



# THE AMERICAN INSTITUTE OF ARCHITECTS

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## AIA ISSUE BRIEF – FORM-BASED CODES

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Building codes not only ensure minimum standards for health, safety, and welfare in the design and construction of an individual building project, but can also enhance the quality of our communities. During the past decade, many jurisdictions have sought to express their commitment to values like sustainability, historic preservation, and transit-oriented, pedestrian-friendly growth through the codes they adopt. While conventional building and zoning codes govern land use by drafting mapped zones which segregate one set of land uses from another, some municipalities in the United States have implemented alternatives using physical form (rather than separation of uses) as the organizing principle for their construction codes.

**Form-based codes** (FBCs) intend to create specific urban forms through the relationships of building facades, streets, and public spaces.<sup>1</sup> They offer architects the opportunity to apply their skills and expertise beyond individual property lines to achieve regional and community visions. These regulations incorporated into local law designate areas like downtown historic centers, revitalization districts, or even individual neighborhoods to meet distinct requirements to make them efficient, sustainable, and beautiful.

Municipalities have increasingly come to realize the problems with conventional zoning approaches that foster sprawl and its adverse impacts on our health, our wallets, and our environment. Communities have turned to form-based codes for potential benefits in overcoming these and other issues. Over the past three decades, stakeholder groups have drafted about 400 FBCs across the United States, and as of 2012, about 250 municipalities had adopted them. Eighty-two percent of these had occurred within the previous 10 years.<sup>2</sup> A handful of cities including Miami<sup>3</sup> and Denver<sup>4</sup> have replaced their entire zoning ordinances, but most jurisdictions with FBCs have a far more limited scope.

A form-based codes approach is, however, one tool among many, and while they have their benefits there can also be negative impacts when implemented incorrectly. The quality of the resulting development depends on the merit and objectives of the community plan that a code carries out. FBCs express a jurisdiction's intended design philosophy (particularly for historic districts or those with exemplary architectural heritage). They should do so, however, without prescribing design solutions, which is the purview of the architect representing the property owner. Thoughtful, responsible form-based code development should include careful consideration of the following issues:

- *Roles and Liability:* Performance-based codes allow municipal officials to administer planning in new development without the need for architectural interpretation or the creation of unintentional liability consequences. The official's role should be to encourage



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economic activity without stifling creativity, innovation, or technology of future development by defining architectural design or style.

- *Terminology:* Codes should contain commonly accepted language drawn from the planning, development, and design industries and government agencies worldwide so that potential projects remain feasible and predictable for developers, municipal officials, and the public.
- *Health, safety, and welfare:* The State of Florida requires that “every architect practicing in this state meets minimum requirements for safe practice.”<sup>5</sup> Licensed professionals must attain an accredited degree, pass an examination, and complete biannual continuing education requirements that highlight their responsibility to ensure the health, safety, and welfare of the citizens of the state. An architect’s professional responsibility is to be responsive to a multitude of different programmatic, environmental (including exposure to natural hazards and other risks), and functional needs for any given building. Unnecessary restrictions placed on the design may result in construction that does not meet the standards of the property owner. Roof forms, exterior cladding, and the size and placement of openings in the building envelope are all examples of protective elements of the structure. When the selection of building technologies and materials are restricted now or in the future, the architect is not able to tailor the design as a response to site, climate, and budgetary restrictions (among other considerations), causing undue liability and costs on the property owner.
- *State of Florida’s definition of “architecture”:* “Architecture” means the rendering of, or offering to render, services in connection with the design and construction of a structure or group of structures which have, as their principal purpose, human habitation or use, and the utilization of space within and surrounding such structures. Architectural services include planning, providing preliminary study designs, drawings and specifications, job-site inspection, and administration of construction contracts.

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Visit the [AIA Codes Advocacy program page](#) for more resources on the building regulations that affect the architectural profession. For more information on form-based codes, including their history and contemporary application in the United States, please visit the Form-Based Codes Institute at <http://formbasedcodes.org>.

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<sup>1</sup> Madden, Mary and Joe Russell. “Part I: What Is a Form-Based Code?” Form-Based Codes Institute. January 7, 2015. <http://plannersweb.com/2014/12/fbcl/>.

<sup>2</sup> Perez, Tony. “Misconceptions About Form-Based Codes.” Form-Based Codes Institute. October 20, 2014. <http://formbasedcodes.org/articles/misconceptions-form-based-codes>.

<sup>3</sup> Miami 21 Zoning Code. The City of Miami, Florida. <http://www.miami21.org/>. (Note: Miami 21 went in effect May 20, 2010).

<sup>4</sup> Denver Zoning Code. The City of Denver, Colorado. <http://www.denvergov.org/cpd/CommunityPlanningandDevelopment/Zoning/DenverZoningCode/tabid/432507/Default.aspx>. (Note: The DZC went in effect June 25, 2010).

<sup>5</sup> Florida Statutes (2014). Title XXXII, §481.201. [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0400-0499/0481/Sections/0481.201.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0481/Sections/0481.201.html).