

## ADMINISTRATIVE LAW ALERT

### “FORM-BASED” LAND DEVELOPMENT REGULATIONS REPLACING ZONING

by Samuel E. Poole, III, Esq.

In 1993, the city of South Miami, led by the downtown landowners and neighborhood civic leaders, adopted a new approach to regulating the development of land. The city replaced its conventional zoning in the downtown area with regulations that placed primary emphasis on getting buildings to act like they were *downtown* instead of in the suburbs. The new regulations did not dispense with the land *use* concerns of zoning; instead, use became secondary to getting the *form* of the buildings and streets right—using the location and shape of buildings, sidewalks and streets to create a sense of place for people.

share the organizing principle of using buildings placed in relation with one another and with the streets and plazas to create the great human habitats that have flowed with life and commerce for hundreds and even thousands of years. The land development code adopted by South Miami placed primary emphasis on getting the form and placement of the

*“Land Development codes that build great people places: an idea whose time has come again.”*

downtown buildings to conform to these timeless city-organizing principles. This primacy of physical form over conventional zoning of uses is *form-based* land use.

The South Miami “Hometown” land development regulations use a very graphic approach to their form-based code writing.

the urban form of the city express a shared vision of a unique place developed and agreed to by the residents, landowners and business community. The clarity of the code intent is a benefit to both the city and developers; development conforming to the code requires only staff review, resulting in an expedited development approval process.

The success of South Miami encouraged the Miami-Dade Chamber of Commerce South to organize a similar process to develop a specific shared vision of place for the Dadeland shopping center area and a form-based code to implement the vision. The Chamber organized a design effort that included county, state and regional government representatives as well as civic leaders, landowners and business owners.

Once again, this process applied the fundamental organizing principles of good urban design to produce a very specific physical vision of a unique place designated “Downtown Kendall” and a form-based land development code to implement the vision. The

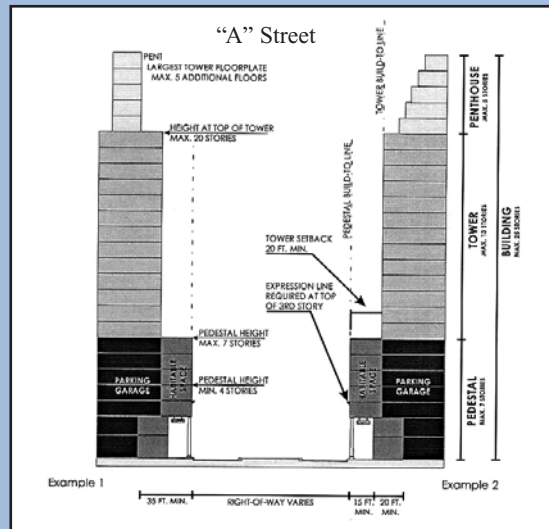
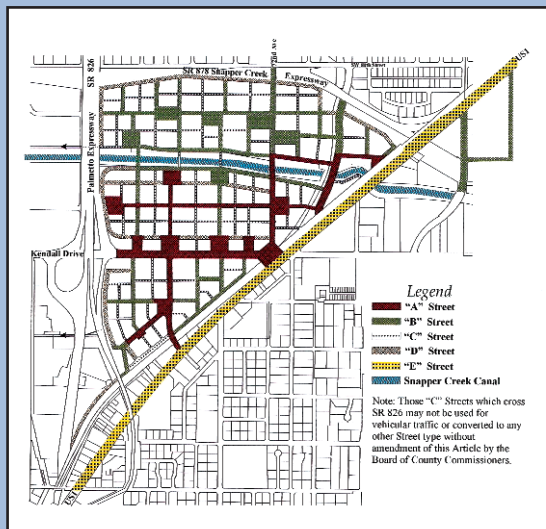
county code, adopted in 1999, is illustrated in the two images below. The code laid out a physical plan with street types A-E, and locations for public squares, plazas and colonnades. The code then established, with words and images, specific relationships between buildings, sidewalks and streets for each street type. The A streets are the most important pedestrian streets in the plan.

Form-based codes are being developed and implemented to protect and enhance urban growth in existing towns and cities

throughout the world. This approach to land development regulation that focuses first on getting the urban form right and then addresses the use of land offers clarity of vision and predictable process to cities and developers.

Sam Poole co-authored the 1991 Miami-Dade County Traditional Neighborhood District ordinance, the first form-based code in the US. Sam also co-authored the 1993 South Miami code and participated in the development of the Downtown Kendall plan. ■

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There are many examples of good urban form: St Augustine, Savannah, Charleston, Boston, Chicago, Paris, Barcelona, Sienna and many more small and large enduring cities



Images were incorporated in the code to illustrate elements such as the location of buildings (no setback from sidewalk), parking (on street and to the rear of buildings), mixing of uses (retail on ground floor with windows and doors, commercial and residential uses above), and the street cross-sections showing sidewalks, arcades, trees, parking and travel lanes.

South Miami also adopted a *regulating plan* that illustrates, for every lot in the downtown area, where the building is to be placed, where arcades over the sidewalk are required, the locations of streets, alleys, curb cuts and greens (and more). The detailed graphics laying out

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SAMUEL E. POOLE, III

Samuel E. Poole, III is a graduate of the University of Florida, B.S. in Forestry, cum laude (1970); the University of Pennsylvania, Master of Regional Planning (1976); and Northwestern University, J.D., cum laude and Order of the Coif (1985).

Mr. Poole served as an officer with the Corps of Engineers in Jacksonville, Florida from 1971 to 1974. From 1976 to 1982, Mr. Poole was a regional planner and Environmental Section Chief of the Dade County Planning Department. He practiced zoning and environmental law in South Florida from 1985 to 1994, serving as a

member of Dade County's Planning Advisory Board from 1990-92. He also served as Executive Director of the South Florida Water Management District from 1994 to 1999. He also Chaired the South Florida Ecosystem Restoration Task Force Working Group (1998), served on the Third Environmental and Land Management Study Committee (ELMS III), and on the Lower East Coast Regional Water Supply Advisory Committee. He is Past Chair of the Downtown Fort Lauderdale Transportation Management Association. He is rated "AV" by Martindale-Hubbell.

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### ADMINISTRATIVE LAW TEAM

DAWN M. MEYERS	(561) 893-8701
DANIEL H. THOMPSON	(850) 561-3010
SAMUEL E. POOLE	(954) 627-9918
MELANIE ANN HINES	(850) 561-3010