

FORM-BASED ZONING

SUMMARY

Zoning divides a community into districts and determines what can and cannot be built on the parcels of land within those districts in order to implement the Municipal Development Plan. Zoning regulations typically address:

- Height, bulk and design of buildings – how big they are and how they look
- What use can be put, for example residential, commercial or industrial (Planning for Healthy Places, 2007)
- Placement of building on parcel
- Parking and landscaping requirements

Zoning is important because it impacts the walkability of neighbourhoods, housing and transportation choices, and access to amenities such as shopping and parks. “Zoning dictates where people live and where they work. It controls the size of our houses and the location of stores. In most cities, it is the primary tool that guides land use (Redcoop, ND).”

St. Albert Land Use Bylaw is based on Conventional zoning, which focuses on use, as opposed to design. Conventional Zoning has an extensive list of uses, which are generally segregated from one another. Some advantages of this approach are developers, builders and administration is familiar with it, and requires less upfront planning. However it discourages a mix of uses so stores, restaurants and jobs are further from home; it is challenging to adapt buildings to other uses over time; and it encourages sprawl.

Smart Growth St. Albert is proposing to adopt Form-based zoning for the annexed lands. “A form-based code is one that is based primarily on “form”- urban form, including the relationship of buildings to each other, to streets and to open space, rather than based primarily on land use (SERA, 2008).” The form-based zoning would provide:

- Mixed use development- shops, restaurants and services closer to homes.
- Serving neighbourhoods- develop in an integrated fashion, not piecemeal.
- Multimodal streets- accommodates different forms of travel, with buildings close to streets and sidewalks, entrances clearly identifiable and parking behind buildings.
- Simplified development-no redistricting once ASP approved.
- Sustainability- reduces driving and land consumption.

The form-based zoning would become a stand-alone section of the City’s Land Use Bylaw.

To Read:

Hybrid Codes versus Form-based Codes by Kaizer Rangwala is a brief article looking at whether hybrid zoning codes can really create the strong public realm of a form-based zoning code

Find it at:

http://www.formbasedcodes.org/article%20PDFs/Hybrid_Codes.pdf

To Watch:

Peter Park, Manager of Community Planning and Development for Denver has a video blog. This short video is about form-based zoning.

Find it at:

<http://www.newcodedenver.org/blog/detail/peter-park-form-based-zoning>

To Discuss:

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For additional links visit:

www.stalbert.ca/smart-growth

Send comments to:

smartgrowth@st-albert.net

Places to see:

Sylvan Lake, Alberta has developed a Pattern Book to guide development for its downtown and waterfront areas. It is one approach to a form-based code with regulating plans, clear graphics to illustrate the regulations and very concise and easy to use. It was approved in 2007.

The articles and videos referenced in the Bulletins do not necessarily reflect the position of the City of St. Albert and are meant to encourage debate and discussion.

FORM-BASED ZONING

WHAT IS ZONING?

Zoning divides a community into districts and determines what can and cannot be built on the parcels of land within those districts. Zoning regulates land use, including the size, shape and permitted uses of lots and structures (Redcoop, ND). Zoning regulations typically address:

- Height, bulk and design of buildings – how big they are and how they look
- What uses can be put on a lot or in an area, for example residential, commercial or industrial (Planning for Healthy Places, 2007)
- Building placement on a parcel
- Parking and landscaping requirements

Zoning bylaws generally include maps, words and numbers to show how the property can be used (City of Toronto, ND)

WHY IS ZONING IMPORTANT?

Zoning regulates the use and placement of buildings, civic spaces and streets, which in turn impacts the walkability of neighbourhoods, housing and transportation choices, and access to amenities such as shopping and parks. Zoning can be used to preserve natural features, provide community spaces, and reduce car dependency. “Zoning dictates where people live and where they work. It controls the size of our houses and the location of stores. In most cities, it is the primary tool that guides land use (Redcoop, ND).” Zoning can be used to make towns and cities more liveable.

As cities change, there is a need to regularly review zoning because:

- Households, lifestyles, and attitudes towards growth and the environment are changing
- Residents expect to maximize resources
- Developers and builders are seeking more flexibility to meet market demand and changing market conditions

HISTORY OF ZONING:

For centuries, cities have been regulating street layout, public spaces, and building placement. Greek and Roman cities regulated street layouts for military purposes, and land use in central parts of cities. Spain, in the 16th Century, had the *Law of the Indies*, which dictated street arrangement and width, and location of important buildings. Daniel Stolpaert, in the 17th Century, used regulating plans to control the location of public buildings, houses, streets and canals in Amsterdam (Talen, 2009).

Early North American zoning codes were first implemented in New York City in 1916. The US federal government put in place the Standard State Zoning Enabling Act in 1922 and the Standard City Planning Enabling Act in 1928, which had a significant impact on zoning and community development and design. In Canada, the first comprehensive zoning bylaw was enacted in 1924 in Kitchener, Ontario (Hodge, 1991). Zoning bylaws in Canada can be broader in scope than those in the US due to the fact that property rights are part of the constitution in the US.

Historically, some of the elements codes have regulated include:

- Streets- location and importance of street. Often required wider streets leading to public buildings or markets (Talen, 2009).
- Frontage- how the buildings meets the street, including the curbs, sidewalk and trees, building facades and setbacks.
- Buildings- height, spacing between buildings, and placement. Some codes connected building height and street types.

CONVENTIONAL ZONING

History

In 1926, the Supreme Court of the US upheld the municipality's authority to place restrictions on what uses could be built on private property in the case of the Village of Euclid vs Ambler Realty, who claimed the village's regulations reduced their property value by limiting what they could build on it. The village's regulations clearly outlined separate areas for separate uses. This is the type of zoning commonly used throughout North America today and is often referred to as Euclidean zoning (Planning for Healthy Places, 2007). It seeks to protect people from nuisances, and retain property value.

Overview

Conventional Zoning focuses on use, as opposed to design, with form following function. Conventional Zoning includes an extensive list of uses, usually classified as permitted, discretionary and prohibited. Uses are segregated from one another, and a mix of uses is discouraged. Typical land use classifications include office, commercial, residential, industrial, park, and recreation (Figure 1). With Conventional zoning, the focus of development is on the lot itself with minimal consideration for anything adjacent to it (Figure 2).



Figure 1- Typical Zoning Map show land uses, parks/schools and streets.

Advantages:

- Developers, builders and administration are familiar with it.
- Requires less upfront planning.
- Incompatible uses are separated.

Disadvantages:

- Discourages a mix of uses so stores, restaurants and jobs are further from home.
- Challenge to adapt buildings to other uses over time.
- Less user friendly, with abstract concepts that can be difficult to understand, for example Floor Area Ratio.
- Encourages sprawl, leapfrog development, and large commercial strips.

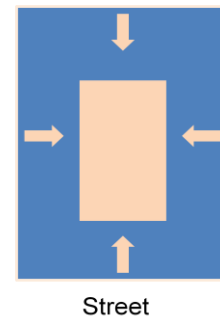


Figure 2 – Focus is internal to lot

FORM-BASED ZONING

History:

Form-based zoning re-emerged in the 1980's, as architects, planners and cities recognized that in order to build walkable, mixed-use, sustainable communities, a new approach to zoning was needed. Duany Plater-Zyberk, in 1981, drafted one of the first modern form-based codes, *The Development Code* (Parolek, Parolek and Crawford, 2008). In 2004, the Form-Based Codes Institute was established to promote and advance best practices of form-based zoning. Form-based zoning is tied closely to New Urbanism and Smart Growth development movements.¹

Overview:



Figure 3- Regulating Plan

¹ Refer to Smart Growth Brief on Approaches to Growth

“A form-based code is one that is based primarily on urban form, including the relationship of buildings to each other, to streets and to open space, rather than based primarily on land use (SERA, 2008).” With form-based zoning, use is a secondary consideration, with function following form. Form-based zoning permits many uses if they meet performance standards or regulations, and uses can mix. Development looks at the context of the lot, not just internally (Figure 4).

Form-based zoning codes can take several different forms, including:

- Street based: regulates buildings and sites based by site’s relationship to classified street types.
- Frontage based: regulates buildings and sites based on how they meet the primary street (frontage).
- Street-frontage hybrid: regulations are tied to street/frontage combinations.
- Building type based: regulates the locations of building types, which are defined by their configurations, features and function.
- Transect based: articulates a cross section of street types, frontage types and building types along a continuum to identify where appropriate building types and uses should be located.
- Modified transect: transect is modified to correlate with the existing conditions (SERA, 2008).

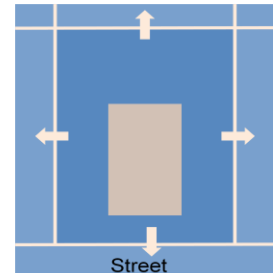


Figure 4 - Focus is on how buildings relate to the context of the street, parks and other buildings.

To develop successful Form-based zoning codes, cities should ensure the regulations align with Provincial and Federal regulations, and there is local capacity to administer the code. Extensive public education and outreach should also be provided to ensure the public, and developers and builders are engaged and aware.

Form-based zoning codes generally contain the following items:

- Regulating Plan: similar to a zoning map, but focuses more on building shape, street type and neighbourhood character.
- Building Form Standards: design, configuration, and functions of buildings, including height, massing, setbacks and parking.
- Public Space/Street Standards: specifications for different elements in the public realm, including sidewalks, street furniture, trees, travel lanes and bicycle lanes.
- Administration: project application and review process.
- Definitions: glossary of technical terms.
- Architectural Design Standards: regulate external architectural materials and quality to ensure consistent scale and character.
- Sign Standards: reduce cluttered and unattractive environments (Smart Growth/Smart Energy Toolkit, ND).

Advantages:

Form-based zoning creates a more predictable public realm, neighbourhood and district form and design. It addresses the relationship between building facades and public realm, buildings in relation to each other. Form-based zoning is different from design guidelines, in that it is regulatory, not advisory (Talen, 2009). Form-based zoning seeks to create vibrant, active neighbourhoods and districts, where people can walk to shops, transit and services. Advantages of form-based zoning include:

- Most effective means to create pedestrian-scale, mixed use, active environments.
- More predictable results.
- Easier for non-experts to use.
- Increased property value with enhanced site amenities eg. Uniform and consistent design standards, site layout, views, preservation of existing cultural and historic resources.
- Enable buildings to change uses over time, and adapt to changing markets.

- Building and street design is coordinated.
- More gradual transition between neighbourhoods and districts with different development intensities.
- Form-based zoning provides more focus on the size, type and placement of buildings, not only on the individual parcel but within its surrounding context, providing a basis for activating the public realm between buildings and spaces (Hodge, 1991).
- Higher density is more carefully designed and compatible (Sera, 2008).

Disadvantages

- Lack of standardization – designed for local needs, hard to reproduce elsewhere, development of codes is still trial and error.
- Administration- need to review who will administer the code, and if current review processes need to be updated.
- Newer approach so politicians, lenders and developers may be resistant (Smart Growth/Smart Energy Toolkit, ND).

OTHER TYPES OF ZONING

There are a variety of other types of zoning that have emerged, with cities adopting them for specific neighbourhoods or as part of different districts.

Incentive

Offer a reward (usually increased density) to developers that provide something extra that is in the community's interest, for example more open space or affordable housing. It provides more flexibility but is more complex and time-consuming to administer.

Performance

Regulates the effects or impacts of land uses through performances standards such as traffic flow, density, noise, and access to light and air. It also allows for significant flexibility but takes more time and effort to administer (City of Philadelphia, 2009).

Cumulative

Cumulative zoning includes a variety of zones. The first zone allows one type of development. The second zone allows that type of development plus another. Through a series of zones more and more uses are permitted in addition to the first ones. (Feldstein, 2007)

ZONING IN ST. ALBERT

Zoning in St. Albert primarily follows the Conventional approach. Elements of form-based zoning are found in some land use districts. In the downtown area there are some regulations that govern design and form of the buildings and how they relate to the street, including requiring buildings be set at the front property line which serves as a build-to line. As well, in the Business Park and Industrial districts, there are a number of regulations that govern design such as the exterior finishing of the building.

SMART GROWTH ST. ALBERT AND FORM-BASED ZONING

To implement Smart Growth St. Albert, form-based zoning is proposed that would apply to the newly annexed lands. It would be a stand-alone section of the City's Land Use Bylaw. Conventional zoning would continue to apply to the bulk of St. Albert.

The form-based zoning would also better facilitate and support development that is of a higher density in select areas similar to the Grandin Mall development approved for downtown. Form-based zoning would facilitate a high quality development with greater densities that are better able to support improved transit, providing amenities closer to where people live and work to reduce

vehicle trips and lengths, and increase densities. All of these are priorities of the Capital Region Land Use Plan.

CONCLUSION

Form-based zoning will provide St. Albert with many opportunities for future growth and development in the Smart Growth approach. Residents, developers and builders, and businesses will benefit from increased flexibility, efficient and cost effective growth, and provision of amenities close to home.

REFERENCES

- City of Toronto. *What is a zoning bylaw* from <http://www.toronto.ca/zoning/what.htm>
- City of Philadelphia. *Types of Zoning Codes*. Philadelphia Zoning Code Commission, from www.zoningmatters.org/facts/trends
- Feldstein, Lisa. *General Plans and zoning: a toolkit for building healthy, vibrant communities*. Public Health Law and Policy, California Department of Health Services. 2007.
- Hodge, Gerald. *Planning Canadian Communities: An Introduction to the principles, practice and participants*. Second Edition. 1991.
- Langdon, P. *The not-so-secret code*, 2006
- Planning for Healthy Places. *General Plans and Zoning. A toolkit for building healthy, vibrant communities*, 2007 from <http://www.healthyplanning.org/toolkit/chapter13.pdf>
- Redcoop (Responsible Economic Development Citizens of Oak Park). *A citizen's zoning primer*, ND, from www.redcoop.org/what_is_zoning.htm
- SERA. *A Primer on Form-Based Codes*, 2008.
- Smart Growth/Smart Energy Toolkit. *Form-based codes*, from www.mass.gov/envir/smart_growth_toolkit/pages/mod-fbc.html
- Talen, E. *Design by the Rules: The historical underpinnings of Form-Based Codes* from Journal of the American Planning Association, 2009.