FAQs
East Frederick Visioning and Form-Based Codes

Q1: ***What is a form-based code?***

A: It is a way of regulating development that controls building *form* first and building *use* second. Its goal is to produce a particular type of "place" or built environment, based on a community-endorsed vision plan.

While conventional zoning controls land-use very strictly, it is usually tied to abstract regulatory statistics that can produce unpredictable physical environments. The base principal of form-based coding is that *design is more important than use*. Simple and clear graphic prescriptions for building *height*, how a building is *placed* on a site, and *building elements* (such as windows, doors, etc.) are used to control future development.

Q2: ***Do form-based codes regulate uses?***

A: Yes. Land-use is not ignored but is managed using broad parameters that allow response to market economics. It would be theoretically possible to control uses as strictly in a form-based code as in a conventional zoning system; however, in the best contemporary form-based codes, building form is the primary regulation (particularly for mixed-use districts), with broad parameters for permitted uses (as well as specific prohibitions for undesirable or inappropriate uses for a given district.)

Form-based codes tend to not be concerned with whether a storefront houses a bookstore, restaurant, or coffee shop—in fact, there is an expectation that building uses will change over time and, with the exception of health and safety issues, minimal review/regulations should be required when they do. When a form-based code is used for large areas such as East Frederick, different use parameters may be established for different places, "Main Street" vs "Side Street" vs "Edge Street", including locations that might be limited to residential uses. Other issues are typically addressed through management, enforcement, and/or specific use permits.

Q3: ***Why are we doing this project?***

A: Although East Frederick has evolved over the last 220 years, The City of Frederick has begun this Form-Based Code process since the adoption of the East Street Corridor Small Area Plan in 2017 in order to engage the community in an affirmative and proactive manner to define the expectations for the future of East Frederick. We are arranging a public workshop process to develop new *Form-Based* development regulations. To best implement the community vision, a Form-Based Code that shapes the character (form and function) of buildings is needed.
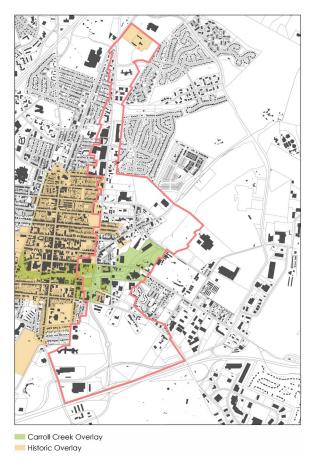
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Q4: What are the project boundaries?

A: The project area, which may be modified during the process if needed, covers at least one parcel on both sides of the East Street from I70 to market Street and it's about 2.4 mile.

Q5: Why don't we just use our current zoning?

A: Although well intended, the current zoning has not produced development in East Frederick that people are happy with, and the vision laid out in the Comprehensive Plan and the East Street Corridor Small Area Plan (compact, walkable) isn't being achieved. This is not unique to Frederick. Most conventional zoning ordinances provide an artificial and misleading level of statistical specificity, by regulating development in terms of minute gradations of use, and dwelling units per acre, but have no clear goal for the desired form or character of new development, or of the *Place* that development will shape/create.

Carroll Creek Overlay

Historic Overlay

The current zoning is also out of sync with both the community's vision and the market. It has led to some unfortunate development on the one hand, while at the same time it requires an arduous, unpredictable review process for new development that is desirable and fulfills our goals (such as promoting mixed-use and pedestrian-oriented development).

Our development regulations should make it easy to build the type of development that the community wants and difficult to build in a way that conflicts with the community vision.

Conventional zoning is a clumsy tool for mixed-use and pedestrian (street) oriented centers and neighborhoods. Many of the characteristics of those neighborhoods are not allowed or encouraged under existing zoning.

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Q6: ***Do form-based codes create more bureaucratic red tape?***

A: They should not! A form-based code can streamline the development review process because it typically provides clear parameters and more simple administration, when it is <u>based on a Citizens Endorsed Vision Plan</u>. It should become easier to develop properties that follow the Vision Plan and meet the form-based code standards.

Q7: ***Will adoption of a form-based code require changing our existing zoning?***

A: Form-Based Codes can be adopted under a variety of scenarios, including replacing the existing zoning, creating a special district, or an optional or parallel overlay district. The city, for simplicity and consistency, intends to replace the existing zoning with a new streamlined Form-Based Code for East Frederick.

Q8: ***Will I have to change my building/business/house, etc.?***

A: No. Existing buildings and uses will be "grandfathered in" under any new form-based code. Any new regulations will only take effect if an individual owner chooses to redevelop or expand significantly.

Q9: ***Where else have form-based codes been used?***

A: Historically in the United States, many towns regulated development through systems that were primarily form-based. (Two well-known examples are pre-WWII Chicago and Old Town Alexandria in Virginia.) More recently, they are increasingly popular for towns and cities, particularly those that are encouraging (traditional) walkable infill redevelopment and smart growth/sustainable development or are concerned about protecting/enhancing the existing form and character of the community (or a specific district.)

Some of these locations are Columbia Pike in Arlington, VA; Denver, CO; Winooski, VT; Contra Costa County, CA; Iowa City, IA; Cedar Falls, IA; Cedar Rapids, IA; Fayetteville, AR; Columbia, MO; Peoria, IL; Cincinnati, OH; Overland Park, KS; Portsmouth, VA; and Newport, VT.