

# SMARTCODE WHITEPAPER

## Ten ways Buffalo can benefit from a form-based zoning code

By Chuck Banas



### What is a form-based code?

Our disintegrating urban centers and the congested, fragmented, unsatisfying suburban sprawl of today are not merely result of the free market, nor of senseless greed. They are thoroughly planned to be as they are: the direct result of zoning and ordinances administered by municipal planning departments.

Central to the national *Smart Growth* movement is the realization that existing laws, particularly ordinances and zoning codes, make good planning and development effectively illegal, even if inadvertently so. The resulting need for a better system has produced a relatively new class of code: the *form-based code* (FBC).

Form-based codes have proven far more effective in shaping a high quality built environment because they focus on the appearance of buildings and the streetscape (the physical form), as opposed to conventional zoning, which focuses on land use, density, and arbitrary formulae. Also, form-based codes are written using intuitive graphics and pictures, so they are much easier to understand and simpler to administer.

### What are the advantages?

**1. Prescriptive, not restrictive.** A conventional zoning code is restrictive, specifying what cannot be done. A form-based code is prescriptive, stating what you want, rather than what you don't want. As a result, FBCs can achieve a more predictable physical result.

**2. Simple, clear, and intuitive.** Average citizens, politicians, and other non-planning professionals find FBCs easier to use and more effective than conventional zoning documents because they are more concise and organized for visual access and readability. FBCs use graphics and photos to explain zoning requirements, instead of arbitrary formulae and lengthy, repetitive text and jargon. As a result, these codes make it easier for community stakeholders to achieve consensus.

**3. Eliminates red tape.** Adoption of a form-based code involves streamlining and simplifying the development approval process, making it easier for developers to get projects under construction.

**4. Attracts investment.** Intuitive and easily understandable, an FBC attracts investment by creating a streamlined development process with predictable outcomes. FBCs are helping to spur investment in cities like Milwaukee (WI), Montgomery (AL), and Rochester (NY). These cities are using form-based codes to rebuild downtowns, restore vibrant neighborhoods, and foster a greater sense of place.

**5. The community's best qualities are legalized.** Under the existing conventional code, many of Buffalo's best-loved neighborhoods are rendered illegal in some way. FBCs work well in established communities because they effectively define and codify a neighborhood's existing "DNA," helping to preserve unique neighborhood character and charm. Vernacular building types can be easily

replicated, promoting infill that is compatible with surrounding structures.

**6. The community's vision is legalized.** Like many communities, the City of Buffalo engages in extensive planning and visioning. Yet, despite the time, effort, and expense, plans almost always sit on the shelf, collecting dust. This is because a plan has no legal enforceability. After all, the instrument that shapes development is the zoning code, and conventional zoning often contravenes good planning principles. Unlike conventional codes, FBCs encode into law the type of development the community actually wants. This enables the vision to become reality.

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**"The Comprehensive Plan also needs a revised zoning ordinance to give it full effect... as such, it can provide the measure of predictability and certainty that both investors and citizens require.**

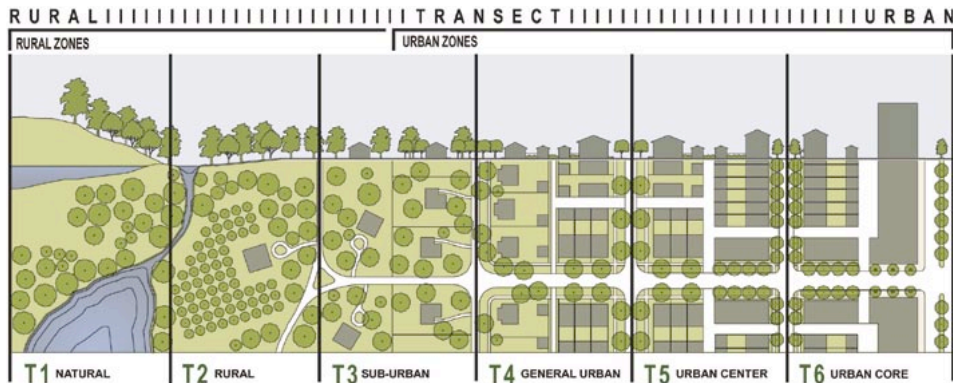
**"Without a companion zoning ordinance the Comprehensive Plan will lack the enforceability that will make it credible and achievable."**

City of Buffalo Comprehensive Plan, p.58

### Another great plan, squandered.

Part of the City of Buffalo's award-winning "Queen City Hub" plan, truncated radial avenues like Erie Street are intended to be restored. Yet, as with most other plans, it is unlikely that much of this one will ever be built. Current zoning does not acknowledge the community's vision, and current development is already undermining it.





**A picture is worth a thousand words.** Form-based codes can greatly reduce discussions about the meaning of zoning terms and arguments over the interpretation of code language, allowing everybody involved in a public participation process to focus their time and energy on the essence of the regulations, rather than on “word-smithing.”

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**7. Eliminates protest.** Because they are based on the community’s vision, and allow citizens to clearly see what will happen where, FBCs have much more public buy-in. This leads to a higher comfort level about development, and fewer public protests.

**8. Better than design guidelines.** While design guidelines do have some limited effectiveness, they have proven difficult to apply consistently, offer too much room for subjective interpretation, and are hard to enforce. FBCs require less discretionary review, fewer variances, and foster a less politicized planning process—delivering huge savings in time and money and reducing the risk of legal challenges.

**“Cities have to move to a new system. They should look at the streets they like and the public spaces they like and then write the rules to get more of what they like and less of what they don’t.”**

**“Conventional zoning doesn’t do that. It just gives a use and a density and then you hope for the best.”**

**Peter Katz**  
Author, Consultant, & Developer

**9. Stimulates independent development by multiple developers.** Because FBCs can regulate development at the scale of an individual building or lot, this eliminates the need for large land assemblies and the risky, expensive megaprojects that are frequently proposed for such parcels. These projects usually fail because of the massive risk taken on by only one or a few developers, combined with the unpredictability inherent in a community that has no clear vision and no development consensus.

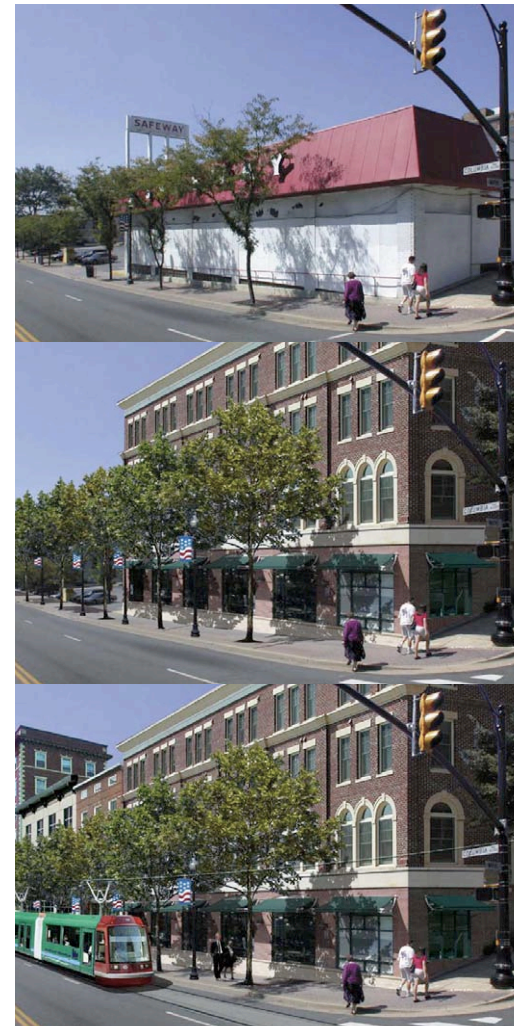
**10. Prevents brain drain.** People are a city’s key resource—and people are mobile. In today’s knowledge economy, Buffalo must not merely seek to stem the population loss, but to attract and retain the most talented and enterprising people—the so-called “creative class.” A form-

based code will revive Buffalo’s long-dormant tradition of good urban design by promoting the development of vibrant neighborhoods, allowing the city and region to compete with other metro areas. For the first time in decades, planners, developers, and citizens will be given the right tools to create places that people want to be, and a city in which people want to live.



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**A form-based code for Arlington, VA**

The sequence of images demonstrates how a form-based code will affect the character of Columbia Pike over time. The first image displays existing conditions: a blank wall facing the street, and a parking lot beyond.

In the second image, the corner site is redeveloped, and glazed surfaces meet passing pedestrians. Upper floors are offices or residential, adding a population to enliven surrounding streets. Street trees have matured, providing a continuous canopy for pedestrians.

In the third image, buildings fill in the former parking lot at left, completing the continuous facade. Parking is now provided to the rear of buildings, away from the street. Enhanced public transit can reduce the number of parking spaces required for infill.