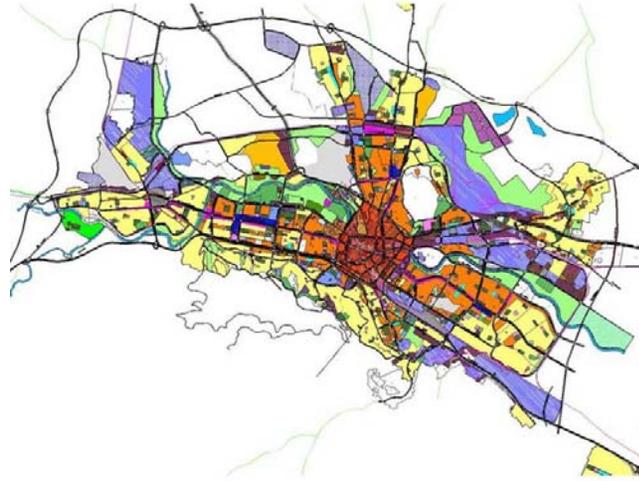# FORM BASED ZONING AT PENNYTOWN/KOOLTRONICS

What is Zoning?

Zoning is the term given to the type of land use planning used by most developed countries. A municipality or locality will develop a written set of rules, or code, which sets forth certain types of permitted land use based on mapped zones, designating permitted uses of land based on the type of activity allowed on the land or the bulk of the buildings through control over building height, lot coverage, and similar characteristics, or some combination of these.
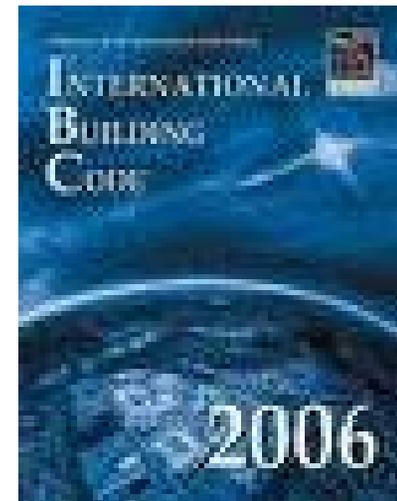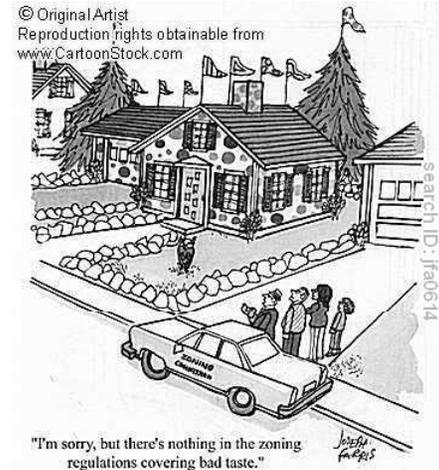
- These types of codes have been in use since ancient times in one form or another in order to separate dissimilar activities such as industrial uses from residential uses.

- In the United States the prevalence of this type of land use control, combined with a booming population, has created vast areas of residential uses which are quite distant to the commercial zones that serve them, therefore creating what is commonly called "sprawl"

A brief aside, Zoning vs. Building Code

- A zoning code defines the use and size of a building and its proportion as compared to the size of the property.

- A building code regulates the physical properties of a building with an emphasis on protection of life and property.

- In New Jersey Zoning codes are written and enforced by local municipalities, and the building code is statewide and is adapted from the International Building code and its subcodes. It is administered by the state but enforced by the local municipalities.

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"I'm sorry, but there's nothing in the zoning regulations covering bad taste."
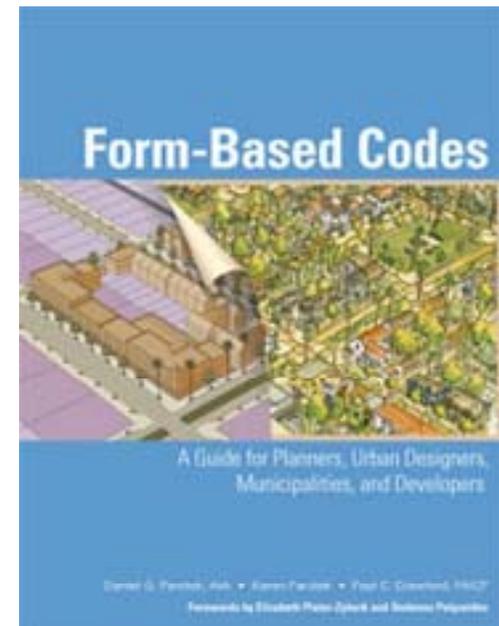

INTERNATIONAL BUILDING CODE
2006

Form Based Zoning

- In recent years there has arisen a desire to find a better way to regulate the construction of our built environment. One of the results is the advent of form based zoning codes. The following information is presented and quoted from the website of the major organization advocating this movement, the Form Based Code Institute.(FBCI)
- (www.formbasedcodes.org)

FBCI
Form-Based Codes Institute

What is a form based code?

- Form based codes, which use physical form rather than separation of uses as their guiding principal, are adopted into municipal law as an alternative to the traditional zoning code. They are not design guidelines, they are regulations that anyone wishing to build a structure or a development must follow.

Form-Based Codes

A Guide for Planners, Urban Designers, Municipalities, and Developers

Daniel G. Parolek, AIA • Karen Parolek • Paul C. Crawford, FAICP

Forewords by Elizabeth Plater-Zyberk and Stefanos Polyzoides

- They address the relationship between building facades and the street, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

- The intent is to designate the desired form and scale, and thus the character, of a development, rather than just define what use can go where.

- They reject abstract and uncoordinated parameters such as # of dwelling units, setbacks, parking ratios in favor of promoting an integrated and proportional built form.

Elements of a Form Based Code

(all directly quoted from FBCI website)

Regulating Plan. A plan or map of the regulated area designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being coded.

- *Public Space Standards.* Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.).
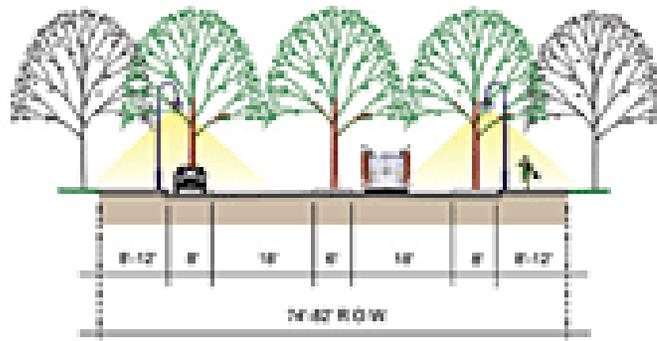
- *Building Form Standards.* Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm. These are presented in both words and diagrams.
- *Administration.* A clearly defined application and project review process.
- *Definitions.* A glossary to ensure the precise use of technical terms.
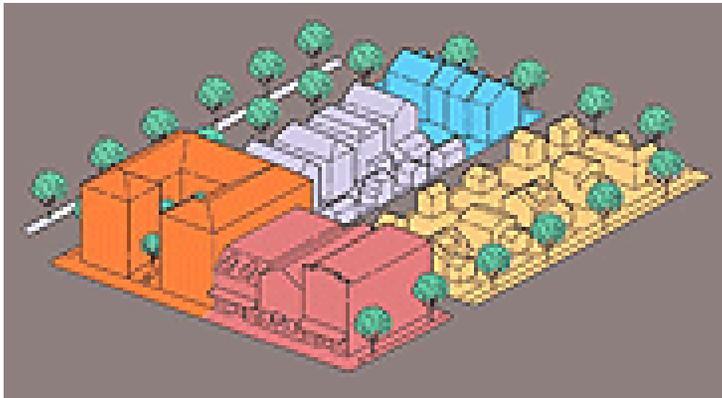
Additional possible elements:

- *Architectural Standards.* Regulations controlling external architectural materials and quality.

- *Landscaping Standards.* Regulations controlling landscape design and plant materials on private property as they impact public spaces (e.g. regulations about parking lot screening and shading, maintaining sight lines, insuring unobstructed pedestrian movements, etc.).

- *Signage Standards.* Regulations controlling allowable signage sizes, materials, illumination, and placement.

- *Environmental Resource Standards.* Regulations controlling issues such as storm water drainage and infiltration, development on slopes, tree protection, solar access, etc.

- *Annotation.* Text and illustrations explaining the intentions of specific code provisions.

Eight advantages of form based codes

- Because they are prescriptive (they state what you want), rather than proscriptive (what you don't want), form-based codes (FBCs) can achieve a more predictable physical result. The elements controlled by FBCs are those that are most important to the shaping of a high quality built environment.

- FBCs encourage public participation because they allow citizens to see what will happen where-leading to a higher comfort level about greater density, for instance.

- Because they can regulate development at the scale of an individual building or lot, FBCs encourage independent development by multiple property owners. This obviates the need for large land assemblies and the megaprojects that are frequently proposed for such parcels.

- The built results of FBCs often reflect a diversity of architecture, materials, uses, and ownership that can only come from the actions of many independent players operating within a communally agreed-upon vision and legal framework.

- Non-professionals find FBCs easier to use than conventional zoning documents because they are much shorter, more concise, and organized for visual access and readability. This feature makes it easier for nonplanners to determine whether compliance has been achieved.

- FBCs obviate the need for design guidelines, which are difficult to apply consistently, offer too much room for subjective interpretation, and can be difficult to enforce. They also require less oversight by discretionary review bodies, fostering a less politicized planning process that could deliver huge savings in time and money and reduce the risk of takings challenges.

- FBCs may prove to be more enforceable than design guidelines. The stated purpose of FBCs is the shaping of a high quality public realm, a presumed public good that promotes healthy civic interaction. For that reason compliance with the codes can be enforced, not on the basis of aesthetics but because a failure to comply would diminish the good that is sought. While enforceability of development regulations has not been a problem in new growth areas controlled by private covenants, such matters can be problematic in already-urbanized areas due to legal conflicts with first amendment rights.

- FBCs work well in established communities because they effectively define and codify a neighborhood's existing "DNA." Vernacular building types can be easily replicated, promoting infill that is compatible with surrounding structures.

Peter Katz, President, Form-Based Codes Institute

Identifying Form-Based Codes

FBCI
Form-Based Codes Institute

- 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 next 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 designed, intended, and programmed to be regularly updated?
- *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 the intentions of each regulation clearly described and apparent even to planning staff and citizens who did not participate in its preparation? • 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?
- *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? • Is the code based on a sufficiently detailed physical plan and/or other clear community vision that directs development and aids implementation? • Are parking requirements compatible with pedestrian-scaled urbanism?

Is a form based code a good solution for the Pennytown/Kooltronics site?

- ## A form based code allows for:
  - Coherent village
  - Walkable for residents to services
  - Integration of all uses and building types
  - Control over character and local community image, desires of Marshall's Corner residents
  - Development at the scale of an individual building or lot encouraging independent development by multiple property owners. (Avoidance of "megaprojects")
  - Diversity of architecture, materials, uses, and ownership

Resources for additional information

- **Resources**
- **Resources from the FBCI**
  [Definition of a Form-Based Code](#) [Video: Creating Urban Form by Bill Spikowski, AICP](#)
- [Checklist for Identifying and Evaluating Form-Based Codes](#)
- [Sample RFQ for Consultants to Prepare a Form-Based Code (73KB Microsoft Word document)](#)
- [Eight Advantages to Form-Based Codes](#)

- **Books and Articles**
- *FBCI provides access to these articles as a resource to our web site visitors, but does not necessarily endorse the viewpoints expressed therein.* "
- [How to subdivide land without promoting sprawl"](#) Kaizer Rangwala, *New Urban Network*, June 2010.
- "[Contextual Tall Buildings in India"](#) Kaizer Rangwala, *The Urban Vision*, July 2010.
- "[Brave New Codes"](#) Nate Berg, *ARCHITECT*, July 2010.
- "*[Form-Based Codes News from New Urban News"](#)* New Urban News, the leading information and news provider about New Urbanism, now has a web page featuring timely information and resources about form-based codes.
- "[Form-Based Codes in 7-Steps,"](#) CNU Michigan. *The Michigan Chapter of CNU has written a "how-to" guide particularly aimed at small communities with limited or no professional staff.*
- "[Digital designer shows what future towns could look like,"](#) Jonathan Hiskes, *Grist*, March 2010.
- "[Miami 21,"](#) (652KB pdf) Dakota Hendon and Alex Adams, *Florida Planning*, Winter 2010, APA Florida Chapter.
- "[Form-Based Codes,"](#) (432KB pdf) Bill Spikowski, *Florida Planning*, Winter 2010, APA Florida Chapter.
- "[Community Planning and FBCs,"](#) (272KB pdf) Catherine Coyle, *Florida Planning*, Winter 2010, APA Florida Chapter.
- "[A New Kind of Zoning,"](#) (1.5MB pdf) Brad Broberg, *On Common Ground*, Winter 2010, The National Association of REALTORS®.
- "[The Advent of Form-Based Codes: A Critical Time to Ensure Mixed-Income Communities,"](#) (1.4MB pdf) Jaimie Ross, *The Housing News Network*, Spring 2009, The Florida Housing Coalition.
  "Design by the Rules: The Historical Underpinnings of Form-Based Codes," (7.8MB pdf) Emily Talen, *Journal of the Amercian Planning Association*, Spring 2009. "

Resources (continued)

- Design First, Codify Second: Germany Offers Lessons for U.S. Planners," (3.5MB pdf) Faith Cable, *Planning Magazine*, July 2009.
- "The Future of Zoning," (2MB pdf) Ed Tombari, *Land Development*, Spring 2009.
- "Hybrid codes versus form-based codes," (259KB pdf) Kaizer Rangwala, *New Urban News*, April/May 2009.
- *Form-Based Codes: A Guide for Planners, Urban Designers, Municipalities, and Developers*, Daniel G. Parolek, Karen Parolek, and Paul C. Crawford, Wiley, 2008.
- *A Legal Guide to Urban and Sustainable Development for Planners, Developers and Architects*, Daniel K. Slone and Doris S. Goldstein, Wiley, 2008.
- New Economics of Place (568 KB pdf), Scott Polikov, *Chamber Executive*, 2008.
- "In the Tropical Zone," (3.3MB pdf) David Raterman, *Planning Magazine*, December 2007.
- Zoning Reform Has Begun: Form-Based Codes, The National Association of REALTORS®.
- Place Making with Form-Based Codes (2.4MB pdf), Mary E. Madden and Bill Spikowski, *Urban Land*, September 2006.
- "Form-Based Land Development Regulations" (560 KB pdf) by Robert Sitkowski & Brian Ohm, published in *Urban Lawyer*, Volume 38, No.1, Winter 2006. © 2006 by the American Bar Association. Reproduced with permission. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.
- Function Follows Form, Bob Sperber, *Professional Builder*, September 1, 2005.
- Form-Based Codes: Implementing Smart Growth" (3.9 MB pdf), Local Government Commission
- *Form-Based Zoning*, CD-ROM of National APA conference presentations, Paul C. Crawford, Bill Dennis, and Geoffrey Ferrell, APA, 2004.
- "Form First," (144KB pdf) Peter Katz, *Planning Magazine*, November 2004.
- "Retooling Planners" (140 KB pdf), Kaizer Rangwala, *Places*, 17.1.
- *Smart Growth Zoning Codes: A Resource Guide*, Steve Tracy, Local Government Commission, 2003.
- Alternative Methods of Land Development Regulation, Victor Dover.
- *The New Urbanism: Toward an Architecture of Community*, Peter Katz, McGraw-Hill, Inc., 1994. **Code Documents**

Resources (continued)

- **2008 Driehaus Form-Based Codes Award Winners:**
- · Downtown Mixed Use Master Plan, Benicia, California (6.6 MB pdf)
- · Near Southside Development Standards and Guidelines, Fort Worth, Texas (6.7 MB pdf)
- · Midtown Corridors Development Code, Ventura, California (26.9 MB pdf)
- **2007 Driehaus Form-Based Codes Award Winners:**
  · Towns, Villages, Countryside Land Development Regulations, St. Lucie County, Florida (7.8 MB pdf)
- · Leander TOD SmartCode, Leander, Texas (10.5 MB pdf)
- · Gulfport SmartCode, Gulfport, Mississippi (18.5 MB pdf)
- · Station Area Form-Based Code, Farmers Branch, Texas (34.8 MB pdf)
- Central Petaluma SmartCode, Fisher & Hall Urban Design, Crawford Multari & Clark Associates, Nelson/Nygaard Consulting Associates, Sargent Town Planning, and CharreteCenter.com
- City of Azusa Draft Development Code, Crawford Multari & Clark and Moule & Polyzoides Architects   City of Flagstaff TND Ordinance: Ch. 10-17 of the Land Development Code with amendments to other sections of the code Tables 1-17 of the TND Ordinance Revisions to the Engineering Standards: New Chs. 10-12 to provide for Thoroughfare Standards in TNDs
- City of Grass Valley Draft Development Code, Opticos Design and Crawford Multari & Clark Associates
- The Columbia Pike Special Revitalization District Form Based Code, Arlington, VA
- Fort Myers Beach (FL), Dover, Kohl & Partners and Spikowski Planning Associates   The New Pleasant Hill BART Station Property Code, Lennertz Coyle and Associates and Geoffrey Ferrell Associates Main Code Document (580 KB pdf) Regulating Plan (170 KB pdf) Architectural Standards (2.7 MB pdf)
- The New Urban Code for Woodford County, Kentucky (4.8 MB pdf), Ferrell Rutherford Associates
- Regulating Code for the Central Hercules Plan (4.0 MB pdf), Dover, Kohl & Partners
- Sarasota County (FL) Mixed-Use Infill Code, Dover, Kohl & Partners and Spikowski Planning Associates
- SmartCode v. 9.0, Duany Plater-Zyberk & Company
- Sonoma Development Code (14.4 MB pdf), Crawford Multari & Clark Associates, Moule & Polyzoides, Jacobson & Wack, and Urban Design Studio
- Ventura Downtown Specific Plan, Crawford Multari & Clark Associates, Moule & Polyzoides, and Nelson\Nygaard Consulting Associates
- Miami 21Zoning Code, Duany Plater-Zyberk & Company **Sympathetic Organizations**
- National Charrette Institute
- Congress for the New Urbanism
- New Urban News
- **FBCI Board Members' Code Sites**
- Ferrell Madden Lewis LLC
- Opticos Design, Inc.
- Spikowski Planning Associates