



# Form-Based Codes

## *A Primer for Delaware Municipalities: Executive Summary*

By William J. DeCoursey, AICP  
Institute for Public Administration

# Form-Based Codes – A Primer for Delaware Municipalities: Executive Summary

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*Written by*

**William J. DeCoursey, AICP**

Associate Policy Scientist, Institute for Public Administration

*Project Advisory Team*

**Delaware Office of State Planning & Coordination**

David Edgell, AICP

Constance Holland, AICP

Herb Inden

Dorothy Morris

**Delaware Department of Transportation**

Ralph Reeb

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*Cover graphic is from the Bradenton, Fla. Form-Based Code Land Use and Development Regulations, a winner of the Driehaus Award from the Form-Based Code Institute.*

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**STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION**

Dear Delaware Local Governments:

I am pleased to present Form-Based Codes, A Primer for Delaware Municipalities. This document has been prepared in conjunction with the Institute for Public Administration at the University of Delaware.

Our office has been working with the University and DelDOT to research and promote a framework for “Complete Communities.” This framework includes guidelines for creating communities that encourage economic development, improve the quality of life for their residents, efficiently use fiscal resources, and minimize disruptions to the natural environment. Form-Based Codes are a novel new approach to land use regulation that can help communities achieve the goal of creating a Complete Community. Form-Based Codes can be used by a community to define urban form, increase predictability, and encourage economic development. While this new approach to land use regulation may not be right in every circumstance, it is a tool that is worth consideration in any community interested in downtown revitalization or master planning.

This document is intended to provide background on the concept and case study examples to help communities decide for themselves if Form-Based Codes are a good tool to help achieve the goals of a local comprehensive plan or master plan. We hope you enjoy this publication. Please do not hesitate to contact your circuit rider planner if you have any questions or if you would like to learn more about Form-Based Codes.

Sincerely,

A handwritten signature in black ink that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901  
Phone (302)739-3090 · Fax (302) 739-5661 · [www.stateplanning.delaware.gov](http://www.stateplanning.delaware.gov)

## Introduction

Form-Based Codes (FBCs) are a relatively new, innovative way of addressing community design. Developed by new urbanists, FBCs are designed to be easily understood and heavily illustrated—sort of a picture book of zoning ordinance. A well-crafted FBC should make life easier not only for your community’s building and development interests, but also for your citizen planners and town staff.

FBCs can be used in a number of ways, from guiding a new proposed development, to directing the gradual redevelopment of targeted areas, or even the wholesale replacement of existing, outdated zoning ordinances.



*Delaware City is an excellent example of the style of development FBCs seek to foster: walkable and vibrant with a mix of uses.*

Source: Institute for Public Administration

## What are the potential benefits of a Form-Based Code?

Since the advent of zoning, communities have tinkered with it, trying to achieve the best results. Mixed use, traditional neighborhood developments, planned unit developments, design standards... the list goes on. However, after one’s code has grown to several hundred pages with innumerable cross references, it begs the question, “Wouldn’t it be so much easier to take pictures of the types of development and redevelopment that are acceptable in particular neighborhoods; include easy to understand diagrams for parking, landscaping, and architecture for each neighborhood; and, have that that be the backbone of a new, shorter, and easier to understand ordinance?” With FBCs, that’s precisely the idea.

FBCs are geared toward achieving connected, vibrant, walkable development with a variety of housing types and businesses that so many communities desire. Obviously, turning one’s town into a “model” complete community would have many advantages: reduced air pollution, less traffic, families needing one fewer car, children able to walk to the park and school, and higher property values and property tax revenues. Still, such transformations occur on a timescale of decades, not months or years.

There are, however, benefits to the FBC approach that are immediately evident. The process is an excellent opportunity for community visioning and consensus building. Put simply, there aren’t very many wiggle-words in a picture. To apply a FBC to an area, the community needs to unify on what sort of picture to paint.

## Community Visioning

Creating a FBC is not like developing a zoning ordinance. Most FBCs will describe (street by street, block by block) the desired building form. A common approach is to identify areas in the community deemed desirable, physically measure them, and use them as a guide for the FBC's standards. This process is an excellent chance to engage the community so that all of the stakeholders in the community have a role in deciding what the town will look like as it develops.



*Haddonfield, New Jersey's code provides a range of housing types, including this option for parcels too small for the typical single-family home.*

Source: Downton Haddonfield Zoning Code, 2008

## Place-Making

FBCs can convey a much higher level of detail. In a conventional code, there usually isn't much difference between the "Highway Commercial" zone in one part of town, as opposed to another. Because FBCs are the product of extensive visioning, more thought is put into: "What's the best option for this area? How will the entrance to town function?" And so on. If standard zoning were an industrial paint gun, a FBC would be an artist's paintbrush, capable of much finer detail.



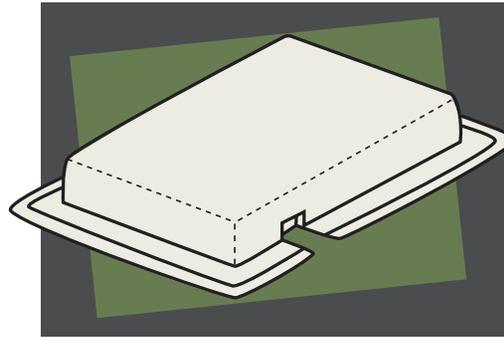
*FBCs are a relatively new type of ordinance designed to gradually bring about more connected, complete, appealing communities.*

Source: The New Urbanism Blog

## Prescriptive, not Proscriptive

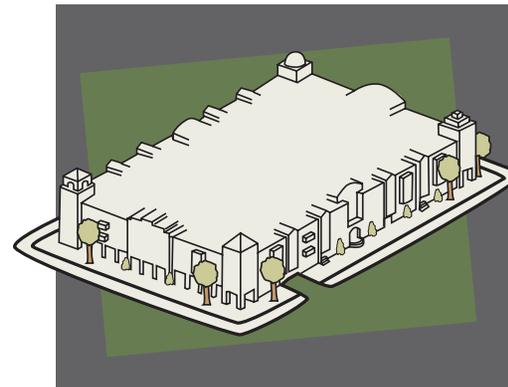
Conventional zoning describes what is not allowable, particularly as it relates to the form of buildings. *You can't build over this height. You can't be too close to the building next door or the street.* Where a conventional code tells you what is **prohibited**, the FBC tells you clearly what is **prescribed**. These approaches are often referred to as **proscriptive** versus **prescriptive**.

Imagine trying to teach a child how to make a paper airplane. Using the proscriptive approach, you say, "You can't crumple the paper. You aren't allowed to tear or cut it. You will not fold it in any manner that is not symmetrical. You cannot use glue." And so on. Using the prescriptive approach, you give the child a series of instructions and pictures. Which do you think will yield a better result? Which will be considerably shorter? In the same way, FBCs use instructions and pictures to yield a better result. For example, when there is a prohibition of buildings over five stories the town likely meant, don't dwarf the other buildings, it won't look right. Unfortunately, this well-intended regulation would allow a one-story liquor store set 20 feet further back than the neighboring four-story buildings. It's certainly fewer than five stories, but it looks equally out of place. A well-crafted FBC would simply state that buildings in this area are to be between two and five stories and will be within a similar distance from the street as the neighboring structures.



### How zoning defines a one-block parcel

Density, use, floor-area ratio (FAR), setbacks, parking requirements, and maximum building heights(s) specified.



### How design guidelines define a one-block parcel

Density, use, FAR, setbacks, parking requirements, and maximum building heights(s), frequency of openings, and surface articulation specified.



### How form-based codes define a one-block parcel

Street and building types (or mix of types), build-to lines, number of floors, and percentage of built site frontage specified.

Adapted from Peter Katz and Steve Price, Urban Advantage

## Neighborhood Retail Center (Medium to Larger scale buildings)

Community Character Development (CCD) Overlay Districts  
Cranberry Township - Butler County, PA



Boulevard Entrance and Ground-Floor Retail, Crocker Park, Westlake, OH

### **Legislative Intent:**

29.1 Medium to larger scale retail stores are intended to be sized and positioned to create attractive and desirable Neighborhood Centers.



Mixed Use Building, South Side Works, Pittsburgh, PA

### **Design Guidelines:**

- 29.2 Buildings shall be located along sidewalks to frame the Streetscape.
- 29.3 Medium to larger scale retail shall add value to a neighborhood and respect local character by making them proportional to traditional buildings through the use of narrower bays of twenty (20) to thirty-two (32) feet in width.
- 29.4 Medium to larger scale retail building types shall be edged with Liner Shops.

*Just as no two communities are exactly alike, neither are any two FBCs. Each is tailored not only for its community, but for specific areas within the community. All good FBCs show the user the town's vision with pictures and diagrams.*

Source: Cranberry Township, Pa.

## Streamlined Development Process

Because FBCs spell out what is desirable where, the review process can be shorter and simpler. Many FBCs favor staff-level, administrative review and approval of projects unless the builder or developer is proposing something a little out of the ordinary. The expedited process should be attractive to builders and developers because their investment capital is tied up for less time and with much less uncertainty. One would imagine it's easier to find investors or financing when you can say, "I need this much money to build this. It's in full compliance with standards and we should break ground within six months." Conversely, telling the bank you have a great idea for a new project that may be profitable if the town agrees to annex, if the town agrees to rezone, if the town will update its town plan, or that all of this may be accomplished in a year or two (or more) may be problematic.

## Economic Development

If a town is successful in winning over the building community and has a simple review process, it stands to reason it may well expect increased economic activity. Moreover, FBCs seek "the highest and best use" for each parcel. In contrast, conventional codes are designed to prevent overbuilding, so the path of least resistance is a small, one-story building. Think of it just like the board game Monopoly. You always want to put a hotel on your property, not just a single house. It's the most profitable. In the real world, a three-story, mixed-use structure will not only appraise much higher than a one-story five and dime, it will generate more economic activity. Perhaps the ground floor houses the five and dime, the second story is a real estate office and the third story houses four apartments.

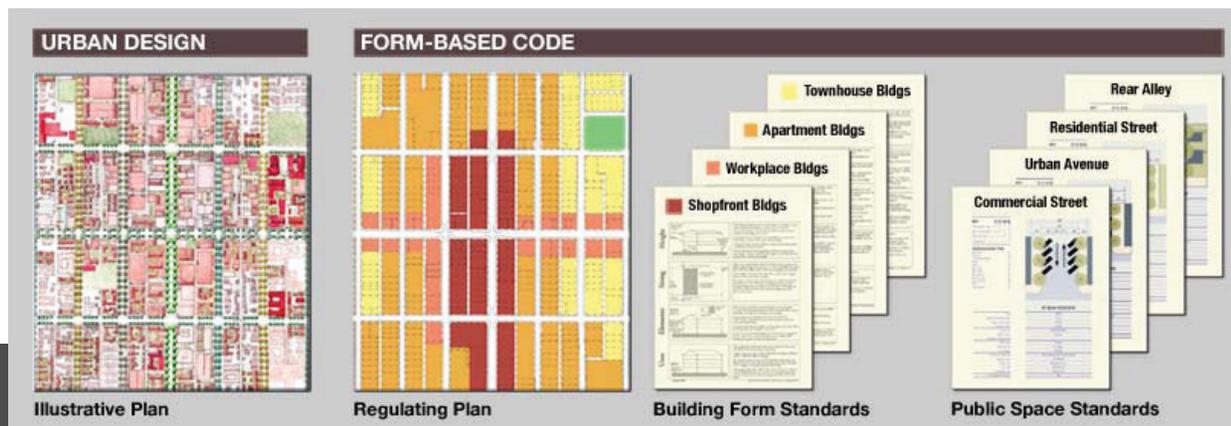
This style of development maximizes the "bang for your buck" of the one resource that no one is making any more of—land.

## Form-Based Codes Defined

According to the Form-Based Code Institute (FBCI), “Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. They are regulations, not mere guidelines, adopted into city or county law. Form-based codes offer a powerful alternative to conventional zoning. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.”

Put simply, FBCs are:

- **Graphic** – FBCs use pictures and diagrams to show acceptable or desirable development instead of using words to describe them. They will show the types of buildings that are allowed in each area and where they should be placed in relationship to the street and each other. Here is where the parking should be placed, etc.
- **Less concerned with land use and more concerned with building type/appearance** – Most FBCs concern themselves with how a particular area functions and looks and not as much with whether it has residential, civic, or commercial uses. In practice, they tend to favor a mix of uses largely because the types of buildings they often call for are very adaptable. Of course, uses the town will not accept (adult entertainment, toxic industrial) can still be categorically banned. A typical FBC would actually encourage any number of uses in the same building. Commercial uses are common on ground floors, followed by office space on the second floor and condos or apartments on the third and fourth. In reality, FBCs still afford reasonable control over land uses. If the town only wants residential uses in a particular area, then multi-story brick buildings would simply not be allowed. However, by not forcing the town to declare an entire area strictly “commercial” or “residential,” the town’s buildings can adapt slowly over time and respond more effectively to market forces.



Creating a FBC is a process. Public visioning will help to guide the illustrative plan—the community vision based upon what already exists and what is desired. This is then translated to the regulating plan. This example is based largely on building types. For each different color, different types of buildings are allowed. Each will typically also have open space, building form, building type, parking requirements, and so on—each tailored to the individual zones.

Source: Steve Price

## FBCs—Nuts and Bolts

Generally, FBCs should include: 1) regulatory plan, 2) public space standards, 3) building form standards, and 4) design and function of streets (thoroughfare standards). Similar to a traditional zoning ordinance, they should also include a glossary of terms and a section detailing code administration and approval processes. Many codes also address: 1) frontage standards, 2) block and lot subdivision standards, 3) building type standards, 4) architectural standards, 5) green building standards, and 6) landscaping standards.

A full discussion of each element is available at <http://www.stateplanning.delaware.gov/information/publications.shtml>.

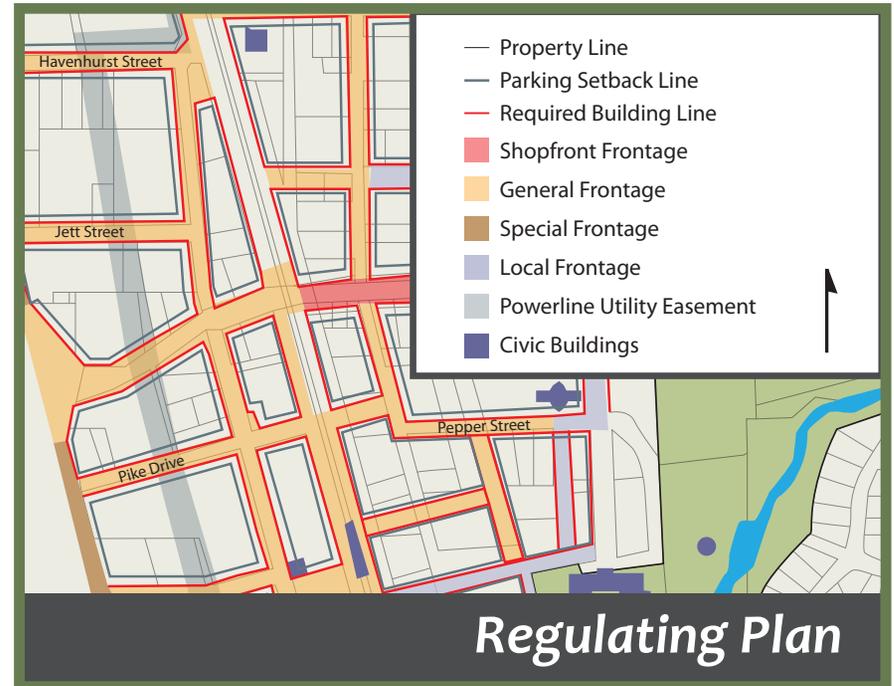
### Regulatory Plan

The regulatory plan is the heart of the FBC. It's the same as your current zoning map in as much as it shows what is allowable in all the areas the FBC regulates. Some towns have entirely discarded their traditional zoning codes and redone the entire municipality as a FBC. Others utilize a hybrid approach where the FBC applies to particular areas and the existing zoning code applies to the rest. In any event, the regulatory plan assigns “zones” to geographic areas. Commonly, they're based on transects or corridors (see illustrations), or entirely custom, such as Downtown, Historic, Neighborhood, etc. The regulatory plan allows the end user to look at the area they're interested in and directs them to the other applicable standards that speak to the nature of development and structures allowed.

### Public Space Standards

Also known as open space standards, they are found in most modern codes. In FBCs, however, they're context dependent—they change depending upon the area. In a fairly rural or suburban context, they would likely call for a sizable park with a soccer field and a

basketball court, but this is scaled down in more urban contexts to avoid breaking up the fabric of the community. In moderately urban settings, they may call for a small playground or dog park. In the most urban settings, street benches, building awnings, pocket parks, or outdoor cafes may be all that is required or desired.



The regulatory plan above is based on a street or corridor model and assigns various building heights, types, and frontages depending on the type of street the buildings do, or will, sit beside. Notice there are no residential or commercial designations. It's a place-based approach. Most FBCs will limit non-residential uses in established residential neighborhoods.

Adapted from a plan sample from the Form Based Code Institute

## Building Form Standards

For each different zone on the regulating plan, there will be a separate set, or table, of building form standards. These standards typically describe the building's minimum and maximum number of stories, distance from the street, entrance locations, and parking requirements. The standards also describe a range of how much of the lot a building may cover and where the surface parking (if any) is to be placed in relation to the building and the street.

### Land Use

The building form standards are also where FBCs address land use. For those of us used to “residential,” “commercial,” “industrial,” etc., it seems a little backwards. In reality, it's quite simple. Each building type is associated with a list of usage options. If the town doesn't feel a certain use is appropriate in a given area, that type (or size) of building is prohibited in that zone by the building form standards. For added flexibility in more urban areas, uses can also be regulated by what story of a building they occur upon, as opposed to which zone they reside in. Commonly, retail/service is required on the ground floor (hair salon, pizza shop) with residential or office above, along the lines of a dentist's office or law firm.

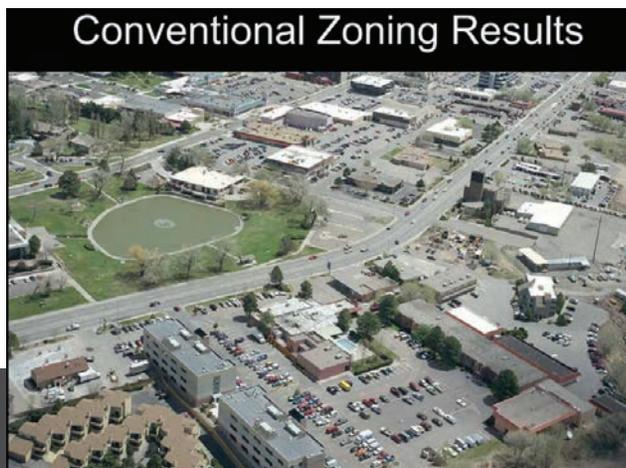
## Thoroughfare/Street Standards

How wide is a neighborhood street? What should the speed limit be? How long are the blocks and where are the sidewalks, bike lanes, and crosswalks placed? Are there street trees, lighting, or parking? This is what thoroughfare/street standards address. In a new development, they help define the new street network. In existing communities, they most often represent conditions existing on the ground or conditions the municipality would like to see following maintenance or improvements.

### Other Considerations

Green building and landscaping standards are options that can be considered. Architectural and frontage standards deal with the nuance and detail of the building's appearance (roof types, materials, shutters, etc.) Many caution against too much detail in these areas, unless preserving a highly unique or historic area, because of the considerable costs they may place on builders or property owners needing renovations and unforeseen stylistic consequences.

Block and subdivision standards can be a very important part of a FBC, especially if it is to be applied to developing areas or relatively



*A key critique of conventional zoning is its near-exclusive focus on function over form. Commercial structures are allowed here, homes are allowed there. Little attention is paid to how the buildings and neighborhood look or function together. The end result is often an area suitable only to cars. FBCs usually attempt to create or redevelop areas on a more human scale.*

Source: Congress for the New Urbanism

undeveloped tracts of land. FBCs were conceived, in part, to help communities become more interconnected, similar to the grid/block street network favored decades ago. Without effective and compatible subdivision standards, a FBC could only be applied to currently built-up areas and redevelopment.

## What are the Costs/Drawbacks?

A key consideration is simply cost. Experts caution that a town's first FBC is likely to cost more to develop than a conventional zoning ordinance. However, a FBC is likely to cost less to administer over time.

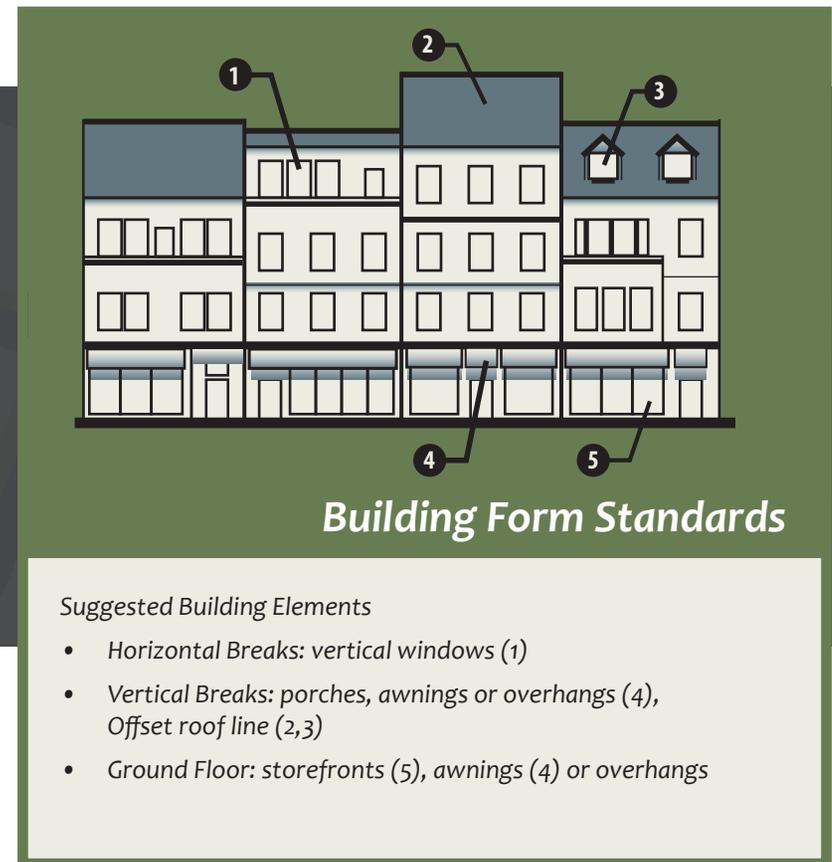
The community visioning process and staff training can also be sizable investments and some growing pains are to be expected. The code will likely need a tune up after the bugs are found. Conflicts with other local, county, or state regulations may also need to be addressed as almost all were written to function with conventional, use-based zoning.

Of course, any new ordinance may face legal obstacles or objections; however, a thorough, public roll-out may lessen challenges. At present, there are a limited number of consultants fluent in the process of crafting a FBC. FBCs can be implemented in several ways. You could choose to do a wholesale rewrite and cover the entire town. Alternatively, the FBC could be another zoning category in your current zoning, called a floating zone, that is applied to new projects. Or, a town can use a hybrid approach where important areas are covered by the FBC and the rest remains under the existing ordinance. If this approach is taken though, sufficiently trained staff will be required to administer two sets of regulation.

All in all, FBCs may seem like a lot more work because they're designed to deal with the details up front. The idea is that they become considerably less work over time.

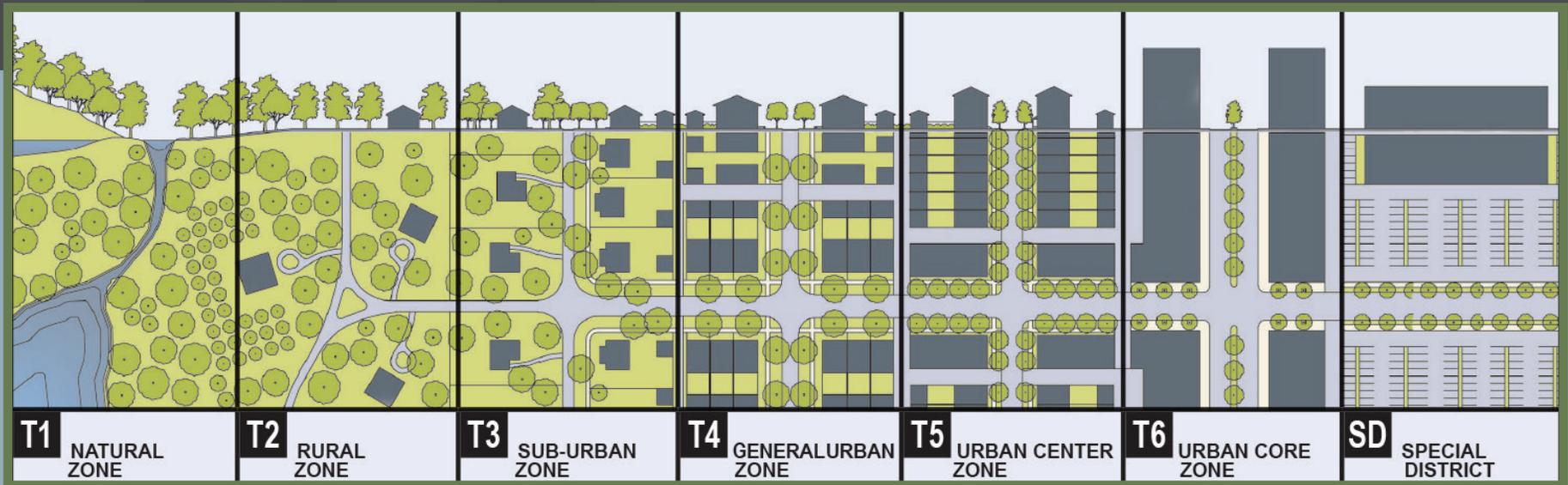
## Conclusion

FBCs offer an effective alternative, or addition, to traditional zoning ordinances. Easier to understand for all parties involved and promising more predictable results, they have the potential to allow Delaware communities to more effectively implement the goals and vision set forth in their comprehensive plans.



Where pictures are not adequate to convey the desired level of detail, schematics and diagrams are used. In this case, the Live/Work building type was modeled after traditional structures in Mount Holly, N.J.

Adapted from a the Mount Holly Form-Based Code



FBCs are designed to be much more graphic and intuitive than conventional zoning ordinances. The transect approach (above) is one way the code is rationalized. Areas can be zoned according to the existing or desired intensity of development.

Source: SmartCode V.9

For more information on Form-Based Codes, including the full-length *Form-Based Codes – A Primer for Delaware Municipalities* companion document and illustrative brochure, please visit the Delaware Office of State Planning Coordination’s website: <http://www.stateplanning.delaware.gov/information/publications.shtml>

The complete *Form-Based Codes – A Primer for Delaware Municipalities* contains more detailed information on the components of FBCs, how they may be developed, and the difference types of form-based codes. Case studies and an extensive list of resources are also available.

Please also see our Delaware Complete Communities Planning Toolkit at <http://completecommunitiesde.org>.

