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**Livable Communities Interview**

## 5 Questions for Joel Russell

An advocate for using form-based codes explains why zoning defined by the shape and relation of buildings rather than on their use creates better communities for people of all ages

by Melissa Stanton, AARP Livable Communities, February 2015

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An attorney and urban planner, Joel Russell has been writing sustainable development and smart growth-oriented zoning codes since the early 1990s.

Last year he became the executive director of the Form-Based Codes Institute (FBCI), which was founded in 2004 by a group of architects, designers, planners, environmentalists and land use lawyers. Their goal: "Restore time-tested forms of urbanism" in order to reduce sprawl and seclusion and, instead, enhance the unity, efficiency, vitality and walkability of cities, towns and neighborhoods.



*Joel Russell, executive director of the Form-Based Codes Institute. — Photo by Michael Jacobson Hardy*

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To quote the FBCI: "The quality of development outcomes depends on the quality and objectives of the community plan that a code implements."

*(To see examples of how communities can be transformed by form-based codes, check out the before and after streetscapes at the bottom of each page.)*

### 1. Form-based codes are not the usual approach to zoning and development in the United States, which is generally use based rather than form based. Why is that the case?

Zoning originated about 100 years ago as a response to the rise of industrialization. The goal was to separate noxious uses like slaughterhouses and steel plants from places where people lived. Since the people who were adversely affected by factories and rendering plants couldn't afford to bring lawsuits against these industries, city reformers saw the need for a new way to protect area residents from the effects of such uses. So, from its inception, zoning was about separating uses.

None of this regulation was aimed at establishing any particular form or character for development, nor was it aimed at creating healthy, walkable neighborhoods. It just separated what were deemed to be "incompatible" uses and set the maximum size of the "envelope" within which someone could build on a lot.

As time went on, zoning came to serve purposes increasingly related to the segregation of uses and economic strata by regulating lot sizes and separating residential uses from commercial uses, which were seen as devaluing residential areas. As a result, 20th century zoning laws made it illegal to have the traditional mix of uses found in older cities, where offices and apartments exist above retail stores and corner shops are in residential neighborhoods. These types of businesses are basic prerequisites for walkability — i.e., mixing different uses within walking distance so people can live, shop, work, go to school and play without having to drive.

The evolution of zoning paralleled the development of America's love affair with the automobile, which made it possible to go anywhere without having to walk. Transportation planning became more automobile dominated while streetcar and railroad systems were dismantled. The confluence of this sea change in transportation with the evolution of use-based zoning led to development where uses became more and more segregated, located on larger and larger lots served by increasingly wide streets and highways. This "suburban sprawl" caused cities to disperse outward, scattering automobile-dependent development all over the countryside.

Form-based codes regulate uses, but in a much less heavy-handed way than conventional zoning; they recognize that a lively mix of uses makes a community walkable and charming, while also ensuring that

**"Twentieth century zoning laws made it illegal to have the traditional mix of uses found in older cities, where offices and apartments exist above retail stores and corner shops are in residential neighborhoods. These types of businesses are basic prerequisites for walkability."**

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truly incompatible uses are not permitted. In addition, form-based codes include regulations of the streetscape and areas we all share because, when it comes to shaping and making good places, those spaces are at least as important as the buildings we occupy.

Conventional zoning codes contain the "DNA" that produces placeless sprawl. Form-based codes represent walkability and an inviting public realm, using the DNA of traditional urbanism. Street standards are an important part of a form-based code, but they are rarely found in conventional zoning codes, which relegate street design to engineers whose main focus is on making traffic move as fast as possible, even if it's hostile to and unsafe for pedestrians. Most importantly, form-based codes fulfill a community vision for a specific place, which includes both public and private spaces.

## 2. How can a community's use of form-based codes benefit the 50-plus population?

AARP has documented well the benefits of walkable, mixed-use communities for the 50-plus population. Form-based codes are the state-of-the-art tool for achieving such communities. It is virtually impossible to build these kinds of places under conventional zoning. The only ones that currently exist were either built before zoning came into general use, so we're talking pre-1920, or were built during the past two decades using form-based codes.

It's important to remember that a community can state lofty objectives in its Master Plan or General Plan but — unless specific place-based codes are adopted — these will remain lofty abstractions and any development will proceed as usual under conventional zoning requirements.

With the U.S. population aging, I've been asked if there are form-based codes specifically designed to better support the needs of older adults. The question itself raises an interesting problem. Because we tend to think in terms of demographic categories rather than holistically, we have housing for young people, housing for families, housing for the disabled, affordable housing, luxury housing, senior housing, etc.

The intent of a form-based code is to break down such categories and build places that contain a variety of housing types, a variety of uses and services, and a variety of transportation options. The intent is to create places where people can live out their lives from childhood to old age, and can be in the same walkable community, albeit in a different type of housing at different stages of their lives.

Form-based codes create the kinds of places where people can "age in place" because the codes lead to building communities that appeal to young and old alike.

## WHAT FORM-BASED CODE CAN DO



A "before" and imagined "after" in Richmond, California. — Photo illustration by Steve Price, Urban Advantage, courtesy of the Form-Based Codes Institute

Next page: [Myths and realities about form-based codes.](#) »

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### 3. What are the objections to using form-based codes? How do you or other advocates respond to such challenges?

There are many common objections, which are either based on misconceptions about what form-based zoning is or upon poorly drafted form-based codes or codes that were watered down in the course of the adoption process. Some of the common myths, in no particular order, and our responses include:

**MYTH 1: Because form-based codes streamline the approval process, they prevent citizen participation.**

**REALITY:** Form-based codes should always be drafted after an extensive public process in which a shared vision of the future physical and social character of the community has been developed. There is extensive public participation at the "front end" of preparing a form-based code so the code reflects what citizens want.

Nothing frustrates citizens, public officials and developers alike more than protracted conflicts over individual projects because a clear vision or set of rules for development was never articulated. Form-based codes are the best way to formulate that vision and institute a set of rules to make it a reality. However, many form-based codes are structured to allow citizen participation for large projects that significantly impact the community, while streamlining approval for small developments.

**MYTH 2: Form-based codes are too restrictive and limit architectural freedom. (Or, according to others: Form-based codes are too flexible and allow too much land use and architectural freedom.)**

**REALITY:** The degree to which a form-based code is restrictive is up to the community. Many form-based codes have no architectural restrictions. It's up to the community and those who have a stake in its future development to determine how restrictive they want the code to be. Form-based codes are generally firm and predictable about basic urban form, but flexible about use, density, detail and design.

**MYTH 3: Form-based codes mandate high housing densities that conflict with the desired community character.**

**REALITY:** Same answer. Appropriate densities are determined in consultation with the community.

**MYTH 4: Form-based codes must be adopted citywide.**

**REALITY:** Most form-based codes are adopted for individual neighborhoods. There are a handful of citywide codes, most of which provide a framework for creating neighborhood-based codes. Because form-based codes are inherently "place-based," they have to be tailored to the needs of individual neighborhoods.

**MYTH 5: Form-based codes are a one-size-fits-all standardized approach.**

**REALITY:** While there have been some attempts to standardize in order to bring down costs, model codes such as the [SmartCode](#), which is the most frequently used model form-based code, have created the impression among some people that a model code can just be plunked down anywhere. There is no true one-size-fits-all form-based code. Even the proponents of the SmartCode acknowledge that SmartCode must be calibrated to each local situation.

## AARP Fact Sheet



The 11-part AARP Livability Fact Sheet series, created in partnership with the Walkable and Livable Communities Institute, includes an easy-to-understand fact sheet all about form-based code.

**"There is no true one-size-fits-all form-based code... Conventional zoning is much more of a 'one-size-fits-all' approach, and the result is obvious: development that looks the same whether it's in Connecticut or California."**



Good form-based codes are customized to the needs and goals of a specific community and are based upon the context of that place and the objectives of its citizens. Conventional zoning is much more of a "one-size-fits-all" approach, and the result is obvious: development that looks the same whether it's in Connecticut or California.

**MYTH 6: Form-based codes are too expensive.**

**REALITY:** Form-based codes require additional up-front expense to create a plan and code that is responsive to the needs of the people who live in a particular place. But the codes make the development process itself much more efficient, and the resulting mix of uses creates more taxable value than single-use development, which is the most common alternative.

Many fiscal impact studies have shown that a mixed-use neighborhood center or downtown creates far more taxable value on the same amount of land than a big-box store that is surrounded by parking. Also, the per unit infrastructure costs and the costs of servicing mixed-use developments are much lower. Although the short-term cost of doing a form-based code may be more than the costs of tweaking existing zoning or copying zoning from the next town, the long-term return to the community makes the form-based code a far more lucrative community investment.

**WHAT FORM-BASED CODE CAN DO**



A "before" and imagined "after" in Savannah, Georgia. — Photo illustration by Steve Price, Urban Advantage, courtesy of the Form-Based Codes Institute

Next page: [One more myth. Plus: Examples of where form-based code is being used.](#) »

**MYTH 7: Form-based codes create places that are too expensive for most people to live in.**

**REALITY:** In some cases, form-based codes have resulted in development that is so much better than everything around it that units built under the form-based code sell for a premium relative to the surrounding market. This is largely a supply and demand problem.

There is a surplus of housing in suburban sprawl neighborhoods and a severe shortage of housing in walkable communities. The solution is to implement more form-based codes and build more walkable communities, especially in suburban areas, in existing downtowns and on large, underutilized urban parking lots where land is plentiful. In addition, form-based codes can, if the community chooses, include a provision that requires affordable housing to be a part of any new

**Crack the Code**



How form-based codes define a one-block parcel. — Illustration from the AARP Livability Fact Sheet: Form-Based Code.



development.

#### 4. What situations offer the best opportunities to introduce form-based codes? And can you give examples of places where a form-based code has been well-implemented?

Form-based codes have been used effectively in a variety of contexts, including downtown revitalization and the conversion of moribund shopping malls and strip shopping centers (what planners refer to as "greyfields") or contaminated sites ("brownfields") into vibrant town centers.

Form-based codes are especially useful in areas where, because there is intense development pressure, anything that is built will sell. In those situations form-based codes can protect an area from inferior development that sells simply because the market is hot. Those types of developments gradually degrade the quality of life in the community.

Areas with moderate development pressure are good places for form-based codes because they'll enable a community to be proactive and attract good development that can set the tone for a successful future.

Economically depressed areas may seem to be less interested in using form-based codes because local leaders tend to welcome any development, just to get something going. What struggling communities often don't realize is that form-based codes can be an economic development tool that attracts developers and helps regenerate the economy.

More and more people, especially those 55 and older, want to live in convenient, pleasant, walkable places. Many who cannot afford to live in expensive "hot" markets would choose a place that has been recently built or revitalized using a form-based code, even if the surrounding area is in economic decline. When a specific neighborhood is improved by adopting a form-based code, that neighborhood may turn out to be a good real estate investment.

There are hundreds of places where form-based codes are being used successfully. Some of these include the many "community character codes" adopted in Nashville, Tennessee; Habersham in Beaufort County, South Carolina; the Village of Providence in Huntsville, Alabama; the Pleasant Hill BART Station area in the San Francisco Bay Area; Columbia Pike in Arlington, Virginia; Kentlands in Gaithersburg, Maryland; and, in California, the downtown areas of Petaluma, Ventura, and Benicia.

*[Editor's Note: Other communities are listed on the Form-Based Code Institute website [formbasedcodes.org](http://formbasedcodes.org).]*

The only places that are not primed for the use of form-based codes are successful suburban neighborhoods that do not want to change and very rural areas, where the use of form-based codes is more appropriate in village and hamlet centers.

#### 5. What can planners or elected officials or individuals do to get form-based codes used in their communities?

First, they can educate themselves by learning about form-based codes from, yes I'm plugging my organization, the [Form-Based Codes Institute website](http://Form-Based Codes Institute website) and dispelling the many misconceptions.

Learn more by downloading AARP's form-based code fact sheet and reading this four-part series from [PlannersWeb](http://PlannersWeb), a news and information source for "citizen planners."

[Part 1: What is Form-Based Code?](#)

[Part 2: The Emergence of Form-Based Codes](#)

[Part 3: Typical Elements of Form-Based Code](#)

[Part 4: How Form-Based Codes are Written](#)

Download "Form-Based Codes: A Step-by-Step Guide for Communities" (PDF), a free guide from the [Chicago Metropolitan Agency for Planning](http://Chicago Metropolitan Agency for Planning).

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Second, they can spread their understanding of the concept to the people in their community who are in leadership positions and who are interested in achieving the goals of walkability and pedestrian-friendly, transit-oriented planning.

Key players are mayors, city council members, planning commissioners, planning staff, public works directors, developers and civic organizations. Give them articles that explain form-based codes and take them to places that have adopted form-based codes with good results. Build enough public support so the community's political leaders see that adopting form-based codes can be a big win for the community, enhance the tax base, allow senior citizens to age in place and bring in needed jobs and development in a way that enhances the walkability of the community.

For more information, refer them to the Form-Based Codes Institute and, here's a plug for AARP Livable Communities, the form-based code fact sheet published by AARP and the Walkable and Livable Communities Institute.

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## WHAT FORM-BASED CODE CAN DO



*A "before" and imagined "after" in Peoria, Illinois. — Photo illustration by Steve Price, Urban Advantage, courtesy of the Form-Based Codes Institute*

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*Melissa Stanton is a project manager for AARP Livable Communities and the editor of [AARP.org/livable](#).*