form throughout the code area.” She adds: “Making form-based codes mandatory helps in directing development to the code area. If you’ve done the right amount of due diligence, held charrettes, and worked toward public buy-in of a common vision, the legal issues should be minimized, and the public knows what to expect.”

The paper, “Form-based zoning codes in practice,” can be downloaded [TK](#).

Original Id: 3736

Posted by New Urban News on 01 Apr 2010