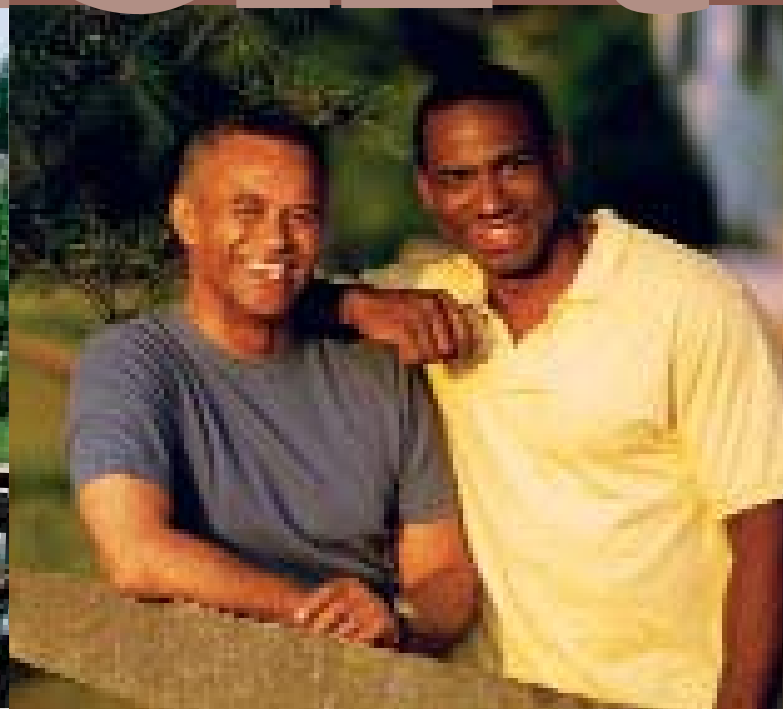


What do you do when your development codes won't let you build or maintain the kind of town you want?

You make new rules.

# Smart Places Codes

By Jason Miller



Mention zoning codes to the average person and the reaction is predictable: a stone-faced stare, glazed eyes, a yawn. But communities across the United States are discovering that the very fabric of their neighborhoods and towns is built on those codes—or, more accurately, because of them. And communities are doing something about these codes.

Conventional zoning codes are fundamentally flawed, says Geoffrey Ferrell, a principal with Geoffrey Ferrell Associates in Washington, D.C. "Ever since the industrial years, the conventional separation-of-uses approach has been the wrong approach to control"—to keeping unpleasant uses away from the residential areas. "It has devolved to micromanagement of use and density. The [built environment] that has resulted is very, very poor about 99 percent of the time. No one's happy with what they've been given."

Ferrell's co-principal, Mary Madden, agrees. "That micromanagement of uses has resulted in a huge number of unintended consequences, namely, suburban sprawl. Everybody hates sprawl, but the builders aren't violating rules; they're building exactly what the codes call for. Those codes are a blueprint for sprawl. Under the existing conventional codes, you can't help but build it."

Community frustration with conventional codes and the type of development they spawn has driven new urbanist- and smart growth-minded planners to create new zoning codes. While these new codes go by many names—form-based codes, new urbanist codes, TND (traditional neighborhood development) ordinances, smart zoning, the SmartCode® from Miami-based town planners Duany Plater-Zyberk & Company—they are all designed to create places that emulate the urbanism of older, well-loved places, while preserving rural areas and historic sites threatened by conventional development.

Communities that have replaced their conventional codes with new ordinances have generally reported success in the process leading up to the new codes' implementation, as well as favorable upturns in their real estate markets. Here are a few of the notable success stories.

In the 1960s, Columbia Pike was considered Arlington, Virginia's main street. A 3.5-mile stretch of road that runs from the Pentagon to the Arlington County/Fairfax County border, Columbia Pike was intended to be a Metro rail corridor. When this didn't happen, development along the Pike stagnated and the corridor languished for 40 years. Growth occurred along the Pike, but it was of a singular variety, says Timothy Lynch, executive director of the



Columbia Pike Revitalization Organization, whose office is located on the Pike. "We saw bank branches with drive-through lanes, fast food franchises with drive-through lanes—and that's been about it. We also saw long-time businesses either close or move to other parts of the county. There are pizza stores, check-cashing stores, laundromats, dry cleaners, dollar stores—these are all services people use, but you can't buy a men's suit, women's clothing, a pair of shoes, or even a book on Columbia Pike."

In January 1998, Arlington County Board chair Chris Zimmerman recognized the Pike's need for revitalization. A challenge came from the long-time property owners on Columbia Pike, however. Many of the existing buildings were owned outright by second- and third-generation owners who were making money and weren't interested in inviting hard-hitting capital gains taxes if they sold their buildings. Others, anticipating a boom from the arrival of the Metro line, had developed buildings that ended up being "white elephants" after Metro declined to advance along the Columbia Pike corridor.

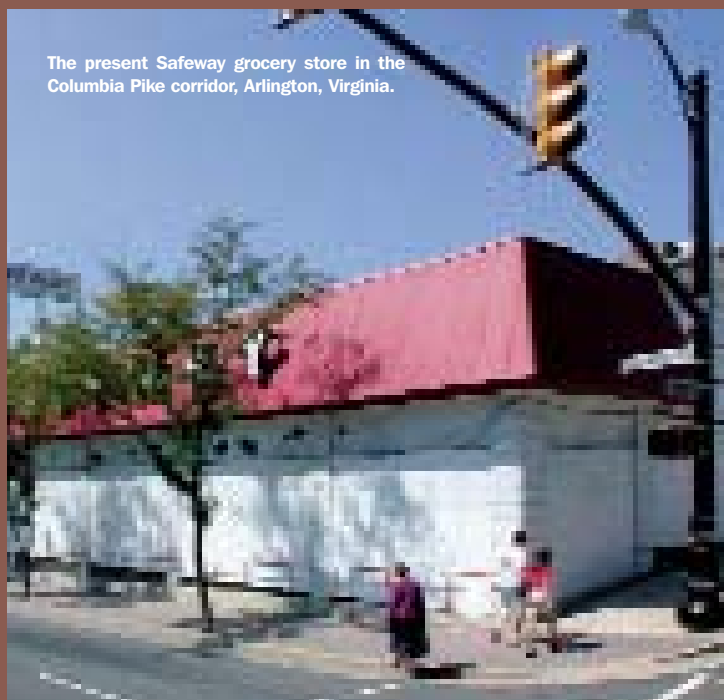
Columbia Pike citizens wanted to preserve and

enhance the richness of their community, while ensuring none of the long-time local businesses would be replaced.

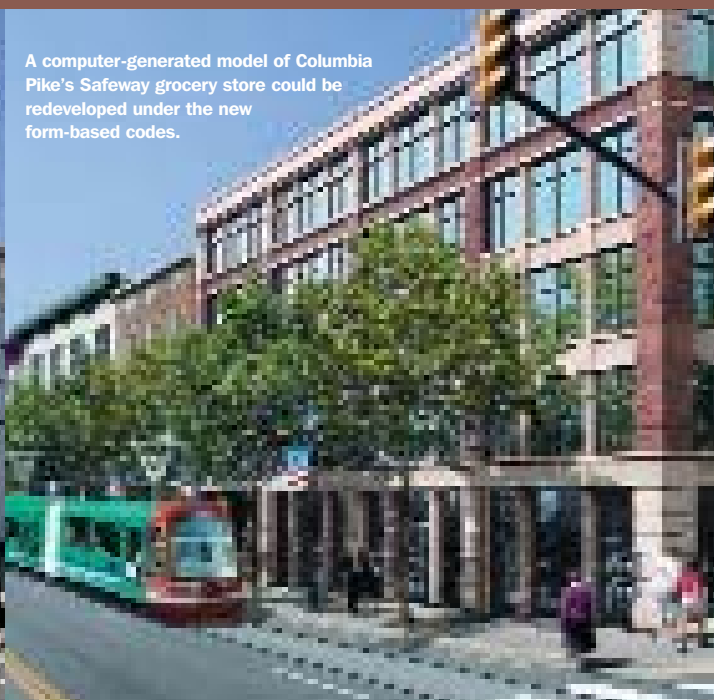
To tap the potential of this diamond in the rough, the Columbia Pike community developed a comprehensive Columbia Pike Revitalization Plan, which included adoption of a form-based (as opposed to a conventional use-based) zoning code. The code is a legal document that regulates land development by setting careful and clear controls on building form to create good streets, neighborhoods, and parks, with a healthy mix of uses. Components of the code include clear definitions of terms, a regulating plan, building envelope standards to determine each building's form, standards for siting and streetscapes and for architecture, and administrative guidelines for expediting the approvals process.

By most accounts, the Columbia Pike venture is an ongoing success. Since implementation of the form-based codes in 2002, more than \$30 million in development has been approved along the corridor. Within the corridor itself, more than \$300 million in development projects are in various stages of negotiation and planning.

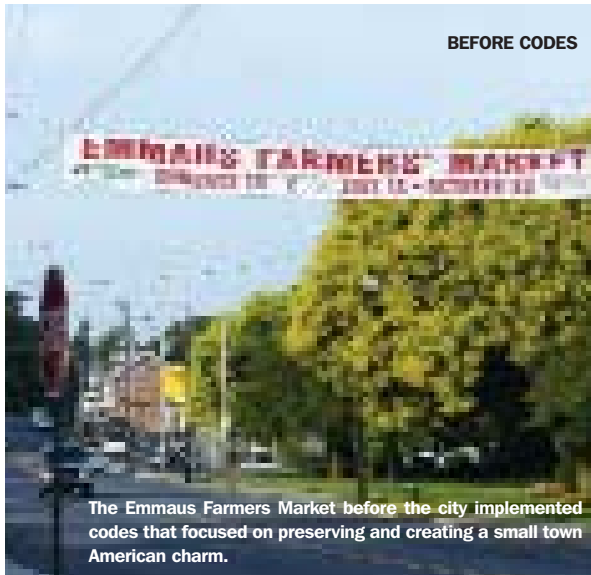
Everybody hates sprawl, but the builders aren't violating rules; they're building exactly what the codes call for.



The present Safeway grocery store in the Columbia Pike corridor, Arlington, Virginia.



A computer-generated model of Columbia Pike's Safeway grocery store could be redeveloped under the new form-based codes.



The Emmaus Farmers Market before the city implemented codes that focused on preserving and creating a small town American charm.



Lynch sees good things ahead for Columbia Pike. “The first development—a \$90 million project—broke ground this past March. We’re already seeing tremendous community benefits. The developers have started to create the street walls that will define the space, and they’re doing it through the form-based code.”

As for how much the form-based codes have affected the property values on Columbia Pike, it’s still a bit early to tell, says Dan Lockard, a REALTOR® with Fraser Forbes Company in McLean, Virginia. “I think it’s going to have a positive impact on the county, however. The first property is just entering the development process now. Everyone is watching closely to see what happens.”

“The form-based code takes a lot of the guesswork out of what you’re doing,” he adds. “The regulations lay everything out for you. It makes your job easy.”

### Emmaus, Pennsylvania

Faced with encroaching conventional suburban development at either end of their seven-block downtown main street, the citizens of Emmaus, Pennsylvania, wanted a solution that would preserve the pedestrian-friendly layout of the downtown and retain the identity of the 250-year-old community.

The borough (population 12,000) had revised its comprehensive plan and zoning ordinance in 1992, but at that time there was no TND ordinance conceived of, let alone implemented. “We knew the character we wanted, but we didn’t know how to get there,” says Joyce Marin, a resident, council member, and one of 150 business owners in the downtown district.

In 2000 came the scare that became the catalyst for change. A downtown landowner planned to build a conventional strip mall in the midst of Emmaus’ traditional collection of mixed-use, mostly two-story

buildings. Since the zoning codes in place permitted infill development of a conventional suburban nature, the Emmaus Borough Council appointed Marin to chair a newly created entity, the Community Relations Planning and Development Committee, and the first order of business was to examine a sample zoning ordinance intended to protect the main street.

After 18 months of discussion and analysis, the committee decided to amend portions of the zoning code for the central business district, rather than create an “overlay” of traditional codes that would be no stronger or weaker than the existing conventional codes. Emmaus attorney Craig Neely, now the Emmaus Borough Council president, insisted on this approach, stating it would make the code changes defensible. With the exception of one court battle, Neely’s position has proven correct.

The code changes followed a practical logic rather than an aesthetic one. Every amendment was made for practical reasons—usually to protect the pedestrians’ safety and enhance their experience. Drive-throughs were prohibited. Minimum setback distances were changed to “build-to” lines, which meant that new buildings needed to align with existing buildings along the sidewalks, creating a street wall. Fencing requirements were added. New construction had to be at least two stories, and parking had to be behind the buildings. Vehicular entrances to properties may only

be that—entrances; the exits have to be behind the properties.

Interestingly, even though the codes don't mandate aesthetics, that's exactly what the citizens are getting more of, says Marin. "Emmaus is a much more desirable place to live today than it was even three years ago."

Neely agrees. "Once spring arrives and the flowers start blooming, and the trees leaf out, I get comments from visitors—they think they're coming into Mayberry."

Emmaus' ordinances ensure that future development will conform to the existing pattern, says Neely. "The provisions are designed to preserve what's already here, since 85 percent of what's here conforms to the ordinance already. The ordinance has never really become an issue for people. ... You don't hear about it because it's doing its job, quietly."

David Fretz knows what a good job it's doing. The Emmaus-based REALTOR® with Prudential Fretz Realty sees the results every day. "The Emmaus real estate market is very strong because of low interest rates, but people also love Emmaus because they are tired of the fast-food, strip-mall look in every American town. When towns preserve a traditional look through traditional codes, when they restore themselves and their character, that creates value. Not every community is sensitive to that, but Emmaus is one that is."

"We're on the cusp of being the hottest, hippest lit-

tle place on earth," says Marin. "We are becoming."

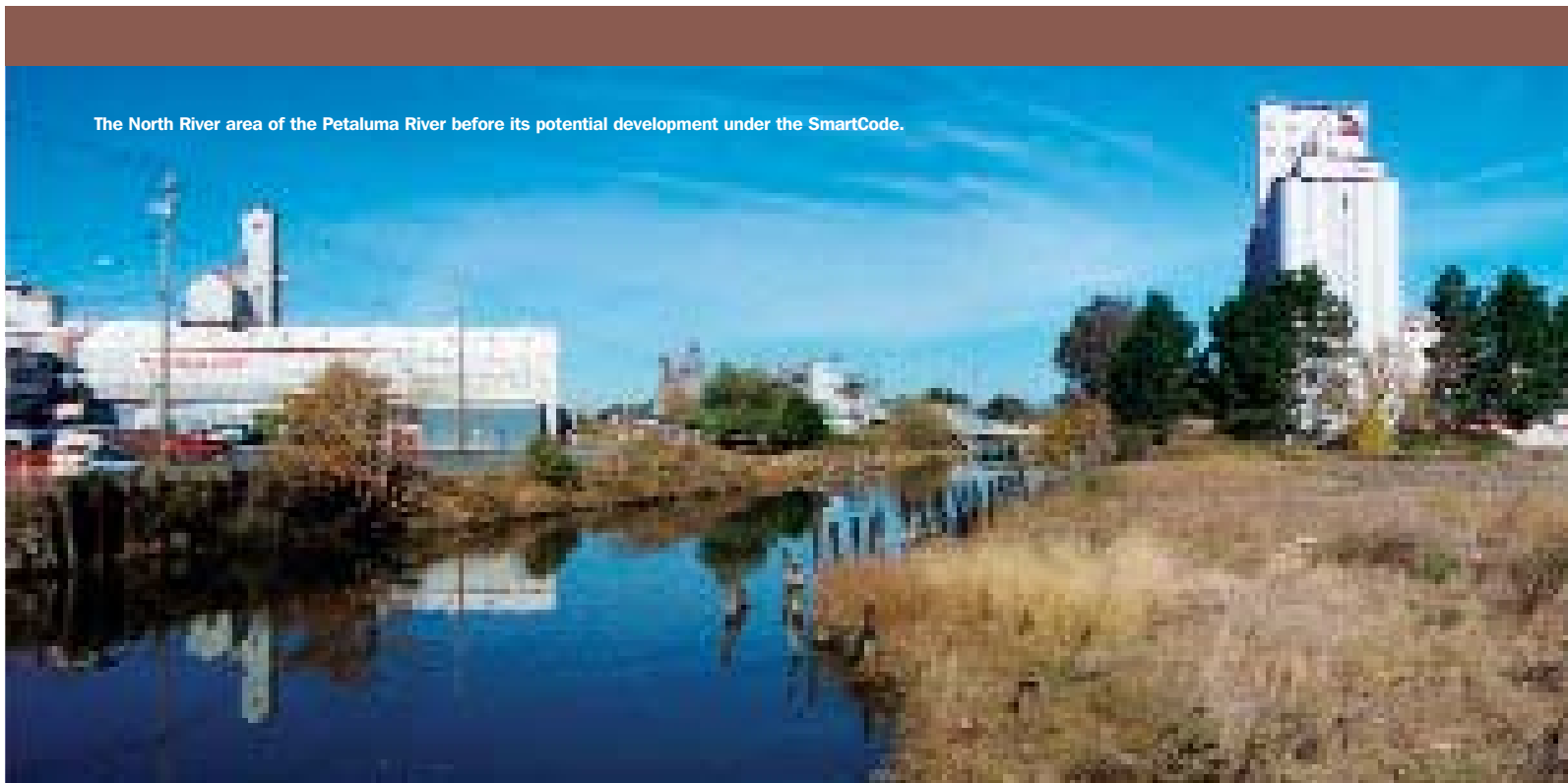
### **Petaluma, California**

A 24-member citizens advisory committee spent an amazing seven years coming up with a vision for a 400-acre piece of land adjacent to the old downtown of Petaluma (the first town in America to adopt a limited-growth plan, in 1972). Passionate about the property, the citizens knew they had a jewel of an opportunity, and they wanted to make the most of it. They wanted the Petaluma River—which runs through the city—to become the centerpiece. They wanted the new development to blend and connect with the historic downtown, but with an edgier look.

After several fits and starts, an aggressive City Council pushed the committee to act, and invited Fisher & Hall Urban Design of Santa Rosa, California, to assist the committee in its decision making. When principals Lois Fisher and Laura Hall assembled a team, presented the SmartCode® option, and framed the discussion as an effort to create "smart zoning," the committee decided to move ahead with the new approach. Nine months later, the Petaluma SmartCode was adopted to a standing ovation from political adversaries and citizens, alike.

The Petaluma SmartCode differed from its preceding conventional code in its simplicity. The "hybrid" SmartCode used ordinary language and simple graphics, coding precisely the aspects of

The North River area of the Petaluma River before its potential development under the SmartCode.



## The [Emmaus] code changes followed a practical logic rather than an aesthetic one ... usually to protect the pedestrians' safety and enhance their experience.

the built environment that the community cared about most: the building heights, the building fronts, and the civic spaces. The code showed new streets, new green spaces, roads, and buildings facing the river. Different areas were coded for different densities, minimum and maximum building heights, finished heights, parking areas, and percentages of frontage types.

After the codes went into effect in June 2003, "it was like a dam breaking," says Hall. "A four-square-block theater district has been approved. A 10-acre condo project has been approved. In the pipeline is another 10 acres of mixed-use buildings: shops or workplaces on the main floor, condos on top. Six downtown blocks of redevelopment are scheduled—in an area that had had very little development in the last 20 years!"

Fisher points to the roadblocks the Petaluma SmartCode has removed. "Two-thirds of the approval process is gone, now," she says. With the SmartCode—which has been approved by the Planning Commission and City Council—there's

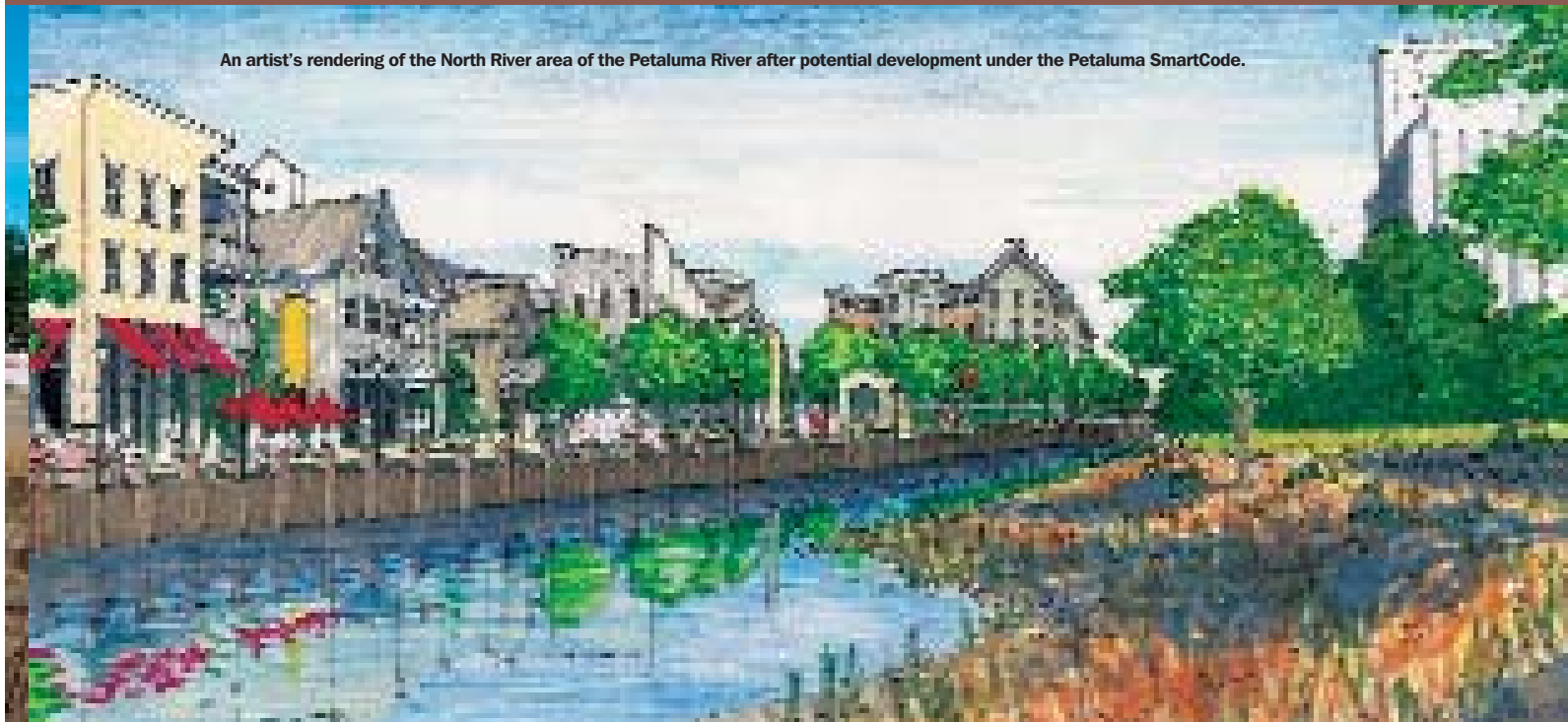
only the design review step to take if the developer follows the SmartCode.

"The SmartCode also eliminated mandatory on-site parking. From a real estate perspective, a building can now move from use to use more quickly, and can change hands more quickly because there isn't the constraint of how much parking must be included with each use."

Mike Moore, community development director for the City of Petaluma, admits it's a little early to determine exactly how SmartCode is faring, but likes what he sees thus far. "We had a large project in the initial stages, and in terms of the SmartCode's application, I think it has worked for that project, which is several blocks in the downtown area and includes the renovation of an existing historic building and the construction of a movie theater, a parking garage, some apartment buildings, a mixed-use building, and a small office building."

Skip Sommer, a commercial REALTOR® with Petaluma-based Creative Property Services/

An artist's rendering of the North River area of the Petaluma River after potential development under the Petaluma SmartCode.



Golden Land Realty, represents some of the developers who are transforming downtown Petaluma under the new SmartCode. "My clientele loves the new code because it minimizes the planning process," he says. "And the city loves it because it streamlines their ability to respond to developers."

### Huntersville, North Carolina

A bedroom community, Huntersville lies immediately north of Charlotte, North Carolina. In the '80s and early '90s, Huntersville and the neighboring towns of Cornelius and Davidson began to grow—fast. The rate of change Huntersville experienced was disconcerting for residents who had lived there for some time. Even newcomers were uncomfortable with the unchecked growth, since they had wanted the small-town quality of life and character. Waves of suburbanization were moving out from Charlotte, threatening to diminish the town's character in such a way that it would not be recognizable as the place that people had chosen or had grown accustomed to over the years.

The movement to look at change in the regulations was spurred by a typical urge to maintain the community's identity and not be "absorbed" into Charlotte. Ann Hammond, then the planning director for the Town of Huntersville, began to expose the town's officials to the new urbanist principles that were showing up in the planning and popular press. "They reacted as I had," she says. "They said, 'This makes sense, and it makes sense for us.'"

Hammond and the town's officials gathered community representatives and began the visioning process with comparative surveys of different neighborhood images. "Virtually 99.8 percent of the people said they preferred the traditional development form," says Hammond.

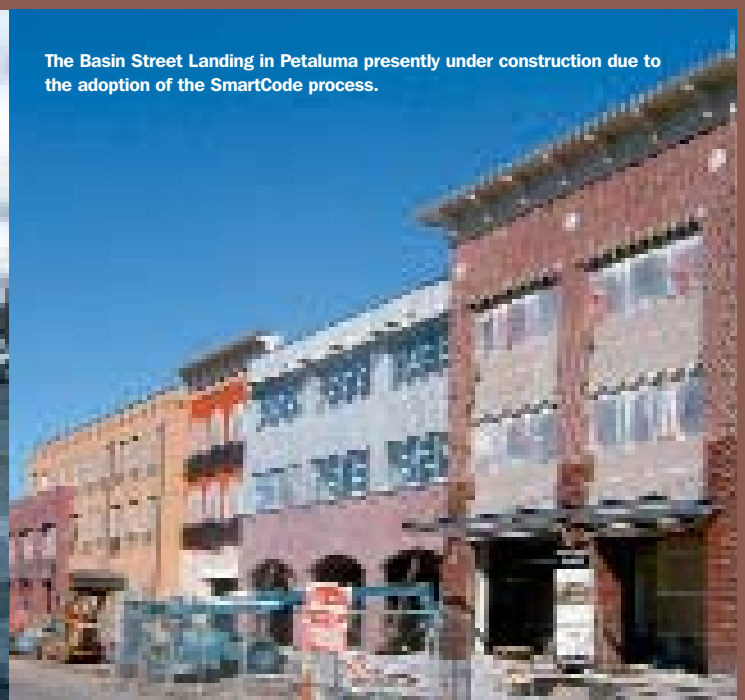
On the strength of that visioning process, Hammond and her team developed a strategic plan with input from a Citizens Advisory Committee and the Huntersville Public Works Department. With help from consultants from the College of Architecture at the University of North Carolina Charlotte and input from the Real Estate Building Industry Coalition, they totally rewrote the zoning ordinance, and made significant changes to the subdivision ordinance.

The result? A draft ordinance that mandated traditional development form in terms of building placement. Build-to lines replaced minimum setback requirements. Frontage requirements were included, as well as parking requirements. Front doors had to be on the side of the building fronting the street. These and other changes encouraged a pedestrian-friendly orientation of all buildings to the street.

With the help ("and open-mindedness," says Hammond) of the Mecklenberg County Engineering Department, they added a section on narrower, more pedestrian-oriented streets. The code required connectivity, narrow lots with alley access, and some vertical mixing of uses based on locational standards—meaning that some mixed-



The Basin Street Landing in Petaluma before adoption of the SmartCode, but within the SmartCode's area of implementation.



The Basin Street Landing in Petaluma presently under construction due to the adoption of the SmartCode process.



"The code requires more traditional forms of town and city development. It does not *require* TNDs; it *permits* TNDs."

*Ann Hammond, former planning director, Town of Huntersville*



use buildings were allowed closer in to town and at certain key intersections.

The planners' goals were simple:

- Allow neighborhoods in the more urban sections of town to fill out properly over time.
- Allow for more TND greenfield developments.

Hammond never misses the chance to correct a misperception of the Huntersville code: "The code requires more traditional forms of town and city development. It does not require TNDs; it permits TNDs."

The ordinance continues to allow single-family, single-use subdivisions, but they must adhere to the new code:

- Narrow lots must have alley access.
- Homes on wider lots may include a front-loaded garage, but the garage must be recessed from the front plane of the house.
- Every building must be on a public street.

The public street stipulation proved to be an interesting aspect, because conventional suburban shopping centers were effectively outlawed by this point; they needed to be configured as pedestrian-oriented shopping streets.

But these and other constraints proved successful

in creating better places within Huntersville, says Craig Lewis, managing principal and director of town planning with The Lawrence Group in neighboring Davidson, North Carolina. As a consultant for Huntersville, Lewis has seen the outcomes of the ordinances—both good and not so good.

Political maneuverings blunted the edge of some of the ordinance's requirements, says Lewis. "The result was a proliferation of hybrid traditional neighborhoods. There were a lot of small lots in seemingly discontinuous areas over a 50-square-mile area within the Huntersville, Cornelius, and Davidson municipalities. Spots of sprawl were all over the place. The production builders are all there, all building semblances of traditional neighborhoods, but many are hybrids."

Fortunately, the Huntersville success stories outnumber the hybrids. "Vermillion is a pure traditional neighborhood that's doing it right," says Lewis, "and they still have another 200 to 300 acres that they can develop."

*Jason Miller is a freelance writer, editor, photographer, and publishing consultant based in St. Paul, Minnesota.*