Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

David Church, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

Steven M. Neuhaus
County Executive

Form Based Codes
By: Lauren Burns, Planner

Effective September 1st, 2015, the City of Newburgh adopted four Form Based Districts into their zoning code. The Form Based Codes (FBCs) encompass four districts: Broadway Corridor – (BC), Downtown Neighborhood – (DN), Waterfront Gateway – (WG), and Planned Waterfront Districts – (PWD). According to the City of Newburgh Zoning Code, the FBCs were adopted, "In order to promote a more urban, walkable, and vibrant downtown…" The hybrid zoning code maintains traditional zoning with the addition of "Form-Based Districts", making the City of Newburgh the first municipality in Orange County to adopt Form Based Codes. As indicated in the *2011 Future Land Use Process* study by Land Use Law Center at Pace University Law Center, the Center recommended the City seek funding for a code update, finding the current code outdated and unnecessarily burdensome. The code update aligns with the Municipals' goal of waterfront revitalization and economic growth by streamlining approval process and clarifying developmental areas and goals for potential investors.
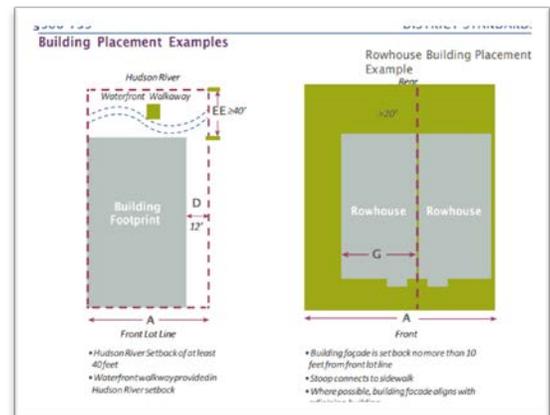
Figures 1 and 2: excerpts from City of Newburgh's Form Based Code for the Downtown District. The images and descriptions visually demonstrate the preferred form for the district with explanatory bullet points.

What are Form-Based Codes?
In effort to combat traditional zoning, a concept based on separating land uses and emphasizing banned uses, Form-Based Codes emphasize design concepts aspired by a community's vision. According to the Form Based Code Institute (FBCI), "Informed by community needs and goals, FBCs are a set of design regulations that give form to the built landscapes to achieve those aspirations … Form Based Codes, with their generous illustrations and simple diagrams, clearly convey communities' intentions for an area. FBCs are designed for quick and convenient understanding." While some cities have adopted FBCs as their zoning code, most municipalities that utilize the FBCs do so in particular areas that reflect their community's goals and vision. This might include an overlay district or neighborhood that can easily transition to FBC codes.

What are Smart Codes?
Smartcode is a Form Based Code template that incorporates Smart Growth and New Urbanism principles on a rural-to-urban bases rather than separate use zoning. The SmartCode is a model ordinance that is provided as

freeware, available in an editable format at www.smartcodecentral.org or www.transect.org. The Smartcode is a tool that allows communities to identify areas through the Transect Zones and implement corresponding language into the code. *Form Based Codes: Step-By-Step Guide for Communities,* an educational publication endorsed by the FBCI, defined Smartcode as "intended to be customized to the local context, priorities, and legal requirements of each community that uses it."
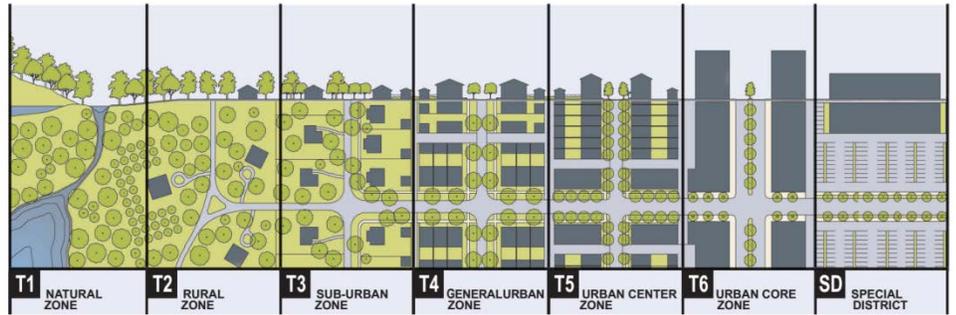
Figure 3: A Typical Rural-Urban Transect, With Transect Zones

Why is this important?

Form-Based Codes and Smartcodes are just two examples of "Placemaking" concepts and resources that are being implemented in municipalities throughout the country. The concepts not only look to revitalize the downtown areas, but also to optimize economic development through high density mixed-use corridors and pedestrian-oriented centers. By focusing on maintaining form, communities can emphasize what they believe makes their community a "place". Other than the aesthetic preservation, FBCs rely on visual representation of allowances. This helps clarify the community vision, while also eliminating vague or overcomplicated language that often plagues zoning codes.

Much of economic development has to do with attractiveness to investors. The process necessary for creating FBCs, as demonstrated in the step-by-step overview, forces municipalities to assess community goals, and use of images and diagrams to visually define and demonstrate their vision. The process, though time consuming, allows for others that may not be familiar with your community to envision the street corridors. Further, in an Economic Development conference sponsored by the Orange County Municipal Planning Federation, one speaker identified a major impedance for potential investment in the area as - the long, costly process associated with business development. Between the application process, Environmental Impact Review, and obtaining permits, does your municipality have a clear avenue? Or are you constantly inundated with the same area and use variance permits? By streamlining the land use process, developing shovel-ready sites or creating clearer avenues for procedural and administrative permit processing, municipalities can increase their appeal by decreasing time constraints for development and eliminating the unnecessary red tape.

Whether or not your municipality believes Form Based Codes or Smartcodes are the best plan of action, auditing and updating your code should be a priority. Your code should work with your community, not against it. There are many tools and free resources provided by planning non-profits to help you Start Here.

Resources for Zoning Code Update:
http://www.dos.ny.gov/lg/publications.html
www.smartcodecentral.org
www.transect.org
http://formbasedcodes.org/
http://formbasedcodes.org/content/uploads/2013/11/CMAP-GuideforCommunities.pdf
http://www.placemakers.com/
http://mrsc.org/Home/Explore-Topics/Planning/Development-Types-and-Land-Uses/Traditional-Neighborhood-Development-and-Form-(1).aspx