

A Hybrid Approach to Form-Based Codes in the Northwest

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Can form-based codes be applied to Northwest communities? Of course.

Are they appropriate for your community? It depends.

Below are some things to think about if you are considering updating your land use/design codes using a form-based approach.

About Form Based Codes

Established first in Florida in 1982 as an alternative to conventional zoning, form-based codes (FBC's) regulate development to achieve a specific physical form. Form-based codes include prescriptive requirements on the location and form of buildings along street frontages and on the design of streets and sidewalks. Permitted use lists are minimal to non-existent. The Form-Based Code Institute's website (formbasedcode.org) provides a wealth of information on the topic.

Most form-based codes have been applied to historic downtowns, neighborhood centers with well established character and/or a well-defined vision, or master planned sites under consolidated ownership. By their nature, they are often very detailed and prescriptive in terms of streetscape design and development frontages. This makes them well suited to smaller targeted areas. These same features, however, make their application on a citywide basis or for areas with sloping terrain, irregular street patterns, and dispersed land ownership patterns much more challenging. Over time, various hybrid codes have been developed for unique local conditions that combine form-based code elements with traditional zoning.

Form Based Codes: Slow to Come to the Northwest

While form-based codes have been used successfully in other parts of the Country for three decades, they have only recently been applied in the Northwest. One possible explanation is the perceived difficulty in adapting form-based codes to the unique local contexts (both physical and political). The Northwest's diverse physical terrain, lack of established desirable development patterns, a desire for a broad range of architectural styles, and the fear of giving up permitted use lists are all real and perceived challenges in applying form-based codes. Perhaps another barrier is the lack of first-hand experience in drafting, adopting and implementing form-based codes.

17.21.040 - Town Core (TC) Standards

Key

- Property Line
- Build-to Line (BTL)
- Setback Line
- Building Area

Building Placement

Build-to Line (Distance from Property Line)	Use
Front 0'	Ground Floor Service, Retail, or Recreation, Education & Public Assembly*
Side Street, corner lot 0'	Upper Floor(s) Residential or Service*

Setback

Side 0'	
Rear	
Adjacent to residential 15'	
Adjacent to any other use 10'	

Building Form

Primary Street built to BTL 80% min.*	
Side Street, Corner Lot built to BTL 30% min.*	
Lot Width 100' max.	
Lot Depth 200' max.	

Height

Building Minimum 22'	
Building Maximum 3 stories, 45' **	
Ancillary Building Max. 2 1/2 stories, 30' **	
Ground Floor Finish Level 12" max. above sidewalk	
First Floor Ceiling Height 12' min. clear	
Upper Floor(s) Ceiling Height 8' min. clear	

Notes

All floors must have a primary ground-floor entrance that faces the primary or side street.

Rear-facing buildings, loading docks, overhead doors, and other service entries are prohibited on street-facing facades.

Any building over 75' must be broken down to read as a series of buildings no wider than 75' each.

Mansard roof forms are not allowed.

Buildings greater than 16 units must provide adequate common space for residents in the form of community rooms, roof terraces, or courtyards.

Any section along the BTL not defined by a building must be defined by a 2'6" to 4'6" high fence or stucco or masonry wall.

2-10 Grass Valley Development Code - March 6, 2007

Sample page from Grass Valley's (CA) form-based development code.

The Northwest's extensive use of design standards and guidelines over the past twenty years may be another reason that local communities have been reluctant to try form-based codes. With design standards or guidelines, communities can keep their permitted use lists and craft site and building design provisions that help to achieve their specific design goals.

Nevertheless, local interest and curiosity about form-based codes is growing. As their application is spreading across the country, there are a great number of examples to learn from. Notable form-based or hybrid form-based codes within Washington include:

- Mountlake Terrace – Town Center Regulations and Design Standards (adopted 2008);
- Bothell – Downtown Subarea Regulations (adopted 2009);
- Spokane Valley – Sprague & Appleway Corridor Subarea Plan Development Regulations (adopted 2009);
- Langley – Wharf Street Overlay District Code (adopted 2009);
- Tukwila – Southcenter Plan Development Code (currently in draft);
- King County – Form-Based Code Pilot Project (currently in draft); and
- Clark County – Highway 99 Overlay District Standards (currently in draft).

Case Study: Clark County's Highway 99 Subarea

Adopting a form-based code was one of the primary goals and implementation measures of Clark County's Highway 99 Subarea Plan. The subarea covered a 4 mile strip of old U.S. Highway 99 (now simply called Highway 99) and adjacent commercial and residential areas. The area is approximately 5 miles north of downtown Vancouver, WA. The corridor's mix of auto-oriented businesses, big box retail, light industrial, and multi-family are not unlike other portions of Highway 99 and other aging commercial highway strips throughout the west coast:

- Little or no bicycle, pedestrian facilities or amenities;
- Proliferation of large signs, overhead wires, and plenty of asphalt;
- Unimaginative architecture (save for a few funky old signs);
- Plenty of fast food establishments;
- Public safety concerns; and
- Lack of focal point or real sense of community.



Look familiar? Clark County's version of Highway 99.

Clark County hired my firm (MAKERS) in late-2008 to help craft a form-based code for the entire subarea. An extensive research on form-based codes was conducted at the outset of the project to compare approaches taken by other communities – to ultimately aid in crafting an approach that fit Highway 99's unique situation.

Highway 99 a Difficult Test Case

We quickly realized that this project required a unique and pioneering approach that combined elements of form-based codes, traditional zoning, and design guidelines. First of all, one of the requirements set forth by the County was that the underlying zoning districts would remain (thus implying that this FBC would become an overlay). Second – this subarea is much larger than most areas used for form-based codes. Third – large and irregular lot sizes along the Highway 99 corridor required much greater attention to the design of side and rear yards and internal connectivity than found in most form-based codes. Fourth – large established residential neighborhoods isolated from the corridor needed to be addressed.

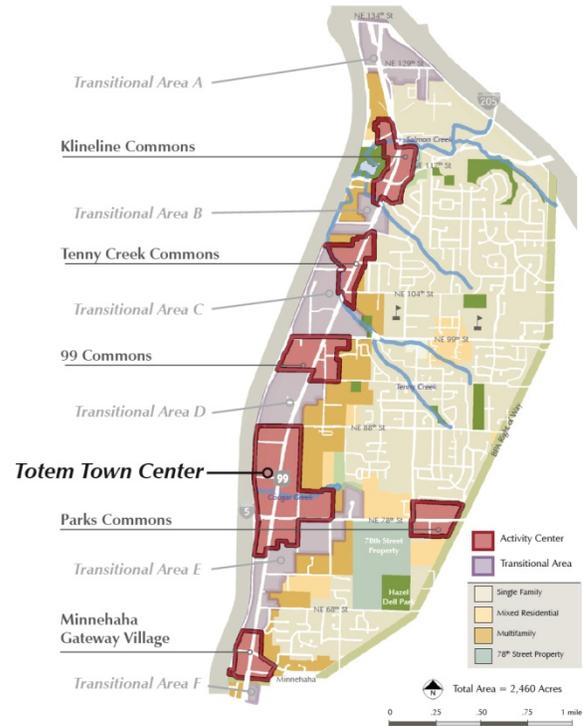
The Solution

Whereas Euclidean zoning is “district” based and many FBC’s are “street” based, the Highway 99 code employs both. The Overlay District map looks much like a zoning map – with designations like Activity Center, Transitional Area, and three types of residential districts. The districts dictate permitted uses (though more flexible than current zoning) and building heights.

The three different **street types** include:

- **Storefront Streets**, where commercial storefronts adjacent to the sidewalk are required.
- **Mixed-Use Streets**, where both storefronts or landscaped setbacks (with commercial and/or residential uses OK) are permitted.
- **Landscaped Streets**, where landscaped setbacks are required (all streets in the three residential overlays are Landscaped Streets).

The combination of applicable overlay districts and street types dictates the front setbacks, ground floor use, façade transparency, and parking lot location along street frontages.



Highway 99 Overlay district map (draft).

3.2 Permitted Frontage Types

The chart below illustrates a range of development frontages and the particular street types and overlays where they are permitted (shaded boxes). Combinations, or hybrids of multiple frontage types are permitted.

Table 3-2. Frontage Type Standards cross referenced with street types.

Frontage Types	Overlays and Street Types							
	Activity Centers	Transitional Areas			Residential Areas			
	Storefront Street	Mixed-Use Street	Landscaped Street	Mixed-Use Street	Landscaped Street	Multifamily	Mixed	Single Family
3.3 Storefront Façades located adjacent to the sidewalk.	✓	✓		✓				
3.4 Forecourt Uncovered courtyards within a storefront setting.	✓	✓		✓				
3.5 Stoop Elevated platform entry ways.		✓		✓			✓	
3.6 Light court Sunken courtyards in tandem with raised platforms.	✓	✓		✓			✓	
3.7 Terrace yard Raised lawns or gardens separated from the frontage line by a retaining wall.	✓	✓	✓	✓	✓	✓	✓	✓
3.8 Fenced yard Distinct separation between the public and private realms.	✓	✓	✓	✓	✓	✓	✓	✓
3.9 Common yard Visually continuous landscaped space along adjacent yards.	✓	✓	✓	✓	✓	✓	✓	✓

Chart of permitted frontage types by overlay district and street type.

This code also includes detailed site planning, building design, landscaping, signage, and street and trail design standards. Given the broad mix of uses permitted and the diversity of lot sizes and environmental conditions in the Activity Centers and Transitional Areas, the site planning standards helped to identify appropriate side and rear yard treatments and internal pedestrian and automobile connectivity solutions. Building design standards frequently employ toolbox methods whereby applicants can choose from a number of options to meet standards related to architectural scale and façade details.

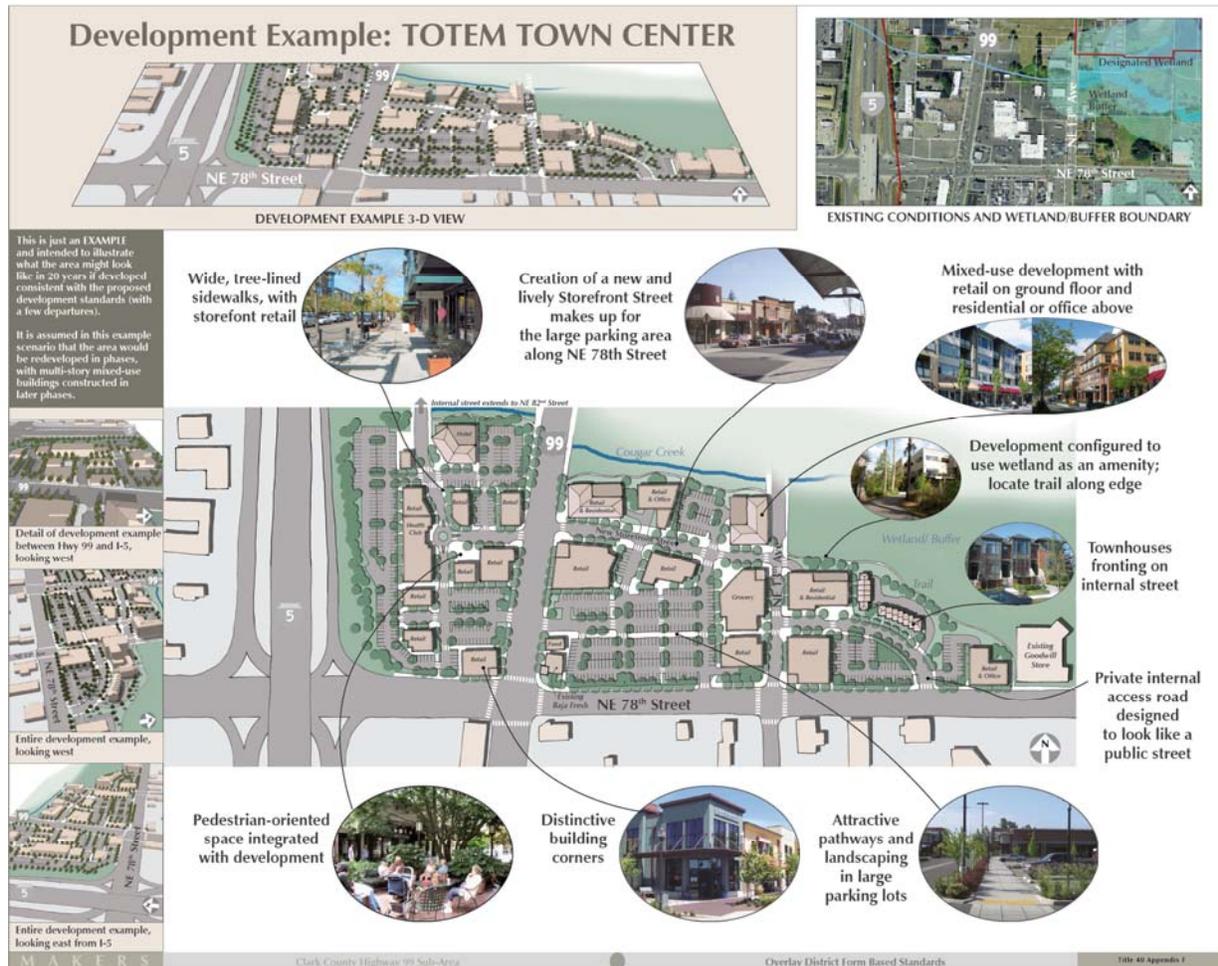
Approach and Assumptions in Crafting the Code

Below are some important assumptions and key elements in our approach in developing the Highway 99 code:

- **Pedestrians & Autos:** The subarea is now strictly auto focused and automobiles are likely to remain the dominant transportation mode within the area in the near future. The standards promote an environment that accommodates both pedestrians and automobiles in a safe & attractive manner.
- **Change Won't Come Overnight.** The standards acknowledge this and provide for incremental change over time rather than forcing development forms that aren't currently viable.
- **Activity Centers** are envisioned to become the most compact pedestrian-friendly areas that accommodate (but don't require) a mix of uses. Some centers will redevelop faster than others. More detailed master planning for each Activity Center is ideal and would be more useful in facilitating desirable and coordinated private development.
- **Transitional Areas** are intended to be more flexible – in terms of site design/frontage standards. They will have lower height limits (2-3 stories).
- **Promote More & Better Housing.** The proposed standards promote more housing than under current code by removing barriers (housing now only allowed in mixed-use buildings in commercial areas) and providing more emphasis on good design.
- **Adaptability:** The code is written in a way that can easily be amended to apply in other neighborhoods and subareas around the County.
- **Predictability and Flexibility:** While the code emphasizes clear minimum requirements for most provisions, it often includes departure opportunities whereby applicants can propose alternative designs if they can successfully demonstrate how such designs meet the intent of the code.
- **Toolbox Method:** Many of the standards provide a toolbox of optional ways to meet the requirements. This provides more choices for the applicant and offers more diversity in design.
- **More Work to be Done:** These codes are perhaps the most important tool in implementing the subarea plan's goals, more actions are likely needed to truly transform the corridor. Ongoing coordination with property owners, particularly in Activity Centers, is essential. Targeted infrastructure projects including street/transit improvement and/or regional stormwater management improvements would obviously help. More detailed master planning for key centers is also recommended.

Development Example

As part of the process of developing this code, a site plan EXAMPLE was crafted illustrating how a portion of the subarea could be redeveloped over time consistent with the proposed standards and one notable but acceptable departure (large parking area fronting 78th allows new storefront street to the north). This example assumes that the development would occur in several phases over a period of about 20 years. Most mixed-use buildings shown in the example would likely be built in the later phases. One of the keys to facilitating a pedestrian-oriented mix of uses here will be the enhancement and restoration of Cougar Creek as a major site amenity.



Stakeholder Involvement & Ownership is Critical

County staff corralled a diverse group of stakeholders to act as the Technical Advisory Committee (TAC) for the project. This worked extremely well. The group included property and business owners, residents, design professionals, and even health professionals.

While most TAC members agreed that the current land use regulations weren't producing acceptable results, there were strong concerns that this code would over-regulate the corridor and stifle development as a result. Keys to the success in getting to consensus with the TAC members included: 1) A heavy emphasis on photos and graphics to effectively illustrate the

impacts of various options; 2) Keeping the focusing on the issues; 3) County's flexibility in providing for enough meetings to allow the TAC to effectively review and refine the draft (we planned four meetings, ultimately needing three more); and 4) giving the TAC a sense of ownership by acknowledging their contribution and giving them plenty of credit for their work.

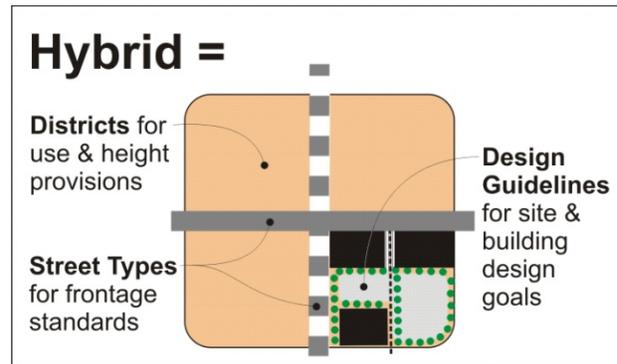
Despite the TAC's consensus and ultimately, the Planning Commission's recommended approval, the Board of Commissioners greeted the project with healthy concern and skepticism. While a significant "kill the code" contingent of latecomers made a strong impression on the board, continued TAC member involvement and a focus on the details and problem solving helped to keep the project moving forward.

Where is it at Now?

On December 15, 2009 the Board of County Commissioners adopted the code, but with an effective date in May, 2010. This unusual move allows the commissioners some time to review and consider amendments on key topics. If no amendments are approved by then, the code as written will be adopted.

A Proposal for a Hybrid Approach

As the Clark County study illustrates, most urban situations require the regulation of uses, height and bulk, street orientation/site configuration, and design elements (including landscaping, building design, signage, street improvements, etc.) to achieve the desired results. But even in these cases, a form-based approach can be useful in considering community development more holistically and organizing disparate development regulations into an easy to use package.



A hybrid approach can combine traditional zoning, form-based street frontage standards, and design guidelines.

Basically, the hybrid combines the graphic orientation and street frontage/site configuration provisions from form-based models with use provisions and development standards/design guidelines. One key is that all of these regulatory elements can be depicted on a map that illustrates the land use/height districts, street frontage standards and applicability of special design guidelines.

Generally, the use provisions address only those considerations that are important to the community. Maximum residential density and intensity are typically not addressed (except in low density residential areas), as they are handled through the form-based provisions. However, there may be issues associated with height and parking that vary from district to district.

Street frontage standards generally address building and parking lot location with respect to the street, building entry location, and façade transparency in a clear format. Planners can designate any number of street types with different standards for each type. For example, there are often a very limited number of streets where storefronts directly on the sidewalk are

required. Some streets, such as major arterials may warrant a unique approach to frontage standards.

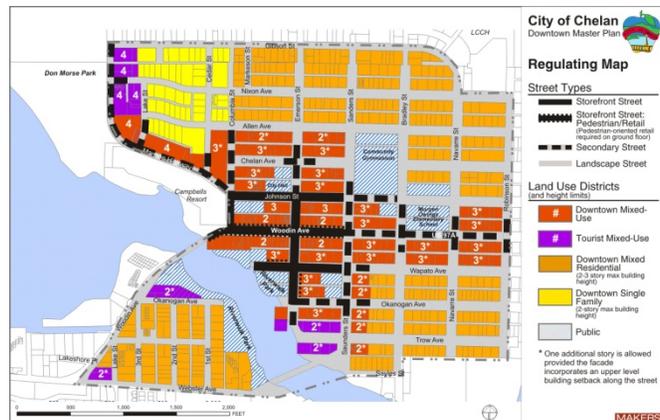
The development standards/guidelines can be tied to particular districts, street types, or applied universally to larger areas depending on the level of specificity involved. In our experience helping communities review projects, we have found that it is often most effective to establish strict standards, but then offer the opportunity to permit applicants to propose alternative solutions that meet the standards' intent. This approach provides both predictability for those who want administrative review, and greater flexibility for those that are willing to undertake a more sophisticated review process in order to achieve departures from strict standards.

Other Hybrid Code Examples

Two other notable hybrid code/design guideline examples are Sammamish Town Center and Downtown Chelan. Both codes are in various stages of development and follow subarea or master plan processes. Like Clark County's Highway 99 code, both feature the combination of land use districts, street based frontage standards, and design standards/guidelines.

Downtown Chelan

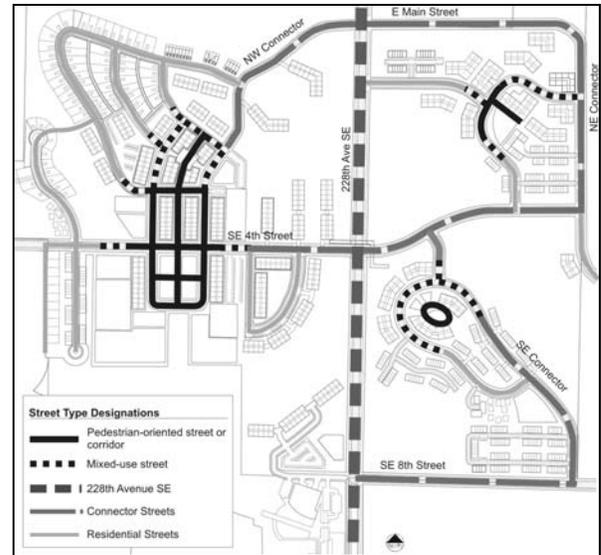
With relatively well-established development patterns, a traditional street grid, consistent lot sizes, and flat terrain, Downtown Chelan is a good candidate for a form-based code. The current draft proposes a consolidation of land use districts (two mixed-use and two residential districts), designation of three street types (storefront, secondary, and landscaped), and design standards with a special emphasis on reducing the perceived architectural scale of buildings. While the proposed code reduces the maximum building height in many areas, it removes density limits and provides greater flexibility to permitted housing types.



The draft regulating map guides permitted uses, frontage standards, and building heights in downtown.

Sammamish Town Center

Unlike Downtown Chelan, this will be a completely new 200+ acre town center built on lightly or undeveloped land in the middle of the city. Per the adopted subarea plan, it includes three primary land use districts (one mixed-use district and two residential districts) and five street types. Since most of the streets don't yet exist, their designation to one of the five street types will occur at the master planning phase. Considering the infrastructure needs, town center design goals, and dispersed land ownership, special master planning provisions have been crafted to encourage coordinated development. And, with hilly terrain with extensive critical areas, special emphasis is placed on low impact development and a connected network of trails.



An "example" street type designation map for Sammamish Town Center.

As with the Highway 99 code, both of these codes will emphasize required standards over softer guidelines, while including departure provisions for flexibility. They also employ the toolbox approach often, where applicants can choose from a number of ways to meet the standards.

Comparing Regulatory Techniques/Elements

The chart below examines the applicability and considerations of four regulatory approaches.

Type of regulation	When Needed	Important Considerations
Use/height districts	Important where there's a strong desire to limit the types of uses or the height of buildings in order to focus activity and/or prevent impacts.	Except for perhaps low density single family areas, consider eliminating density limits and let height, design standards and market conditions dictate density. How well are current designations working? Can use provisions be handled through design measures?
Street-based frontage standards	When a consistent development form along streets is desired to foster pedestrian setting or other site planning goals.	Keep it simple (in terms of the number of designations). Designate the storefront street type designations carefully (make sure there's a viable market for ground floor commercial)
Design standards/guidelines	Where there's a desire to regulate the form, open space, character, and function of development.	The standards/guidelines need to fit the review process.

Type of regulation	When Needed	Important Considerations
Large site(s)/ master planning standards	Where there's a desire for coordinated development and/or a unique design character on special sites/planning areas	Special master planning or review process may be useful. Phasing provisions are critical.

Benefits of the Hybrid Code Approach

Combining traditional zoning with form-based code provisions and design standards/guidelines as discussed above for Clark County's Highway 99 Subarea, Downtown Chelan, and Sammamish Town Center, brings several noteworthy benefits:

1. Takes into account varying objectives – whether it might be compatibility between uses, better internal circulation, a diversity of open spaces, or all of the above.
2. Allows varying degrees of flexibility or specificity. The approach using minimum required standards/departures allows communities to tailor the code to appropriately fit the topic given design goals, staff resources and expertise, and market conditions.
3. Can be applied to sites large and small, flat or hilly, traditional or irregular street grid, infill development and undeveloped areas, etc.
4. Is defensible and specific since they include clear minimum requirements.
5. Easy to administer (staff) and use (applicants, community members).

Summary - Lessons Learned

- First – regardless of what format the code is or should be in - determine what's most important in terms of the community's planning, design, and economic development objectives....and don't lose sight of those objectives.
- Choose a "workable" regulatory approach with special attention to the review process and staff requirements. "Workable" refers to both to the code's economic feasibility (*are codes too ambitious given local market conditions?*) and the code's usability by staff, applicants, and the community. Consider the community's resources available for the project (a transition to form-based codes can be complicated, time consuming, and thus expensive).
- For communities' intent on switching to a form-based code, you'll obviously want to review plenty of other examples to see what formats and organizational techniques might work well locally. Consider the benefits and drawbacks of various options
- Involve the full range of community stakeholders.....and help them foster a sense of ownership in the codes.
- Help the participants understand the implications of various regulatory options/alternatives. Provide plenty of examples and illustrations – both in the process of crafting the code and in the final code itself.
- Stay focused on the issues. When disagreements arise, identify the problem and work on solutions. This may seem overly simplistic, but it will help keep the project on track.

Document Links/Information:

Clark County's Highway 99 Code (11/6/09 draft version):

<http://www.co.clark.wa.us/hwy99/docs.html#zoning>

Chelan Downtown Master Plan (code forthcoming):

http://www.cityofchelan.com/planbuild/downtown_master_plan.aspx

Sammamish Town Center Plan and Code:

<http://www.ci.sammamish.wa.us/departments/communitydevelopment/TownCenter.aspx>

Other Form-Based Code Links/Information:

Mountlake Terrace Town Center Code:

http://www.cityofmlt.com/forBusinesses/pdf/ORD2503_BCD%20Amend_12.15.pdf

Design Standards:

http://www.cityofmlt.com/forBusinesses/pdf/DesignStandards_TC_August2008_Fnl.pdf

Bothell Downtown Subarea Plan and Regulations

<http://www.ci.bothell.wa.us/CityServices/PlanningAndDevelopment/DowntownRevitalizationPlan/SupportingDocuments.ashx?p=1492>

Spokane Valley – Sprague & Appleway Corridor Subarea Plan Development Regulations

http://www.spokanevalley.org/uploads/Community_Development/Documents/SARP/Subarea_Plan_Word/SubareaPlanWordTOC10109.pdf

Langley – Wharf Street Overlay District Code: Not available on-line yet. Contact Larry Cort @.

landuse@langleywa.org or (360) 221-4246 x12 for more information

Tukwila – Southcenter Plan and Development Code (currently in draft):

<http://www.ci.tukwila.wa.us/dcd/urbancenterplan.html>

King County – Form-Based Code Pilot Project (currently in draft):

<http://www.kingcounty.gov/property/permits/codes/legislation/detail/FormBasedCodeProject.aspx>