Introduction to Form Based Zoning
A component to placemaking
For Michigan's economic recovery

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What we will cover
• A. Form or Function
• B. It is not really new (just new to Michigan)
• C. Form Based Zoning
• D. Form Based Structure
• E. Comparison Traditional, Form Based, Suttons Bay

― Thomas Jefferson
I know of no safe depository of the ultimate powers of the society but the people themselves, . . .
and if we think them not enlightened enough to exercise their control with wholesome discretion, the remedy is not to take it from them, but to inform their discretion.”

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“I know of no safe depository of the ultimate powers of the society but the people themselves, . . .
and if we think them not enlightened enough to exercise their control with wholesome discretion, the remedy is not to take it from them, but to inform their discretion.”
It is all about Placemaking!

- Talented, well-educated people who are key to success in the New Economy are attracted to quality living environments. They like amenities and lots of other people around.
- Making a wide variety of quality living places is what local planning is all about!

We take our town for granted

- We are used to it
- It is not "special" to us

- But to others:
  - It is fantastic, beautiful
  - A place where people spend money to visit
  - A place where people want to move to

Goal in a typical Plan:

- "Accommodate future growth and minimize the impact of new development by maintaining appropriate scale consistent with the compact character of the village."
- "We want to grow stupidly, go broke in the process, and have a boring blah place to live."

Out of balance

- We are out of balance on what we regulate:
  1. Physical form
  2. Use/Density
  3. Management

Compare:

Out of Balance: Traditional zoning

- USE
- Management
- FORM
A. Form or Function

Use emphasis

Use emphasis

Form Based Zoning

USE
Management
FORM

Emphasis on FORM

Emphasis on FORM
Emphasis on FORM

A. Form or Function

Which is first? Form or Function

- Function:
  - In Michigan zoning is function based:
    - Each zoning district: permitted uses (maybe also special uses)
    - Enabling statute reads: ". . . may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts . . . which regulate the use of land and structures . . . ."
  - Form:
    - Emphasis is on type of building
    - Not type of land use
  - Andres Duany (New Urbanist architect-planner) suggests:
    - Conventional zoning is based on segregation of land – never intended to deal with physical form
Example of Form (but use is something else)

A. Form or Function

Looks like a house. But actually is a commercial establishment. Suttons Bay Law Center.

Example of Form (but use is something else)

A. Form or Function

Looks like a house. But actually is multiple commercial establishments: Yarn shop and Salon.

Example of Form (but use is something else)

A. Form or Function

Looks like commercial buildings. But actually has residential units on upper floors.

Example of Form (but use is something else)

A. Form or Function

Looks like a farm house. But actually is a dorm for students and others at the NW Michigan MSU Horticultural Research Station.

Example of Form (but use is something else)

A. Form or Function

Looks like a farm. But actually is wine tasting, retail, chamber of commerce (top); retail and furniture manufacturer (bottom).

Example of Form (but use is something else)

A. Form or Function

Looks like a farm. But actually is a museum. Michigan Farmer Hall of Fame.
Which is first?
Form or Function
• Dealing with design issues by:
  • Design guidelines in traditional zoning = poor “band-aid” approach
  • Rudimentary regulations on height, floor-area, setbacks = inadequate approach
• Solution:
  • Form-based coding, or
  • Form-based zoning

B. It is really not new

It is really not new (2)
• Tested by research at Washington D.C. Catholic University
  • Found variety (as people push to the limit the code)
  • A good thing

It is really not new (3)
• Now found in over 200 new and existing communities
  • Mainly in Maryland, Florida, Arizona, Virginia, California, Oregon

It is really not new (4)
• Now have a template standardized form-based zoning code:
  • Smart Code (developed by Duany Plater-Zyberk & Company).
    • First used by Petaluma, California, 2003.
  • SmartCode Central:
    http://www.smartcodecentral.org/
    • SmartCode Version 9.2
    • in PDF, InDesign, Word, and Excel

B. It is really not new
It is really not new:

- California endorsed form based zoning in its general plan guidelines
- Assembly Bill 1268 of 2004
  - California the first state with specific enabling legislation for form based zoning

In Michigan:

- Use of form based zoning is a fit in Michigan’s Zoning Enabling Act
- Not included in Michigan planning school curriculums until 2004-5
- Now a lot of continuing education for professionals and planning commissions (new ideas fostered)

It is found in Michigan:

- City of Grand Rapids
- The Village of Suttons Bay
- Marquette, Michigan

Problematic in Michigan:

Michigan zoning enabling statutes read something like:

- “... may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts... which regulate the use of land and structures...”

Problematic in Michigan (2):

California’s statute now reads:

- “The text and diagrams in the land use element [of the general plan] that addresses the location and extent of land uses, and the zoning ordinances that implement these provisions, may also express community intentions regarding urban form and design. These expressions may differentiate neighborhoods, districts, and corridors, provide for a mixture of land uses and housing types within each, and provide specific measures for regulating relationships between buildings and outdoor public areas, including streets.”

C. Form based zoning
C. Form Based Zoning

- Zoning seeks to regulate the form of the built environment
- It is prescriptive (states what is wanted)
- Not prescriptive (states what is not wanted)

Form Based Zoning

- **Purpose:** Shaping a high-quality public realm—promoting healthy civic interaction
- Thus enforcement/justification is based on the public good (public realm, healthy civic interaction)
- **Not enforced on the basis of aesthetics**

Advantages of Form Based Zoning

- Encourage public participation: allows citizens to see what will happen—higher comfort level
- Encourage independent development by property owners
- Provides for diversity of architecture, materials, uses, and ownership

Advantages of Form Based Zoning (2)

- Works well in both established communities (this type of zoning define and codify neighborhood’s existing characteristics) and “greenfield areas”
- Easier to use by nonprofessionals
- Long complex design guidelines are no longer needed (which are difficult to apply consistently, subjectively, hard to enforce)

Advantages of Form Based Zoning (3)

- Avoids development regulation problems often inherent in application in already-urbanized areas
- Allows morphing of land uses, while form of the buildings remains the same
- Easy for lay-people to understand and apply

Advantages of Form Based Zoning (4)

- Allows for creativity of uses
- “Coffee shop” would not appear in 1970 zoning ordinances
Form Based Code Myths

- It is not necessary
- It ignores land use
- Only about appearance/aesthetics
- Too difficult to administer
- Not legal
- Too subjective
- Limits architectural creativity
- …and so on

REALITY:

- It is a regulatory tool for creating a specific place
- Vital Downtown: Builds upon the positive qualities already there
- Real Neighborhoods: Identifiable, walkable
- Keeps unique community character
- Keeps natural features and cultural heritage

Urban Renewal

- Morphing of land uses
  - Industry and warehouses→ to trendy art districts (galleries, restaurants, loft housing)
  - Commercial/downtowns→ to a mix of housing (second floor) and retail/services
- And building types/design does not change

How to do it?

- Start with community visioning process
  - Public design workshop, charrette (several days)
  - Express “consensus vision” via visuals (drawings, site analysis, diagrams)
  - In Suttons Bay: Suttons Bay Plan developed by Andrews University (and to a lesser extent Village of Suttons Bay Land Use Master Plan of June 2000)

How to do it? (2)

- Translate illustrative plan into diagrammatic regulating plan
  - Similar to a traditional zoning map;
  - But a lot more detailed
    - Range of building types assigned to zoning districts
    - Omits and direct labeling of land uses

Regulating Plan

- Regulating Plan (what goes where in the community)
- Done a number of ways:
  - Street based
  - Equivalent to districts
  - Transect
D. Basic Form Based Code Structure
Regulating Plan

Street Based
Zoning regulations triggered by which street, type of street, property fronts on

Equivalent to Districts

Transect
Community Character Manual 2011, Nashville-Davidson County Planning Department
Structure

With the Street based, Equivalent to districts, or Transect:

- Public Space Standards
- Block & Street Standards
- Building Form Standards
- Use
- Architectural Standards (optional)

Structure: Public Space Standards

- Thoroughfare standards (range of street types shown with section diagrams; dimensions for travel, parking, sidewalks, medians, planting strips, etc.)
- Landscaping (appropriate tree and groundcover species)

Structure: Block & Street Standards

Structure: Building form standards
Structure: Building form standards
- Physical characteristics of each building summarized as building standards:
  - Annotated building cross-sections
  - Annotated plan diagrams
  - Assembled on a single letter-size sheet or a matrix in a poster format

Building standards typically include:
- Building maximum height: (number of floors or dimension to the eave)
- Building minimum height
- Building placement (relation to fronting streets and adjacent building lines)
- Location, configuration of entrances
- Parking

Structure: Building form standards
- Building standards typically include (2):
  - Yards and courtyards
  - Key building elements (windows, doors, porches)
- Permissible land uses stated in general terms (e.g., "retail", "residential")
  - Often identified on the drawing
  - Easy to assign different uses to each floor for mixed use development

Structure: Architectural (optional)
- "Dress Code" standards (Architectural standards): for communities that desire additional control over things like exterior colors, materials, construction techniques
  - Often avoided so specificity does not lead to homogeneous “themed” look

Neighborhood Concept
- Five minute walk scale
- Creates neighborhood nodes
  - Includes:
    - Mixed use
    - Housing type diversity
E. Comparison & Suttons Bay

- A. Traditional Zoning
- B. Form based zoning
- C. Suttons Bay

## Conventional Zoning vs. Form Based

<table>
<thead>
<tr>
<th>Conventional Zoning</th>
<th>Form-Based Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Often applied universally throughout a jurisdiction</td>
<td>Created for a specific planning area</td>
</tr>
<tr>
<td>Reactive, focusing on preventing bad things from happening</td>
<td>Purposeful, “pro-active,” and focused on implementation of community planning goals and objectives</td>
</tr>
<tr>
<td>Focus on Land Use</td>
<td>Connects urban form and land use</td>
</tr>
<tr>
<td>Development Standards inadvertently or intentionally discourage compact, mixed-use, and pedestrian-friendly development</td>
<td>Primary focus is on achieving compact, mixed-use, and pedestrian-friendly development</td>
</tr>
<tr>
<td>Text-based presentation</td>
<td>Liberal use of graphics to define key concepts and requirements.</td>
</tr>
</tbody>
</table>

### 1A. Traditional zoning

USE

Management

FORM

### 1B. Form Based Zoning

USE

Management

FORM

### 1C. Suttons Bay

USE

Management

FORM
2A. Traditional zoning

- **Permitted Uses**
  - Retail Trade [44-45] which is less than 3,000 square feet of interior floor area EXCEPT:
    - Gasoline Stations [447] of any size
  - Information [51]
  - Finance and Insurance [52]
  - Real Estate and Rental and Leasing [53]
  - Management of Companies and Enterprises [55] which is less than 3,000 square feet of interior floor area
  - Administrative and Waste Services [56] which is less than 3,000 square feet of interior floor area EXCEPT:
    - Waste Management and remediation services [562] of any size
  - Education Services [61]

- **Special Uses**
  - Wholesale Trade [42]
  - Transportation and Warehousing [48-49]
  - Professional and Technical Services [54]

- **Former Zoning map (land use districts)**

2B. Form Based Zoning

- **Building Types allowed in this area:**
  - Single and multi story structures that allow for a mixture of uses
  - Street level floors are limited to retail, office, and other service uses. Upper floors may be used for a mixture of retail, office, service and residential uses

3A. Traditional zoning

- **Zoning map, might be done one of three ways:**
  - Transect Street Based
  - Similar to Zoning Dist.

3C. Suttons Bay

- **Former Zoning map (land use districts)**

3B. Form Based Zoning

- **Zoning district map, shown within text of zoning district**

2C. Suttons Bay

- **Building Types allowed in this area:**
  - Single and multi story structures that allow for a mixture of uses (Except for auto service stations, drive through facilities are specifically excluded in this area)
  - Street level floors are limited to retail, office, and other service uses. Upper floors may be used for a mixture of retail, office, service and residential uses (Sexually oriented businesses are specifically excluded)
4A. Traditional zoning

Zoning District page layout

4B. Form Based Zoning

FROM: Form-Based Codes: A Cure for the Cancer Called Euclidean Zoning? By Jason T. Burdette (Major Paper submitted to the faculty of the Virginia Polytechnic Institute and State University in partial fulfillment of the requirements for the degree of Master of Urban and Regional Planning). p. 45 showing an example of building envelope standards from the Pleasant Hill BART station near San Francisco. (Geoffrey Ferrell & Associates, 2003).

4C. Suttons Bay

5A. Traditional zoning

Regulations and standards (parcel size, setbacks, coverage, width, etc.)

5B. Form Based Zoning

Regulating Plan (setbacks, build-to line, etc.)

5C. Suttons Bay
5C. Suttons Bay (part 2)

6A. Traditional zoning

Architectural standards

(none, or limited, or very prescriptive leaving little room for innovation.)

6B. Form Based Zoning

6C. Suttons Bay

Did Suttons Bay Adopt?
- Largest opponent to Form Based Zoning was the former professional planner (that was the village manager)
  - Not what they were taught
  - Not used to it
  - Perceive many problems
  - Hard to have a commitment long enough to see conception through to adoption
- Suttons Bay Village adopted ordinance, effective December 30, 2006

Suttons Bay’s Experience:
- Village Planning Commission was proactive and onboard
- Zoning Administrator was skeptical,
  - But now a proponent for Form Based Code
- Village lawyer still uncomfortable
Suttons Bay’s Experience (2):
• Supports new economy goal to make it easier for business
• Allows flexibility – can’t predict what’s next
• Village had 2 ZBA meetings in six years

Summary
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• B. It is not really new (just new to Michigan)
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