PARTICIPATION AND PREDICTABILITY: A COMPARATIVE ANALYSIS OF
PROCESSES AND OUTCOMES OF THE FORM-BASED CODES AND PREVIOUS
CONVENTIONAL ZONING CODES OF MIAMI, FLORIDA AND DENVER, COLORADO

By

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A THESIS PRESENTED TO THE GRADUATE SCHOOL
OF THE UNIVERSITY OF FLORIDA IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS IN URBAN AND REGIONAL PLANNING

UNIVERSITY OF FLORIDA

2011

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Abstract of Thesis Presented to the Graduate School
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December 2011

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Major: Urban and Regional Planning

This study analyzed the form-based code participatory processes of Miami, Florida

and Denver, Colorado to examine the relationship between code formulation and

implementation to gauge how, and if, predictability has been generated through

extensive, front-loaded participation. The design orientation of the form-based code has

also been examined for its ability to serve as a catalyst within these processes. The

need for additional flexibility through additional public participation following code

adoption was examined to consider the adaptation of the predictability model.

As a result, this study analyzed the following research question: Considering the

extensive participatory processes used to create the form-based codes in Miami, Florida

and Denver, Colorado, how have these processes produced outcomes that increase

predictability, and how is this predictability balanced with the potential need for further

citizen participation?

Both scenarios were analyzed through the use of case studies, project analyses,

and discussions that resulted from the evaluation of processes and outcomes within

code formulation and implementation. In sum, these were used to analyze the

hypotheses developed during preliminary analysis that were used to test the function,

processes, and outcomes of each code type within each context. The design orientation

and the use of visual communication used within code formulation were analyzed to

evaluate if, and how, these have advanced predictability and public accessibility in

terms of outcomes produced by these processes.

CHAPTER 1
INTRODUCTION

Statement and Nature of the Problem

Several states and municipalities throughout the nation require citizen participation as part of the planning and land development process that, often at a minimum, requires public hearings and notifications. Increasingly over time, citizen participation has evolved to change the nature of and the approach to planning. From the rise of advocacy planning in the 1960s to President Lyndon Johnson's efforts to provide affordable housing through required citizen participation to aid in the success of Housing and Urban Development programs, today's participatory processes present an avenue to empower and incorporate the views of the public. This participation influences community development and policy-making through the formation of constituencies that aid in the likelihood of successful project and policy implementation to further increase decentralization.

However, are current citizen participation methods providing an adequate platform for citizens to voice their concerns and assist in shaping their communities through decision- and policy-making? While the formulation of all code types can present opportunities to engage the public, this study investigates the participatory processes that are used to create form-based codes. The formulation of the form-based code often entails extensive, front-loaded citizen participation, and this study examined how these formulation processes and outcomes relate to those within code implementation to evaluate the need for further citizen participation following code adoption.

The form-based code has also been compared to the conventional zoning code in order to ascertain differences in code implementation through the examination of code

organization and function alongside process and outcomes. These comparisons served to illustrate differences in participatory capacity, predictability, and opportunities for further participation following code adoption between both code types. Other aspects examined within this study include the design orientation and the use of visual communication within these processes, in addition to cost, time, outreach, marketing methods, and attendance levels in order to consider the economic feasibility of these approaches. These analyses where performed while investigating the timing and extent of participation translated from code formulation into implementation.

Form-based code formulation processes are often noted for intensive and extensive public engagement that generates prescriptive regulations and increased predictability through code implementation. As a result, this study analyzed the following question: Considering the extensive participatory processes used to create the form-based codes in Miami, Florida and Denver, Colorado, how have these processes produced outcomes that increase predictability, and how is this predictability balanced with the potential need for further citizen participation?

The aim of this study was to analyze form-based code formulation and implementation that compared the processes and outcomes of conventional zoning codes through development review. The timing and extent of participation was examined to uncover the similarities and differences between both code formats and function that analyzed if these produce differences in participatory capacity. This was achieved through the analysis of two cities that have recently adopted form-based codes, the City of Miami, Florida and the City of Denver, Colorado.

The Conventional Zoning Code and the Form-Based Code

Within the United States (U.S.), conventional zoning is believed to have begun in New York City as a means to segregate uses in order to promote and preserve real estate values by delineating less desirable uses that created wealth through exclusion. While conventional zoning, in general, is believed to have begun in London during the Industrial Revolution to promote the health, safety, and public welfare during the Victorian Era, similar measures and motivations were established in New York City that led to the segregation of uses into pockets of industry that promoted the separation of residential and commercial uses. While conventional zoning is still predominant in most communities throughout the U.S., the push to re-urbanize and promote smart growth has led many cities to adopt form-based codes. According to Berg (2010b), there are about "323 form-based codes either adopted or in development" (¶6) across North America.

According to the Form-Based Codes Institute (FBCI) (2011), the form-based code "approach contrasts with conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., FAR [Floor Area Ratio], dwellings per acre, setbacks, parking rations, traffic LOS [Level of Service]), to the neglect of an integrated built form" (¶3). In response, the form-based code aims to "achieve a community vision based on time-tested forms of urbanism" (FBCI, 2011, ¶3). According to Berg (2010b), "the conventional method of zoning, known as Euclidean zoning, determines what sort of development can be located in specific areas based on type of use" (¶10). He explained that this "division of land uses can make it difficult or even illegal to build developments that mix different but compatible uses" (Berg, 2010b, ¶10).

According to Elizabeth Plater-Zyberk, the regulatory framework of the conventional zoning code "was really what was driving suburbia, sprawl, and the things that were being criticized as being inefficient and unsustainable" (as cited in Berg, 2010b, ¶12). She explained that "it wasn't that people wanted it to be that way—the codes were just written that way" (as cited in Berg, 2010b, ¶12). Berg (2010b) stated that "she and other New Urbanists developed an alternative, the form-based code" (¶10).

Form-Based Code Overview

The form-based code is a means to "foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code" (FBCI, 2011, ¶1). According to FBCI (2011), these "are regulations and not mere guidelines, adopted into city or county law" (¶1) that "address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks" (¶2). Additionally, "the regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals .... keyed to a *regulating plan* that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types" (FBCI, 2011, ¶2).

The form-based code relies upon citizen participation to establish the community vision through specific regulations based on form- and context-based approaches. The goal of these processes and outcomes often aim to increase predictability, which may lessen the necessity of additional administrative approval processes with the aim of promoting development through greater certainty. The form-based code is "a tool to implement the vision that everyone has agreed upon" (¶17), and while it is "more time-

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and labor-intensive upfront ... once everyone's agreed on the vision, then the rules are very clear and the process for development goes much more quickly" (¶17) since "there don't have to be public hearings ... because the project conforms with the vision everyone's agreed upon" (Berg, 2010b, ¶17). This assumption relies on the form-based code's ability to generate predictability as an outcome of form-based code formulation translated through code implementation. This predictability and the relationship between formulation and implementation will be examined within Chapter Five: Code Implementation and Project Analyses.

Introduction of Case Studies: Miami, Florida and Denver, Colorado

Hawley (2010) stated that "form-based codes first took hold in the southeastern U.S. and have rapidly spread west" (¶5), and "Miami recently adopted a form-based code, and Denver is preparing to follow suit" (¶5). According to Berg (2010b), "Miami was the first large American city to adopt a form-based code, but Denver was close on its heels" (¶7). As a result of the involvement of one of the most extensive series of citizen participation sessions in the country, the City of Miami's form-based code, Miami 21, was selected for this study. Miami approached these participatory processes on a smaller and more immediate scale at the beginning through the division of the city into quadrants.

Additionally, the City of Denver was selected for this study since it is another major city that has adopted a form-based code that was created through extensive public participation, which approached participation through the division of the community into districts based on the City of Denver's ward-based form of governance. Districts were further designated according to "areas of stability" and "areas of change" similar to the "degrees of change" approach used by the City of Miami. Both code formulation

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scenarios are analyzed in Chapter Four, and code implementation has been analyzed in Chapter Five.

Through a comparative analysis of Miami 21 and the Denver Zoning Code, this work explored whether the form-based code is a better vehicle for fostering civic engagement. This study also considered the design orientation of the form-based code and the use of visual communication within code formulation processes to evaluate how these aspects may increase public accessibility, inclusivity, and contribute towards increased predictability. The underlying assumption was that this design orientation and the specificity of the form-based code can provide a means to expand participatory capacity through the creation of a meaningful and purposeful policy-making process. These aspects were compared and contrasted with the regulation by use found within conventional zoning to question the ability of this format and approach to specifically define the public vision and lead to the development of predictable outcomes.

Code implementation of each code type was tested through the project analyses contained within Chapter Five. This chapter also examined the necessity of, and the potential for, further public participation opportunities within the development review and approval processes of both code types for the projects provided by each city. This analysis was performed to compare the value of predictability generated through extensive public participation within code formulation processes to by-right development policies that can serve to streamline code implementation processes.

For the purpose of this study, predictability has been defined as the product of extensive and purposeful participation obtained through form- and context-based approaches that codify the community vision through specific and prescriptive

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regulations that can reduce the need for additional processes and participation in order to promote development through increased certainty.

Summary

Providing opportunities for extensive public participation can entail significant time and expense. According to Bingham (2006), "studies have demonstrated that our perceptions of the fairness and legitimacy of governing processes depend in large part on the nature of our participation, [and] especially [the] opportunities to voice our views" (p. 815). Since the form-based code can provide these opportunities within code formulation, code implementation has also been examined to uncover the prevalence of these public participation opportunities following code adoption. This analysis has also taken into consideration the value of predictability and streamlined development review and approval processes. Additionally, comparisons have been made to conventional zoning code implementation to form an analysis of best practices and ethical planning approaches based on the timing and extent of participation between each code type, which formed the basis of the recommendations provided at the end of Chapter Six.

CHAPTER 2
LITERATURE REVIEW

Overview

The current status of the literature has been explored to illustrate the differences between the form-based code and the conventional zoning code in terms of process and outcomes. The steps involved in code formulation have been outlined alongside measures which aid in implementation. The relationship between formulation and implementation has also been examined to consider the potential need for further participation following code adoption. Additionally, the design orientation of the form-based code was analyzed to uncover if it generates a difference in terms of participatory capacity and predictability that may justify streamlined review and approval processes in order to promote development. Analytical criteria have been outlined within this chapter and were used within Chapters Four and Five of this work to assess the participatory processes and outcomes of code formulation and implementation for both the City of Miami, Florida and the City of Denver, Colorado. More specifically, these criteria were used within the discussion and analysis section that follows the code formulation case studies within Chapter Four. These criteria were also used to evaluate code implementation processes and outcomes through the use of project analyses for each city within Chapter Five.

Introduction

According to Walters (2007), public participation through the communicative planning approach "is gaining considerable credibility and support in contemporary planning practice" (p.53) since the pursuit of the sustainable community must address "the diverse needs of existing and future residents" (p. 54). This sustainable approach is

more than a method to "cope with restructuring" (p. 55) since in order to achieve

sustainability, "urban development has to be based on ... human, social, cultural,

intellectual, environmental and urban capital ... guided by a long term vision ... that

enjoys popular support because it has been put together through extensive discussion"

(Walters, 2007, p. 55). Walters (2007) explained that "the principle that people who use

public spaces and buildings should have a say in designing them is central to this

enhanced notion of community" (p. 163).

Some citizens may question their ability to influence decision- and policy-making

and the value of their representation. As a result, the form-based code and the

conventional zoning code were examined to analyze the differences in terms of

participatory capacity, code format, and regulatory approach. By establishing

constituencies through participatory processes within code formulation, planning can

prescribe the quality of the built environment. The specificity of these processes and the

outcomes produced can lead to predictability, which serves to eliminate uncertainty in

order to promote development.

According to Bingham (2006), new governance processes centralize the voice of

citizens into planning and policy-making where "deliberation is present if citizens use an

exchange of reasons with each other in an effort to achieve an agreement or consensus

rather than taking the expedient of voting ... [that] allows for people to learn and change

their views" (p. 817). Through this exchange and interaction, reflexive learning provides

ownership of policies as a result of collaborative policy-making. While the conventional

zoning code and the form-based code can both present this collaborative opportunity,

this study examined if this potential is inherent within the regulatory approach of either

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code format while examining why it is the form-based code that is often noted for the ability to attract and incorporate extensive public participation.

The Differences between the Form-Based Code and the Conventional Zoning Code

The purpose of examining the difference between the form-based code and the conventional zoning code was to consider each both in terms of process and outcomes to inform the analyses found later within this work. This was also performed to evaluate the timing and extent of participation to uncover differences in participatory capacity between both code types. According to Walters (2007), the form-based code, or "Smart Code is perhaps the most significant effort to reform American land use regulations since the introduction of zoning in its conventional form in the early 20th century" (p. 114). Walters (2007) explained that the form-based code's "logic and provisions attempt to reverse more than 50 years of development control based on separated single use districts with no urban design content" (pp. 114-115). Walters (2007) stated that the form-based code is formulated to "make it usable by planners and other municipal officials who do not have design training" (p. 115).

Additionally, form-based code participatory processes within code formulation can provide the opportunity for citizens to respond to design concepts that address the interaction of the built form and the creation of open spaces (Parolek, Parolek & Crawford, 2008). In comparison, the conventional zoning code's emphasis on use regulation leads to use segregation that discourages pedestrian activity, while promoting vehicular activity. Additionally, setbacks are often used within the conventional zoning, but according to Parolek, Parolek, and Crawford (2008), these

"cannot guarantee an exact location of a building, only a range of possible locations" (pp. 42-43).

According to Peter Katz, "the most important piece of missing information is that form-based codes do not work on their own" (as cited in Parolek, et al., 2008, p. 14). Form-based codes "are embedded in a suite of best practices that also includes high-quality urban design ... and a participatory planning methodology known as the 'charrette process'" (Parolek, et al., 2008, p. 14). This contrasts with the conventional methods used in the past since according to Walters (2007), these were based "on the practice of consultants designing and crafting policies in isolation and then presenting the results to the public for 'comment" (p. 169). Walters (2007) explained that "this kind of design ... proved a recipe for much [of the] bad urbanism in the modernist period" (p. 169). While the charrette can be used within conventional zoning code formulation processes as well, the specificity of the form-based code and the use of organizing frameworks that employ form- and context-based approaches provide the means to achieve detailed, purposeful public participation processes within a relatively compressed time period.

Differences in Terms of Process

The differences in terms of process between the form-based code and the conventional zoning code stem from the form- and context-based approach of the form-based code, which entails participatory processes to be focused in order to derive specific regulations to achieve predictability. According to Walters (2007), participation within contemporary planning processes rely on the use of the charrette to assist in the facilitation of communicative planning, which involves the use of visual and verbal communication styles in order to develop "the best possible solutions" (p. 62). While

conventional zoning code formulation processes can also incorporate a balance of words and visuals, Polyzoides indicated that the form-based code is "purposeful" in contrast to the "unfocused" conventional zoning code since the form-based code formulation processes require the development of prescriptive regulations that are context specific in order to make the necessary "physical adjustments that would render these places more useful and beautiful" (as cited in Parolek, et. al, 2008, pp. xvii).

Constituencies are formed through form-based code formulation processes as a result of this form- and context-based approach. These processes provide the means to generate specific regulations and, therefore, increase the level of predictability within the form-based code to represent the combination of the "best private interests and the public good" (Parolek, et al., 2008, p. xvi). Parolek, et al. (2008) delineated the differences between the processes of both code types and indicated that "the form-based coding process addresses both the short- and long-term interests of all the specialized disciplines that need to work in concert to create and maintain the framework for the evolution of a city" (p. 98). This entails visioning to be prescriptive in order to transform the form- and context-based community vision from concept into reality.

Walters (2007) explained that the parameters of the form-based code and the use of visual communication within these participatory processes "give tangible design form to ideas as they are raised... [and] enables the concepts to be debated more accurately ... [while helping] individuals and groups understand and agree on plan proposals without necessarily having a unified point of view" (p. 63). This level of specificity is required to define and codify outcomes of the form-based code participatory processes

as a result of the form- and context-based approaches that are absent within the language- and use-based approaches of the conventional zoning code.

Differences in Terms of Outcomes

According to Parolek, et al. (2008), the form-based code is "a method of regulating development to achieve a specific urban form .... [to] create a predictable public realm primarily by controlling physical form" (p.4) in which there is a decreased emphasis on regulating land use. Walters (2007) stated that by approaching code formulation through an emphasis on form and space provides "a much more profound and reliable framework for a community's evolution than ... abstract maps of transitory uses" (p. 62) such as those found within conventional zoning codes. The emphasis on form and space can produce plans which "provide predictability and assurance to potential investors that any future development will be consistent" (Walters, 2007, p. 63).

This level of predictability cannot be achieved through the regulation of use alone. The predictability generated by the form-based code is achieved through specific measures. These specific measures include the use of build-to-lines and "T-zones", which create a higher level of certainty than the use of setbacks, zoning, and the regulation by use found within conventional zoning codes (Parolek, et al., 2008, p. xvi). Additionally, the formulation of the form-based code entails an extensive front-loaded participatory process to derive these specific regulations to produce predictability. Parolek, et al. (2008) stated that the concepts within these processes are presented to the public through "a balance of words, diagrams, and tables that are clear ... without the need for theological interpretation" (p. xviii), and these can also result in user-friendly regulations as an outcome of the code formulation process. While these regulations may be noted as clear and simply presented, these regulations must be

specific enough to ensure the realization of the community vision during code implementation.

According to Parolek, et al. (2008), the conventional zoning code may also address "building placement and height, but the emphasis remains on land use" (p. 18). This use emphasis truncates the ability of the conventional zoning code to prescribe relationships between structures through their placement within the built environment and the creation of interactive open spaces. Parolek, et al. (2008) also stated that conventional zoning code formulation processes generally focus on "drafting regulations, with 'planning' limited simply to the review and consideration of the most recently adopted community plan covering the same area" (p. 99). This approach may inhibit the collaboration of those less familiar with the existing code, and the absence of a design orientation can limit visualization and public response. Parolek, et al. (2008) explained that conventional zoning codes "usually address issues unrelated to providing a clear urban design foundation for the code" (p. 99), which limits the amount of predictability that these codes can produce.

Finally, Walters (2007) stated that while conventional zoning codes sometimes use "historical models as their base criteria .... these design guidelines, [are] essentially 'Band-Aids' to support weak conventional zoning, [which] are often mistaken for form-based codes" (p. 108). However, Walters (2007) explained that conventional zoning codes are "very different in their formulation" (p. 108). The conventional zoning code does not centralize a form- and context-based approach from which to enable public response within its formulation since its emphasis remains on land use. This inhibits the ability to achieve a specific community vision to derive predictability.

Form-Based Code Participatory Processes

The public participation that takes place within form-based code formulation process was examined to uncover how these processes may be deemed meaningful in comparison to those that accompany conventional zoning. The form-based code formulation process was also examined to ascertain how predictability is produced as an outcome of these processes. These findings were used to analyze the timing and extent of public participation from code formulation through implementation to consider the effects of streamlined development review and approval processes through the project analyses that are contained within Chapter Five.

The form-based code concept was developed by Andres Duany and Elizabeth Plater-Zyberk. Walters (2007) described the form-based code as a "new, participatory paradigm" (p. 63), which serves to "meld the objective expertise of planning and design experts with the subjective experiences, histories and expectations of individual communities" (p. 63). This site specificity is integral in maintaining community interest, and this local knowledge combined with expert information and a context-specific, design-oriented process provides the foundation for a purposeful public participation process. Walters (2007) stated that it is "only through meaningful public participation ... [that these form-based] codes have any validity" (p. 63).

According to Walters (2007), a meaningful process and predictability are achieved by finding "the right balance between vision, prescription and flexibility" (p. 62). This entails public collaboration to define the community vision to produce specific form- and context-based regulations. However, while form-based codes can be flexible to their application to a variety of contexts and circumstances, flexibility within this work entailed

the consideration of opportunities for public participation following code adoption, which has been analyzed within Chapter Five: Code Implementation and Project Analyses.

Walters (2007) explained that the form-based code participatory process requires the transformation of "two-dimensional thinking into the third dimension of real places" (p. 62), which presents concepts that are "specific, detailed and thorough enough in their depiction of urban qualities to create agreement about the architectural, urban and environmental character of an area" (p. 62). Walters (2007) also stated that public participation is critical to creation of site specificity since this is "vital ... for community buy-in" (p. 63). To initiate these processes, some degree of concept framing is usually made prior to collaborating with the public; however, this provides a range of possibilities to initiate a dialogue to collaboratively formulate the form-based code product.

The Form-Based Code Product

Form-based codes generate predictability through "experience-derived metrics [that] replace abstract gauges of future development" (Parolek, et al., 2008, p. xvii). According to Parolek, et al. (2008), form-based codes regulate public and private spaces and places and their interaction through the use of an organizing principle to "identify and reinforce an urban hierarchy" (p. 11) that ensures that the community vision is upheld and made predictable. This organization ensures comprehensibility while creating "smooth and often imperceptible transitions between regulatory zones rather than the hard-edge separation and buffering between single-use zones that is common in places regulated by conventional zoning codes" (Parolek, et al., 2008, pp. 11-12). Parolek, et al. (2008) stated that form-based codes "empower communities both to enable and to require better development patterns and individual projects" (p. 4).

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These outcomes are a result of the specificity of the form-based code, which is obtained through form- and context-based approaches and applied within a specific context as a result of public confirmation obtained through extensive citizen participation.

The prescribed community vision is implemented through form-based code regulations, which are often accompanied by "streamlined development review and approval process[es] requiring little or no subjective review thus encouraging appropriate development" (Parolek, et al., 2008, p. 12). This is seen as a complement to extensive participation that derives predictability. The value of predictability is also central to the notion that certainty will promote development. According to Polyzoides, specificity and an emphasis on design also serve as an "economic-development engine .... calibrated to the local economic opportunities that the market can deliver" (as cited in Parolek, et al., 2008, p. xvii). In sum, the form-based code can produce predictability to promote development through a context-specific, holistic design emphasis, which can maximize the appropriateness of potential development.

Steps Involved in the Creation of a Form-Based Code

Prior to the public participation component of the form-based code, existing conditions analyses and preliminary concepts are developed to assist in facilitating the process. According to Parolek, et al. (2008), the actual coding process involves three major steps, which include documenting, visioning, and assembling the code (pp. 95-97). Preliminary analyses are conducted during the scoping and documenting phases include developing the regulating plan, public space standards, and building form standards (Parolek, et al., 2008).

Parolek, et al. (2008) indicated that the regulating plan is used to apply zones "within a framework of streets and blocks, not just in large unrefined geographic areas

like conventional zoning maps" (p. 17). This adds to the specificity of the plan and focuses the approach to formulate the code. Furthermore, the regulating plan is used within the form-based code to ensure the development of smooth transitions between zones. The form-based code formulation process may also include the depiction of building types and frontage requirements in order to establish relationships based on the proximity to specific thoroughfare types (Parolek, et al., 2008). According to Parolek, et al. (2008), these depictions often correlate with development standards, which are used to indicate the "differences in the form and character of development in each zone" (p. 17) that assist within the development of "the configuration of the public realm" (p. 17).

Building form standards ensure the integration of the physical form within the larger context. The depiction of these concepts are useful within the formulation process and within the final code product in which the "preferred format is graphic [and involves] integrating simple diagrams and easy-to-read tables for ease of use and clarity of the regulations" (Parolek, et al., 2008, p. 39). These building form standards are in draft format during the public participation component and are the result of existing conditions analyses. These depictions help to facilitate these participatory processes, and these preliminary design parameters are malleable in order to incorporate public input (Parolek, et al., 2008). The regulating plan assigns the location of each building type, and these context-specific parameters help to realize the desired community vision. In sum, the existing conditions analyses, the development of building form standards, and the use of a regulating plan all help to organize and prescribe the achievement of future

development goals by providing a framework for purposeful public participation within the code formulation process.

Within the approach to create the form-based code, Parolek, et al. (2008) indicated that "it is critical to involve the community early and often to ensure that the code truly represents the community's vision, not the consultants' vision" (p. 124). Community input is garnered within these processes in order to ascertain "which parts of the existing community are liked and disliked" (Parolek, et al., 2008, p. 125). These findings provide the "opportunity to have a dialog with the community about what makes a good place and how those characteristics are or are not inherent within certain parts of the community" (Parolek, et al., 2008, p. 125).

During form-based code formulation, the form-based code team and the stakeholders develop a vision plan, which represents "a detailed vision for the future of the community" (Parolek, et al., 2008, p. 96). According to Parolek, et al. (2008), this involves the development of "an illustrative plan, a variety of three-dimensional renderings, and descriptive text to express the intentions of the vision" (p. 96). Next, the regulating plan is adjusted using these plans to incorporate the goals of the community pertaining to specific "neighborhoods, districts, streets, blocks, and lots" (Parolek, et al., 2008, pp. 96-97). These processes result in specific regulations to ensure the implementation and realization of the community vision.

The form-based code can be used to revitalize a specific area, or it can be applied to an entire city in order to overhaul an existing conventional zoning code. The form-based code product often reflects the unique, local character, which has been defined through the public participation process within code formulation through the

identification of "urban and community patterns" (Parolek, et al., 2008, p. 108). These patterns are generally established through "lot sizes, thoroughfare design and layout, character, quality and location of public spaces, sizes and types of buildings, and relationships to such natural conditions as creek corridors and topography" (Parolek, et al., 2008, p. 108). Additionally, these patterns often correlate with the desired "degrees of change" (Parolek, et al., 2008, p. 101) that often serve as the foundation of the new code's intent and purpose.

Parolek, et al. (2008) emphasized the importance of the momentum created through collaboration that results in a "shared vision" (p. 146) since it "is often critical in getting a form-based code through the difficult waters of the public approval process" (p. 146). The benefits of form-based code formulation include "a shortened visioning (and coding) process, which can speed up both the visioning process and the public approval process" (Parolek, et al., 2008, p. 146). Additionally, the extensive public participation often associated with form-based code formulation and the predictability produced may be used to justify streamlined development review and approval procedures, which can include the use of by right development policies. The project analyses contained within Chapter Five of this work examined the implementation of each code type within two different contexts. These analyses examined the development review and approval process of the projects provided by each city, which include the consideration of streamlined development review and approval procedures and processes.

The Design Orientation of the Form-Based Code

Overview. The design orientation of the form-based code can increase the accessibility of the public to contribute towards policy-making within code formulation processes. The form- and context-based approach can be used to generate

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predictability within code implementation in which the design emphasis differentiates the form-based code from the conventional zoning code. According to Elizabeth Plater-Zyberk, "design provides the intended relationship among physical components of a given place .... [since] design specifics equate to desired character of place" (as cited in Parolek, et al., 2008, p. ix). Plater-Zyberk explained that "the form-based code depends on the use of a typology, a catalogue of types, to rationalize and make predictable built form and its effect on public space" (as cited in Parolek, et al., p. xii). She also stated that "the rational structure of the form-based code can engage the public in the creative process with the hope that change can be guided predictably" (as cited in Parolek, et al., 2008, p. xii).

Differences between Form-Based Codes and Conventional Zoning Codes

Numerous sources on form-based coding note the prescriptive nature, predictability, and certainty generated by the form-based code. These are the result of specific regulations obtained through focused, extensive, and intensive citizen participation that derives parameters that address form and relationships within a given context at both the micro and macro levels. This emphasis on design and form, rather than use, differentiates the form-based code from the conventional zoning code. This design emphasis often calls upon the use of visual forms of communication within the formulation process to produce regulations often conveyed through a balance of words and visual imagery.

According to Talen (2009), "early planners promoted a theory of systemized planning, [but] they failed to extend the system to physical design" (p. 158). Talen (2009) explained that "modern FBCs [form-based codes] aim to impose limits that are no longer dictated by technological and other constraints, but instead rely entirely on

public consensus" that "must balance use, form, location, safety, and public process" (p. 158). Talen (2009) indicated that this is "unprecedented", and while "reformers are trying to simplify regulation ... [they are also] attempting to reverse the trends evolving since the onset of modernism and conventional zoning" (p. 158).

According to Talen (2009), form-based codes must have all three attributes, which include "significant enforceability; the intent to prescribe the public realm, often by regulating private building; and the direct or indirect production of time-tested forms of urbanism" (p. 146). Talen (2009) excluded conventional zoning since "it has little to do with prescribing 'time-tested forms of urbanism'" (p. 146), and since it "produces urban form as a by-product of regulating something else, such as separation, property value, traffic flow, or perceived harmful effect" (p. 146).

While both form-based codes and conventional zoning can use visual participation techniques, the form-based code process focuses on attaining consensus in order to codify specific form- and context-based regulations. Walters (2007) explained that zoning ordinances and land use have dominated planning since the 1960s, which almost resulted in the disappearance of "physical design" (pp. 57-59). Conventional zoning codes can also incorporate aspects of design, but the underlying difference between both code types are found within the form-based code's emphasis on design that results in a specific, holistic approach to urban planning and development that can result in a meaningful public participation process. This contrasts with the conventional zoning code's use emphasis, which generates form as a by-product (Parolek, et al., 2008; Talen, 2009). Talen (2009) indicated that "requiring meaningful public

participation in the code-making process ... is new" (p. 157), and meaningful public participation within these processes is a "key source of code content" (p. 157).

Historical underpinnings. Both Talen and Walters explain the historical evolution of planning that led to the form-based code. While form-based codes seem relatively new in concept, Walters (2007) compares these new codes to the "Spanish master planning concept and town planning codes" (p. 85), which "specified sizes of spaces and buildings, and orientations" (p. 85). Walters (2007) also indicated that within the pursuit of the sustainable community, "physical design makes a major comeback" (p. 55). While the design-oriented form-based code is often considered new, these have historical design precedents that can be traced "much further back than 1909" (Talen, 2009, p. 158). The form-based code relies on public consensus much different than the design-oriented codes of the past. Talen (2009) emphasized that "it is conventional zoning that has a decidedly weak historical record" (p. 158).

Legal precedent and the right to design. Even though form-based codes are gaining in popularity, there can be concerns with switching to design-related or form-based regulations. In response, the form-based code participatory processes are used to build constituencies; however, there are legal precedents that establish a community's right to design (Walters, 2007). According to Walters (2007), "this kind of comprehensive ordinance is constrained by American law regarding the amount of architectural detail that can be controlled (pp. 100-101). Walters (2007) explained that these regulations often concentrate "on issues of public spatial infrastructure" (p. 101) while regulating "buildings to the extent that they must play their roles in creating these spaces" (p. 101).

While form-based codes may claim that aesthetics are not the primary concern, it is through this design orientation that the courts, and perhaps even public participation processes, have validated this exercise. Walters (2007) stated that "form-based zoning disavows aesthetics as its main concern, yet [it] is historically enabled under law by invoking aesthetic considerations" (p. 108). For the sake of caution, many communities still tie urban design related matters to "measurable outcomes" that are the product of "tangible public policy goals .... based on clear, objective standards" (Walters, 2007, p. 107).

California is the first state to attempt to strengthen the form-based code and its design orientation legally, and according to Walters (2007), California laws have created "a strong and specific platform for form-based zoning, but at the moment it stands alone in its clarity ... [without comparable] legislation in other states, although Florida is considering similar directives" (p. 107). Walters (2007) explained that "the California law [states that] ... the text and diagrams ... that address the location and extent of land uses, and the zoning ordinances that implement these provisions, may also express community intentions regarding urban form and design" (p. 107), which "is directly written to facilitate New Urbanist form-based zoning" (p. 108).

The regulation of design-oriented objectives has evolved from being an aspect of a component of the public welfare, established by *Euclid* and *People v. Stover* that found that urban design can constitute "a valid and permissible exercise of the police power" (Walters, 2007, p. 108). According to Walters (2007), form-based codes may avert "matters of aesthetic detail" (p. 108) in order to focus "instead on more basic issues of urban character" (p. 108). Walters (2007) stated that "fortunately this potential problem

can be resolved in the wording of the *Penn Central* legal opinion that regards the

'character ... of a city' ... and its 'aesthetic features' as equivalent under the law" (p.

108).

Walters (2007) stated that "the ability to validate form-based zoning legally under

the rubric of urban character is an important foundation" (p. 108), and "the law provides

legal security especially if regulations focus on questions of basic urban design, not

stylistic or aesthetic appearance" (p. 108). These measures are taken to avoid

infringement "on a landowner's individual property rights" (p. 108), and Walters (2007)

further emphasized that "it is always good practice to connect form-based zoning codes

to clearly stated public purposes" (p. 108).

Walters (2007) explained that form-based codes have the ability to legally control

elements that contribute towards "a particular urban character, based on matters such

as street width and connectivity, building height, contextual relationships of building

massing, relationship of buildings to streets at the pedestrian level, positioning of

building entrances, clear visibility through glazed openings and so forth" (p. 108). These

are "bolstered by the standard of 'reasonableness' established by clear public policy

objectives for safe and attractive urban areas" (Walters, 2007, p. 108). Through the

emphasis on typology and morphology, form-based code regulations receive validation

by de-emphasizing "subjective aesthetic taste concerning a building's appearance"

(Walters, 2007, pp. 108-109). While conventional zoning may be able to sidestep these

concerns through use regulation, the form-based code is validated through legal

precedent.

The charrette. Code formulation processes often entail the use of the charrette. According to Walters (2007), the precedent of this French term comes from "the American Institute of Architects' (AIA) Regional/Urban Design Assistance Teams (RUDAT) established in 1967" (pp. 168-169), which "formed the basis of the Action Planning movement beginning in the mid-1980s" (p. 169). While the charrette can be used to improve levels of citizen participation within conventional zoning, the charrette is often the basis of the approach of form-based code formulation, and the difference between both code types lies in the specificity of the approach and code outcome and the ability to produce a meaningful and purposeful public process.

According to Walters (2007), the benefits of these processes include that the public has the opportunity "to see the design process in action, to see how variables are balanced against each other and on what criteria priorities are assessed" (p. 170). The creation of specific regulations through intensive participation of form-based code formulation creates the distinction between the processes of the form-based code and the conventional zoning code. Walters (2007) emphasized that "the planning and design process must be truly collaborative and harness the talents and energies of all interested parties if the plan is to be both feasible and transformative in terms of bringing about change in a community" (p. 171), since "when members of the public defend the plan, the professionals know they have done a good job" (p. 171).

The simplicity of the form-based code is an important aspect in generating participation since Walters (2007) indicated that complexity creates barriers to collaboration and raises "issues regarding the comprehensibility of this information by members of the public, citizens' groups and the larger democratic audience" (p. 88).

This simplicity is often achieved through the incorporation of a balance of visual imagery and language to convey concepts within the process and within the outcomes through clearly and specifically codified regulations that represent the community vision. While all code formulation processes can incorporate visual imagery, form-based codes rely on context- and form-based approaches, which centralize a design orientation achieved through processes that engender specific response.

The use of visual forms of communication is integral to these processes since "providing individuals and communities with ways to understand the physical implications of policies and ideas- what they might look like on the ground- is crucial to citizen empowerment" (Walters, 2007, p. 79). Architect Richard Rogers stated that "active citizenship and vibrant urban life are essential components of a good city and civic identity" (as cited in Walters, 2007, p. 79). He also emphasized the importance of this public involvement in providing a sense of "communal ownership and responsibility" (as cited in Walters, 2007, p. 79). Walters (2007) indicated that "the most efficient and effective types of regulation for this purpose are ... form-based zoning codes" (Walters, 2007, p. 80).

Design revival. According to Walters (2007), there has been a "revival of interest in urban design since the 1980s" (p. 57), and this "design-based conception of planning continues to have relevance in planning theory and practice today" (p. 57). The visual communication and the design orientation are helpful in facilitating communicative planning. Walters (2007) indicated that the combination of a design orientation and communicative planning generates "greater public participation" (p. 57) that "can only

enrich the physical design process" (p.57). Perhaps the physical design process is useful in enriching the participatory aspect, as well.

DiSalvo (2009) examined the ability of design to increase "societal awareness" (p. 48), and in "motivating and enabling political action" (p. 48). DiSalvo (2009) analyzed the "products and processes of design [that] might contribute to the construction of publics" (p. 49). DiSalvo (2009) emphasized that communication enables "a public to come into being" (p. 51), and stated that "this act of communication is both a problem for the construction of publics and a place where design contributions occur" (p. 51). DiSalvo (2009) identified that the construction of "the public ... was a problem of action" (p. 51), not one of "definition", and indicated that design provides a means to facilitate such action since "one way that design might contribute to the construction of publics is by the application of designerly means to this task" (p. 52).

DiSalvo (2009) delineated the construction of the public and the design into strategies and tactics where tactics are the public means "to circumvent or negotiate strategies towards their own objectives and desires" (p. 52) since "strategies are expressions and structures of power exerted by institutions ... that attempt to prescribe behavior and courses of action" (p. 52). In this manner, tactics include the public response, and according to DiSalvo (2009) these often consist of "adjustments to, appropriations, or manipulations of design products and processes" (p. 52), which include projection and tracing.

Within the projection tactic, DiSalvo (2009) differentiated between predictive and prescriptive scenarios, which construe possibilities as compared to "strongly articulated visions of what should happen", respectively (p. 53). According to DiSalvo (2009),

tracing reveals the "underlying structures, arguments, and assumptions of an issue" (p. 55) that involves the expression of "histories, discourses, and techniques that constitute an issue; in ways that foster knowledge through engagement" (p. 56).

Through project analyses, DiSalvo (2009) indicated that "the network(s) of materials, actions, concepts and values that shape and frame the issue are not intellectualized and distanced: they are made tangible and at hand" (p. 58) where "the design tactic of tracing is not defined by context, but by method and intent; by the crafted transcription of complex information into comprehensive forms that appeal to our senses" (p. 58). He emphasized the role of contextual and temporal relationships between projections and tracings produced through responses to design within the construction of the public (DiSalvo, 2009).

DiSalvo (2009) concluded by stating that "through a discussion of diverse tactics and common grounds, we can begin to ask, and answer, the question of how the processes and products of design might serve in discovering and articulating the issues that spur a public into being" (p. 62). DiSalvo (2009) also concluded with mention of the concern for ethics, since while these may further develop the notion of what constitutes the public by inspiring action or participation, he acknowledges how these acts can also lead to their misuse and misinformation.

This underlying assumption stems from imbalances of power, which is in contrast to the aim of both the form-based code and the conventional zoning code in that the form-based code requires extensive public collaboration to produce a community vision based on a form- and context-based approach. The conventional zoning code emphasizes use rather than design, perhaps as a means to segue this potential;

however, this results in the absence of a responsive design platform from which to engage the public. True stakeholder collaboration would not lead to great imbalances of power, and the caution within these processes seems to stem from participation not being meaningful; therefore, streamlined code implementation policies could produce results less in line with public preference and could be perceived as less ethical within processes lacking the specificity derived from a form- and context-based approach. In response, DiSalvo (2009) emphasized that "the subject of design ethics should go hand-in-hand with the construction of publics" (p. 63).

Predictability versus flexibility. According to Talen (2009), "consensus will have to be balanced with flexibility" (p. 157), and she stated that "there is a continuing tension between infusing aesthetic goals into the planning process, and coding prescribed forms" (p. 157). Walters (2007) indicated that the design-oriented approach can generate meaningful participation while creating "new and site-specific knowledge" (p. 55) and "avoiding pre-formulated or generic concepts" (pp. 55-56). The concepts within form-based codes are often framed for public consideration, but the intent is not to pre-formulate outcomes. The consensus building that takes place within code formulation processes aims to generate greater predictability through regulations created by the public to achieve the future goals and objectives of the community.

The extensive front-loaded citizen participation that goes into form-based code formulation aims to increase levels of predictability within code implementation processes and outcomes. As a result of a high level of purposeful public participation within form-based code formulation, the predictability derived from the form-based code process has the potential to be more ethical when coupled with streamlined

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implementation policies than the conventional zoning code process when coupled with streamlined implementation policies. This is due to the potential for citizen participation to be more meaningful and purposeful within form-based code formulation processes as a result of a focus on generating context-specific and prescriptive regulations based on form rather than use.

However, additional flexibility, in the form of additional opportunities for citizen participation, may also be necessary to accompany the implementation process, due to the potential for additional concerns to arise through actual development projects that may require further consideration. Streamlined by right development policies can accompany the predictability model to reduce time and expense; however, these may not entail public processes. While there can be opportunities for the public to discuss or negotiate with the developers or staff for projects that do not require public hearings, these often take place off of the public record and do not allow the public to seek conditions of approval from the City Commission or Council that could exacerbate imbalances in influence.

The predictability model can present a feasible and ethical approach from multiple perspectives since it can involve incorporating extensive public input through form-based code formulation that can serve to reduce time and expense throughout code implementation. Opportunities for further citizen participation throughout code implementation could be incorporated into development review and approval through the use of new technologies to minimize time and expense while maximizing the best of representation balanced with additional opportunities for participation through collaboration, consensus building, increased public access, and transparency. The

predictability model that incorporates aspects of the flexibility model would, therefore, advance an ethical planning approach while minimizing increases in uncertainty, time, and expense within code implementation processes to produce the most efficient and responsive set of outcomes.

Analytical Criteria for Participatory Processes and Outcomes

Analytical criteria provided by Innes and Booher (1999) were examined for their application to assess the effectiveness of participatory processes and outcomes of code formulation that lead the discussion in Chapter Four. These criteria are also used to gauge the quality of processes and outcomes of code implementation following each city's project analyses within Chapter Five. These findings are also used to analyze the hypotheses at the end of Chapter Five, and the sum of these findings comprises the recommendations made within Chapter Six.

According to Walters (2007), Judith Innes "argued persuasively that new public participation techniques developed under the rubric of communicative planning enabled the process of consensus building to be reinvigorated, and a usable definition of the public interest to be achieved" (p. 59). While local governments follow state guidelines that involve public hearings to provide a forum for public input, according to Innes (1996), "many stakeholders, such as residents or businesses from neighboring jurisdictions ... have little legitimacy as participants in local decisions about land use" (p. 469). This is problematic since, according to Innes (1996), a lack of citizen participation "delegitimizes the plan as a meaningful document" (p. 469).

Consensus building through participation is critical to the success of a plan in which the community has been given the opportunity to develop "viable, flexible, long-term strategies for action" (Innes & Booher, 1999, p. 413). Innes and Booher (1999)

indicated that "the way to evaluate consensus building is to see whether it produced the intended agreement and whether it resulted in the intended outcomes" (p. 416). According to Innes and Booher (1999), the "Principles for Evaluation" can be "translated into criteria for evaluating consensus building" (p. 418) and include the evaluation of process and outcome criteria in order to analyze each process and the "quality of its outcomes" (p. 419). Innes and Booher (1999) explained that "a process that is inclusive, well informed, and comes close to achieving consensus is more likely to produce an implementable proposal than one lacking these qualities" (p. 420) since "stakeholders are more likely to feel comfortable with a process they can organize themselves and more likely to be committed to its results" (p. 420).

Process Criteria

According to Innes and Booher (1999), process criteria of a good consensus building consist of the inclusion of "representatives of all relevant and significantly different interests" (p. 419), and these processes should be "driven by a purpose and task that are real, practical, and shared by the group" (p. 419). These should also be "self-organizing, allowing participants to decide on ground rules, objectives, tasks, working groups, and discussion topics" (Innes & Booher, 1999, p. 419), and should engage "participants, keeping them at the table, interested, and learning though in-depth discussion, drama, humor, and informal interaction" (Innes & Booher, 1999, p. 419).

According to Innes and Booher (1999), processes should encourage "challenges to the status quo and [foster] creative thinking" while "incorporat[ing] high quality information of many types" in order to "[assure] agreement on its meaning" (p. 419), and these processes should seek "consensus only after discussions have fully explored the

issues and interests and significant effort has been made to find creative responses to differences" (Innes & Booher, 1999, p. 419). Innes and Booher (1999) concluded that "while it may not be possible for a process to have fully met all the criteria, failure to meet any one of them hinders the effectiveness of the process and the quality of its outcomes" (p. 419).

Outcome Criteria

According to Innes and Booher (1999), outcome criteria should include producing "a high-quality agreement" (p. 419), ending "stalemate" (p. 419), and ensuring that the participatory process "compares favorably with other planning methods in terms of costs and benefits" (p. 419). These processes should also produce "creative ideas" (p. 419) and should result in "learning and change in and beyond the group" (Innes & Booher, 1999, p. 419). Outcomes of a good participatory processes should include the creation of "social and political capital" (p. 419), and outcomes should also set "in motion a cascade of changes in attitudes, behaviors and actions, spinoff partnerships, and new practices or institutions" (Innes & Booher, 1999, p. 419). The outcomes of these processes should also find "institutions and practices that are flexible and networked, permitting the community to be more creatively responsive to change and conflict" (Innes & Booher, 1999, p. 419).

Innes and Booher (1999) explained that "some of these outcomes will be direct effects immediately identifiable at the end of the project" (p. 419) while "others will be second order effects that show up while the project is underway but outside of the boundaries of the project or even after it is completed" (p. 419). Innes and Booher (1999) emphasized that "it is not necessary for every outcome criterion to be achieved to have a successful process" (p. 419). However, Innes and Booher (1999) stated that

"a process which produces more of the desired outcomes is probably better than one which achieves fewer, but in any case, one or more of the outcomes may be of particular importance" (p. 419). Finally, Innes and Booher (1999) stated that "a consensual solution would be a desirable and robust one in the sense that it would be well-informed, it would have stood the test of challenging discussion, and it would serve many interests" (p. 418) including those that may question "the status quo" (p. 418).

Summary

The differences between the form-based code and the conventional zoning code have been analyzed within this chapter. Additionally, the form-based code has been examined according to process and outcomes through the consideration of code formulation and implementation. The design orientation and use of visual communication within the form-based code formulation process has also been analyzed to uncover the application of these in expanding public accessibility. Predictability has been examined to consider how it is achieved through code formulation and translated into code implementation. Finally, criteria for good consensus building processes and outcomes have also been outlined to provide a standard from which to analyze code formulation for the Cities of Miami, Florida and Denver, Colorado. These criteria were also used to evaluate code implementation through project analyses for each code type within each city in Chapter Five.

CHAPTER 3
METHODOLOGY

Thesis Objective

This study specifically examined the participation that occurs within form-based code formulation. This has been analyzed to uncover the potential for outcomes that reflect established design specifics, which may preclude the necessity of further public participation through increased predictability within the development review and approval process. Project analyses were used to examine code implementation processes and outcomes to identify the potential differences between the form-based code and the conventional zoning code based on projects provided by the Cities of Miami, Florida and Denver, Colorado. These project analyses were used to consider the timing and extent of public participation as critical, ethical factors that are affected by the relationship between code formulation and implementation for each code type. To test these relationships, two scenarios have been provided by each city. These were used to evaluate the differences in terms of code implementation processes and outcomes produced by both code types. Additionally, projects reviewed under both cities' previous conventional zoning codes have been subjected to the regulations of the newly adopted form-based codes to uncover if there are differences in terms of process and outcomes between both code types.

Furthermore, the processes and outcomes of code formulation and code implementation are analyzed according to Innes and Booher's criteria for good consensus building processes and outcomes (1999), which were discussed in the literature review in Chapter Two. These analyses are conducted separately. The analysis of code formulation occurs at the end of Chapter Four, and code

implementation is analyzed at the end of each city's project analyses within Chapter
Five. A summary of these findings are provided in Chapter Six, and a diagram for these
analyses have been included below within Figure 3-1: Analyses using Innes and
Booher's criteria.
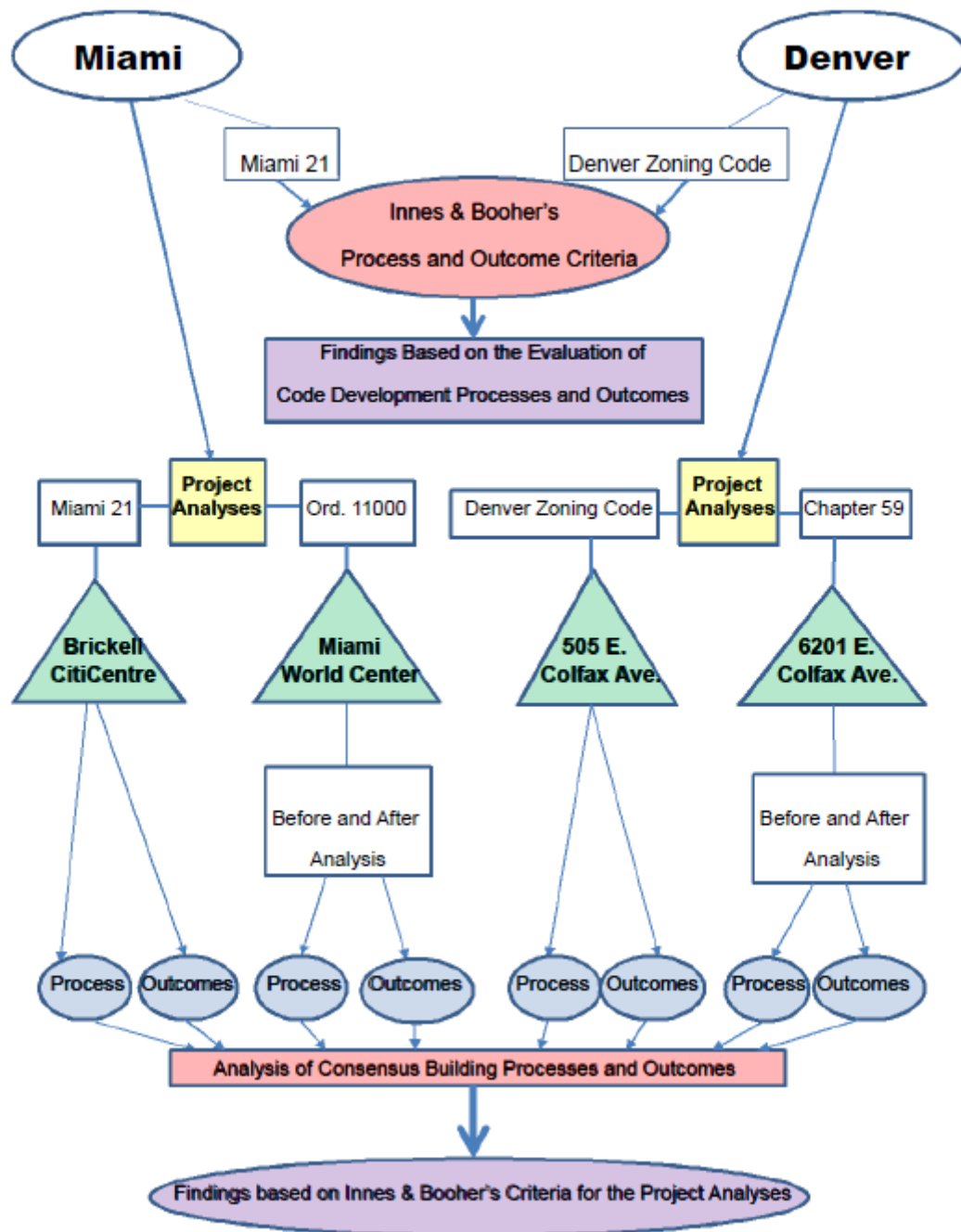
Figure 3-1: Analyses using Innes and Booher's criteria

Hypotheses

From the outset, it was hypothesized, within Hypothesis I, that the form-based code has greater potential to incorporate meaningful participation earlier in the process than the conventional zoning code. By "meaningful", this research considered the ability of the general public to assist in shaping public policy- and decision-making and the level of specificity generated in order to achieve consensus and increase certainty in development. Interest in certainty and predictability stems from information obtained through the literature review regarding form-based codes that indicated that these qualities are conducive to promoting development and economic growth.

To examine this hypothesis, information obtained through interviews and staff reports, and the project analyses were used to analyze Hypothesis I. From preliminary analysis, it was discovered that both Miami and Denver have by right development policies. Projects reviewed under both the current form-based code and the previous conventional zoning code can preclude public participation during the review and approval process if a project does not warrant additional processes. This can make the public participation that went into code formulation critical since opportunities to participate after the code has been adopted may be limited or even non-existent.

While the intent of the form-based code is to increase predictability and streamline development review, this analysis weighed the value of further participation against the value of increased certainty in promoting development. The level of detail that often goes into the creation of form-based codes may be complemented by streamlined implementation policies, which include those pertaining to by right development. As a result, the participation that goes into code formulation is examined alongside the analysis of projects accompanying both code types to test the relationship between

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code formulation and implementation in order to analyze the necessity and presence of further public participation opportunities.

Secondary Objectives

The secondary objectives of this study were used to examine the prescriptive nature of form-based codes in order to uncover how predictability is generated. The design orientation and the use of visual communication within code formulation were analyzed to identify differences between each code type in terms of process and outcomes. These findings were factored in to consider the relationship to each code type and as a means to maximize the quality and extent of public participation within code formulation. The use of design and form within each context were analyzed within the code implementation project analyses to identify potential differences in terms of code function and organization that serve to predict and achieve the community vision.

This study also analyzed Hypothesis II, which projected that the form-based code entails a greater level of visual communication and decision-making based on the design orientation than the conventional zoning code. Hypothesis III projected that due to this design orientation and visual communication, participation within the form-based code is more inclusive and accessible to the general public. The value of these secondary objectives is to support the project and code analyses to uncover the timing and extent of participation and the relationship between code formulation and implementation. Hypotheses II and III were examined through information obtained through the interviews, staff reports, meeting minutes, and code analyses. The aim was to examine the level of visual communication used within these processes, and the design orientation of these new codes to consider how these factors relate to the level of accessibility and predictability generated by each code type.

Finally, this study examined the conventional zoning code's emphasis on use and language to uncover whether or not these emphases inhibit the potential for purposeful public participation. These emphases were also analyzed within the code implementation project analyses to examine if these present abstract and ambiguous concepts and regulations that would produce differences in predictability between both code types. Additionally, the emphasis on use and language within conventional zoning was also examined to uncover if these increase the importance of public participation during code implementation through development review and approval due to the potential for a decreased level of predictability generated through a less specific and, therefore, a less meaningful and purposeful code formulation process.

This study also analyzed Hypothesis IV, which projected that due to the emphasis on language and use, the conventional zoning code presents a higher level of predetermined concepts that are more abstract and less likely to facilitate participation, which makes public participation during development review and approval more critical. This examination also considered how citizen participation can result in a clear, well-defined, and codified community vision that may shorten the development review and approval process through the elimination of repetition and through the establishment of greater certainty. Hypothesis IV was examined through the analysis of information obtained from interviews, the code implementation project analyses, and the evaluation of good consensus building processes and outcomes achieved through the analysis of code formulation and implementation based on the criteria established by Innes and Booher (1999).

Methodology of Investigation

This study is non-experimental and utilizes a cross-sectional design for the purpose of ascertaining the extent of variation between processes and outcomes within code formulation and implementation. In order to achieve these results, the case studies have been presented in Chapter Four, and a discussion and analysis using the findings obtained from the project and code analyses have been examined to make recommendations based on Innes and Booher's criteria for good consensus building processes and outcomes (1999). A portion of this analysis has been performed using open-ended, unstructured interviews with city staff that participated in the creation of Miami 21 and the Denver Zoning Code.

This research was developed in accordance with the following research objectives. First, the participatory processes used to develop the form-based codes in Miami and Denver were examined to analyze the approach used to create the form-based code to consider the role of the design orientation in generating predictability and as a means to increase the public accessibility within the code formulation process. Second, project analyses were performed to ascertain what differences may exist between the regulations of each code type to examine their effect on code implementation, the development outcomes produced, and the need for further citizen participation within the development review and approval process. Next, both the code formulation case studies and code implementation project analyses were evaluated according to Innes and Booher's criteria for good consensus building processes and outcomes to determine the level of criteria achieved under both formulation and implementation for the projects of both cities to gauge the function of process and outcomes in each stage. The findings obtained from these research objectives were used to examine the

hypotheses outlined earlier within this chapter, and these results are provided at the end

of Chapter Five. Finally, the results of all of these findings were used to make the

recommendations contained within Chapter Six. A diagram of this methodological

sequence has been provided on the next page in Figure 3-2: Methodological diagram.
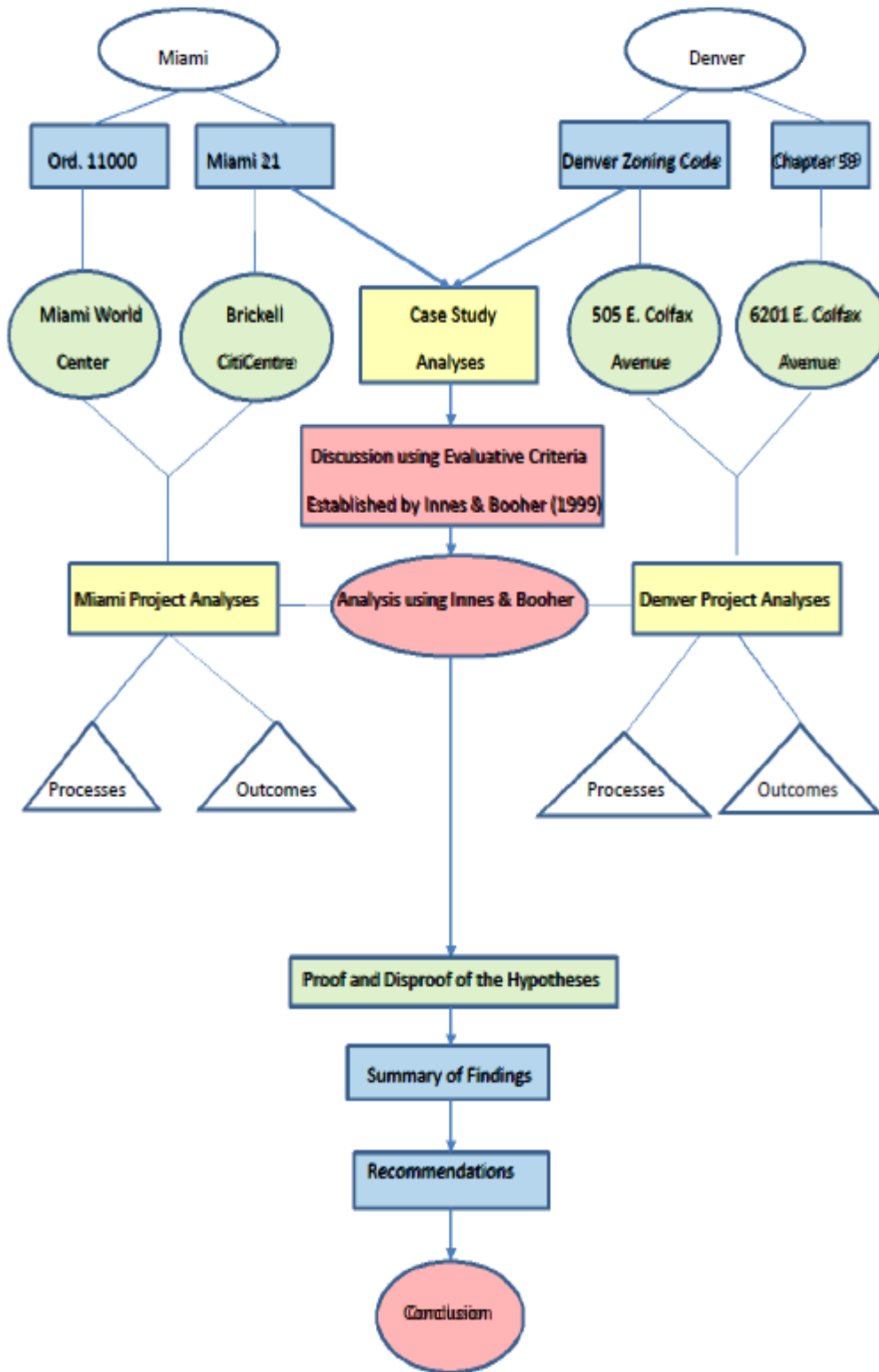
Figure 3-2: Methodological diagram

Data Collection and Analysis

This research used a case study methodology consisting of form-based code formulation analyses performed for the Cities of Miami, Florida and Denver, Colorado that involved the collection and analysis of five types of data: 1) interviews; 2) the review of both cities' form-based codes; 3) the review of both cities' conventional zoning codes; 4) analysis of projects for each code type within each context and before and after analyses for each conventional zoning code project reviewed under the new form-based code regulations, for a total of six analyses; and 5) review of public records and planning documents, newspaper articles, books, and peer-reviewed journal articles.

More specifically, these analyses have been performed as a result of interviews with leading planning professionals involved in the processes to create each city's form-based code. Case studies have been developed through the use of information obtained from newspaper articles, books, government documents, and peer-reviewed journal articles. Project analyses have been conducted as a result of information provided by each city, which include site development plans, meeting minutes, staff reports, studies performed for each project, and regulations obtained from each code type related to the review of each project.

Limitations, Possible Defects, and Reasonable Solutions

Limitations of this study include limiting interviews to leading planning professionals involved in code formulation; however, this should not affect a comprehensive analysis of the process, function, and the outcomes produced by each code type within code implementation. Due to the public nature of local government planning, ethical concerns are limited as a result of a decreased concern for confidentiality. Interviewing protocol has received approval by the Institutional Review

Board (IRB) and all interviewees have signed the informed consent letter in order to comply with research standards.

Thesis Justification, Expected Results, and Contribution

The novelty of this research stemmed from the analysis of processes and outcomes derived from the first major U.S. cities to adopt the form-based code, which considered the relationship of public participation between code formulation and code implementation. While much has been covered within participatory theory and communicative planning, little research has been made that applies findings obtained through formulation that extends on to implementation to consider the need for further citizen participation following code adoption. Additionally, the value of predictability and certainty in promoting development has been considered within this study to evaluate the need for additional flexibility to complement the predictability model in the form of additional public participation opportunities. This analysis was used to evaluate ethical planning approaches that were based on the findings obtained from the identification of the processes and outcomes that correlate with each city's form-based code and conventional zoning code. This was achieved through case study analyses that were used to examine code formulation, and project analyses were used to examine code implementation.

The gaps within the literature identified for this study include the relationship between the participation that occurs within code formulation through implementation. While many sources noted the differences between the regulatory approach of both code types, little information was available that examined how these processes translate into implementation. Perhaps this is a result of the relatively new approach of the form-based code, and the lack of a prior standard from which to compare the

conventional zoning code. In response, this study analyzed the differences between each code type in terms of participatory capacity as a result of the timing, extent, and the need for citizen participation following code adoption. For this study, the development review and approval process was selected to test each code in terms of implementation. The design orientation is translated into physical project design review through the delineation of process and outcomes throughout the project analyses to further examine how these tangible and visual conceptions enable public response.

To advance decision- and policy-making through public participation, this study examined whether or not different code types affect this potential. It was expected that the design orientation of the form-based code would provide a greater opportunity for the public to make contributions to policy- and decision-making. It was also expected that through a collaborative decision-making model that the results of development would be more sustainable and predictable. Through these analyses, this study explored how, and if, predictability was created by these code types. This study also considered how these regulations and code implementation policies may affect the timing, extent, and need for further public participation following code adoption.

CHAPTER 4
CODE FORMULATION CASE STUDIES

Overview

Code formulation has been examined to analyze the processes used by the City of Miami, Florida and the City of Denver, Colorado to examine the public participation that went into the creation of each city's new form-based code. These processes have been analyzed according to problem identification to examine the shortcomings of each city's previous conventional zoning code. The timing and extent of participation was analyzed alongside the design orientation and the use of visual communication within these code formulation processes. Challenges within these processes were examined, and the outcomes and implementation of the form-based code were analyzed to provide additional background for the code implementation project analyses contained within Chapter Five.

Additionally, the processes and outcomes of code formulation were examined through the use of evaluative criteria for good consensus building processes established by Innes and Booher (1999) in the discussion section at the end of this chapter. These analyses were also repeated to evaluate code implementation processes and outcomes following each city's project analyses in Chapter Five. These comparisons served to explore if each of these form-based code participatory processes were considered good consensus building processes and outcomes, and these were also used to assess the need for further participation against the benefits of predictability in Chapter Five. Finally, these findings served as the basis of the analysis of the hypotheses at the end of Chapter Five and were used to generate the findings and recommendations in Chapter Six.

Case Study: The Process and Outcomes of Creating the Miami 21 Plan

Introduction

The City of Miami adopted its form-based code in May 2010, and the process used to create the new code was centered on citizen participation involving an extensive series of workshops and meetings over a five-year period (Parolek, et al., 2008). The name, Miami 21, was selected as a result of it being considered "a blueprint for the City of Miami of the 21st century and beyond" (¶1), and the goals of Miami 21 include providing a streamlined set of regulations that are "progressive and relevant to the needs of a changing city" ("Mayor Manny Diaz", ¶1, 2009). Luciana Gonzalez, the City's Project Manager for Miami 21, stated that "Miami 21 is more than just a zoning rewrite" (p. 34) since it strives to create "a sense of community" (p. 35) through the establishment of "a more predictable environment" (Raterman, 2007, p. 34).

Problem Identification and the Previous Conventional Zoning Code, Ordinance 11000

The motivation to create Miami's form-based code was driven by several factors. First, the conventional zoning code was nearly 20 years old and had been amended several times since its adoption, which led to inconsistencies that did not serve to achieve the city's development goals and objectives (Raterman, 2007). Next, this complexity incentivized development inappropriately and led to the development of "massive condominium towers next to single family neighborhoods" (Raterman, 2007, p. 35). The inconsistencies within the code were exacerbated while the economy was strong and it became evident that there was "no clear plan in place to guide development driven by the city's policies" (Parolek, et al., 2008, p. 228). Additionally, the city desired predictability, and found that the "Comprehensive Plan established densities

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as the primary basis for build-out with little regulation to create predictable outcome[s]"
(Parolek, et al., 2008, p. 228).

The Form-Based Code Response

In response, the city identified the desire for predictability that would be achieved through the formulation and implementation of a form-based code. The use of an organizing principle, or transect was applied to organize the city into a "nodal pattern of growth along established corridors" (Parolek, et al., 2008, pp. 228-229). According to Parolek, et al. (2008), this organizing principle was used to create "appropriate transition[s] in height and density" (p. 229). As a result, the city identified areas that could support additional growth and differentiated these areas from areas where additional growth or density would not be viable or desirable, such as within existing single family neighborhoods.

According to Raterman (2007), the city was motivated to adopt a form-based code as a result of the identification of the desire for "a greater mix of uses, transit and pedestrian-use areas" (p. 35), and it was believed that these would best be addressed through "smart growth principles" (p. 35). To begin this process, the city hired Duany Plater-Zyberk and Company to create the form-based code, and leading consultants in economic development, parks and open space, and transportation produced studies to maximize the potential of Miami's new form-based code (Raterman, 2007). As a result, the Miami 21 product not only addresses zoning through a form-based and context-based approach, "it also covets economic development, transportation, parks and open spaces, historic preservation, and arts and culture" (Raterman, 2007, p. 35).

The Process Used to Create Miami 21

  Timing and extent of participation. The process within Miami evolved to incorporate an extensive number of meetings, which exceeded expectations; however, these were deemed necessary to work towards achieving consensus. The process, goals, and purpose were well-established by leading experts in form-based coding. The City of Miami's extensive participatory process to create the form-based code involved over 500 meetings over a 4.5 year period, and the overall cost to produce the new form-based code was about $3Million, which included marketing and legal fees in the amount of about $800,000 of the total cost (Gonzalez, personal communication, Aug. 22, 2011).

  The City of Miami has a population of nearly 400,000 residents, and while an estimate of the percentage of the total population would be small, Gonzalez indicated that this was the most democratic process ever within the city, and there was a greater turnout throughout this process than there were for other community meetings (personal communication, Aug. 22, 2011). She explained that at the kick-off meeting, there were over 600 participants, and she indicated that the meetings and workshops of all of the quadrants were well-attended and well-organized (Gonzalez, personal communication, Aug. 22, 2011).

  When asked if form-based code formulation has greater potential to incorporate meaningful participation earlier in the process than that of the conventional zoning code, Gonzalez responded that the form-based code encourages participation as a result of the predictability achieved through codification (Gonzalez, personal communication, Aug. 22, 2011). In terms of project review, Gonzalez indicated that criteria were increased into the code, which include regulations pertaining to height, design, and the pedestrian orientation, and she explained that these measures were taken to eliminate

repetition within the design and development review processes since many of these criteria had to be revisited each time for projects reviewed under the conventional zoning code, Ordinance 11000 (personal communication, Aug. 22, 2011).

Gonzalez explained that Miami 21 is a hybrid form-based code, and zoning still underlies the new form-based code since Miami is a built-out city with existing conditions and nonconformities in which zoning was used to blend these into the form-based approach (Gonzalez, personal communication, Aug. 22, 2011). Gonzalez stated that "nonconformity is a complicated issue... because of hurricanes" (as cited in Raterman, 2007, p. 36). The code was fixed to address concerns pertaining to nonconformities, which stem from the possibility of hurricanes destroying homes "grandfathered in before Miami 21" (Raterman, 2007, p. 36). Gonzalez indicated that the benefit of having a hybrid form-based code that incorporates existing conditions is that it is useful for economic development and job creation, and the analysis of these existing conditions allowed the team to assess development capacity (personal communication, Aug. 22, 2011).

The quadrant approach. According to Gonzalez, the decision to initiate participation at the quadrant level was a result of the 13 Neighborhood Enhancement Teams that are a part of government operations, which were broken down into net areas and resulted in the four quadrants (personal communication, Aug. 22, 2011). She indicated that the process began with the East Quadrant since it was the most development intense, and the process continued until the completion of all quadrants, North, South, East, and West (Gonzalez, personal communication, Aug. 22, 2011).

Initially, the city considered using the form-based code for a portion of the city, but after much consideration, it was decided that this new code would be applied to the entire city since this was found to be "more feasible" (Parolek, et al., 2008, p. 228). Within each quadrant, staff and consultants worked with the public to produce a workable plan that contained the vision per each quadrant. These were later combined to provide a comprehensive new vision for the entire city. The approach to participation at the quadrant level consisted of status presentations and workshops that resulted in the development of the initial draft (Parolek, et al., 2008, p. 229). According to Parolek, et al. (2008), the process to create Miami 21 consisted of an "extended dialogue to outreach" (p. 229), involving "one of the most extensive public outreach processes ever used in the country" (p. 229). The code formulation process involved analyzing existing conditions and the uses contained within the conventional zoning code to consider the application of the transect, followed by the determination of areas with additional development capacity (Parolek, et al., 2008).

Next, "neighborhood, district, [and] corridor analyses" (p. 229) were performed, according to Parolek, et al. (2008), and these were developed into a study to determine the evolution and transition of corridors "into single-family neighborhoods" (p. 229). The results of these analyses led to the creation of the "building form standards draft" (Parolek, et al., 2008, p. 229). The goal of these open houses, workshops, and meetings was to provide an arena for elected officials, city staff, design professionals, and the citizens of Miami to collaborate on the construction of a new vision and a responsive set of regulations that would prescribe the future of the City of Miami.

The design orientation and visual communication. The use of visual communication and the design orientation within the form-based code formulation process was used to increase accessibility and served to clarify concepts to increase participatory capacity. The form-based code team considered how the transect zones would be depicted per each quadrant in order to initiate and further develop these participatory processes. According to Parolek, et al. (2008), the team "decided upon watercolor perspectives" (p. 229), which "have proven to be the most successful representation of the T-Zones for public understanding" (p. 229) (see Appendix A). Visual images were used to graphically present these concepts and to relay the developing community vision through a common visual language.

According to Gonzalez, the city went above and beyond in their marketing and outreach efforts to solicit participation for Miami 21, which included bus shelter ads, bumper stickers, banners, fliers, and direct postcard mail-outs to all residents and households throughout the entire city (personal communication, Aug. 22, 2011). Outreach in other languages, including Spanish and Creole, consisted of postcards delivered in other languages and translators were available at the meetings and workshops. Gonzalez explained that about $250,000 was spent on marketing over the five-year period (personal communication, Aug. 22, 2011). Gonzalez also confirmed that the use of visual communication and the design orientation were bigger factors within the form-based code than the conventional zoning code, Ordinance 11000, and she indicated that the two plans and the processes to complete them do not even compare since they are so different (personal communication, Aug. 22, 2011). When asked if the format and approach of the form-based code participatory processes encourages

greater levels of participation, Gonzalez indicated that participation is central to the

process within form-based code formulation since successful plans rely on community

buy-in (personal communication, Aug. 22, 2011).

Challenges within the process to create Miami 21. Challenges within the form-

based code formulation process stemmed from concerns regarding comprehensibility,

the potential for limits to be placed on creative freedom, and the appropriateness of

development that could be produced by the new code (Viglucci, 2009). In response, the

City of Miami and the project consultants worked to clarify concerns and address these

issues. According to Gonzalez, additional studies were performed to demonstrate that

Miami 21 would not be any more restrictive than Ordinance 11000, and the team

successfully indicated this as a result of these studies, which have been included in

Appendix B: Differences in Product (personal communication, Aug. 22, 2011).

When asked what could be changed if the process were to be redesigned or

facilitated from the beginning once again, Gonzalez stated that the team could start

early to identify opposition (personal communication, Aug. 22, 2011). She also indicated

that since the code affects properties, leadership should be nurtured alongside the

timely provision of drafts, which would allow additional time for everything to be digested

prior to the public hearings (Gonzalez, personal communication, Aug. 22, 2011).

Gonzalez also indicated that small stakeholder groups should be identified to represent

larger bodies, and they should be made part of the team as champions, which would

include outreach and communication from the beginning with the local AIA (American

Institute of Architects) Chapter (personal communication, Aug. 22, 2011). Suggestions

that Gonzalez had for other cities wanting to transform an existing conventional zoning

code into a form-based code included having an eye on implementation since administration and implementation were not covered as much as they could have been during the code formulation process due to the absence of the full spectrum at that time (personal communication, Aug. 22, 2011).

Outcomes and the implementation of the form-based code

As a product, the Miami 21 form-based code is considered to have increased predictability in order to streamline development review, and the process that went into the creation of Miami 21 led to "the reduction of uses from 360 to 46" (Parolek, et al., 2008, pp. 229-230). This served to streamline regulations in order to increase clarity and predictability. Parolek, et al. (2008) indicated that, as a result of the code formulation process, the transect was customized into "Sub T-zones" (p. 230) in order to increase compatibility between intensities and densities, while implementing design criteria to produce a responsive set of regulations that "address the variety and complexity of physical size and use needed in Miami" (p. 229).

The outcomes of the code formulation process and the resulting new code promote and prescribe "mixed uses, walkability, and the predictable development of neighborhoods via 'orderly housing transitions' and 'proportional buildings with proper setbacks'" (Berg, 2010b, ¶4). According to Parolek, et al. (2008), abutting T-zone transitions were developed to blend intensities and uses through stepping and height requirements, and floor plate maximums were developed to ensure proportional and predictable development to reinforce the "unique local character" (p. 232). "Regulation by net lot area and gross floor area" (p. 232) was developed to increase predictability through a responsive system of measurement from which to "count parking, circulation, and other service related square footage" (Parolek, et al., 2008, p. 232). According to

Parolek, et al. (2008), this resulted in "more overall square footage to fit within the regulated FAR [floor area ratio]" (p. 232), which "was changed to floor lot ratio (FLR)" (p. 233) for the new code in order to ensure "more predictability of the ultimate developable envelope of the building" (p. 233).

Summary

Now that the form-based code has been adopted, the city's plans for encouraging participation in the future include opportunities for further citizen participation through required public hearings and through the rewrite of the sign regulations for Miami 21 (Gonzalez, personal communication, Aug. 22, 2011). Additionally, the use of new technologies and social media are being considered to provide additional forms of public participation (Gonzalez, personal communication, Aug. 22, 2011). Even though Miami 21 resulted in a responsive set of regulations and a streamlined development process to increase predictability, according to Gonzalez, there are still a lot of public process deviators that involve public notice and the opportunity for public comment (personal communication, Aug. 22, 2011). According to Parolek, et al. (2008), "the structure of the Miami 21 code is a vast improvement over the general SmartCode in relation to a citywide application and is a good reference for other cities and FBC [form-based code] practitioners creating citywide form-based codes" (p. 232).

Case Study: The Process and Outcomes of Creating the Denver Zoning Code

Introduction

The City of Denver adopted its form-based code, the Denver Zoning Code, in June 2010, and is the "first comprehensive citywide amendment of the City of Denver's zoning code since 1956" (Denver, 2010b, p. 1). The code formulation process entailed an extensive participatory process over a five-year period.

Problem Identification

Prior to the new code's adoption, the city was entirely regulated by the conventional zoning code, Chapter 59. According to Denver's Community Planning and Development Director, Peter J. Park, Chapter 59 "was updated in the 50s" (as cited in Laetz & Halbur, 2010, ¶7). Overall, the problem with Chapter 59 was that the approach to planning in the 1950s consisted of "starting over" (¶7), which attempted to reverse Denver's "very urban, deep roots" (Laetz & Halbur, 2010, ¶7). According to Denver's City Planner, Tina Axelrad, the conventional zoning code, Chapter 59, was old, out of date, had lots of rezonings, and often involved highly negotiated processes with neighbors that resulted in waivers and conditions (personal communication, Aug. 30, 2011). Axelrad explained that the differences between the two codes are the level of clarity and certainty reflected in the new code, and while the old code did incorporate newer mixed-use categories from the mid-90s on, it created numerous unique zoning districts each with a twist that led to too many differences within the plan and zoning (personal communication, Aug. 30, 2011). This included over 900 distinct zoning classifications, due to the existence of PUDs (Planned Unit Developments) (Axelrad, personal communication, Aug. 30, 2011).

The Denver Comprehensive Plan (2000) and Blueprint Denver (2002), the City's integrated land use and transportation plan both called for an overhaul of the conventional zoning code since it was found to create a barrier to achieving "smart growth" (Denver, 2010b, p. 1). The findings within the City of Denver's staff report, dated June 17, 2010, indicated that the conventional zoning code, Chapter 59 "was design(ed) to reflect values and aspirations of another era...[that] encumber(ed) reasonable, healthy development" (Denver, 2010b, p. 1-2). Additionally, Blueprint

Denver (2002) called for the classification of "areas of change" and "areas of stability" to promote development to achieve the City's goals through the designation of areas that can support additional growth and through the designation of areas for preservation and built-out areas (Denver, 2010b, p. 2). These "areas of change" and "areas of stability" were not addressed within the conventional zoning code, Chapter 59, and according to Axelrad, "the 1950s code ... doesn't make such distinctions, resulting in tremendous development pressure on Denver's older neighborhoods" (as cited in Hill, 2009, ¶7). The city found that the conventional zoning code, Chapter 59, demonstrated "a lack of support for the mixed-use, pedestrian-friendly environment that could develop" (Denver, 2010b, p. 2), and Chapter 59 was found to provide an "insufficient intensity to encourage investment" (Denver, 2010b, p. 2) to promote services related to transit use.

These goals and objectives also correlated with the second motivation underlying the creation of the new form-based code, which was to "prepare Denver for economic recovery and continued growth and prosperity into the 21st century" (Denver, 2010b, p. 3). The team identified the need to create a new code that enabled "new growth and development in parts of Denver that have the infrastructure and land capacity to accommodate it best" (Denver, 2010b, p. 3). The third and final motivation for the new form-based code was to update Denver's 55-year-old conventional zoning code, Chapter 59, since it was found to contain out-dated goals and objectives that emphasized "new development rather than reuse, redevelopment or reinvestment; ... rather than balancing new development with enhancing the stability of established neighborhoods; or its emphasis on use regulations rather than a more balanced regulation of building form and use" (Denver, 2010b, p. 3). These factors reflected

several "decades and shifts in land use priorities [that] led to numerous patchwork amendments" (Denver, 2010b, p. 3).

The Form-Based Code Response

In order to respond to these inconsistencies and to implement these plans, Denver decided to create and implement a new form-based code to "prepare Denver for economic recovery and continued growth and prosperity" (Denver, 2010b, p. 1). The new code promotes smart growth ideals as a result of the adoption of "a context-sensitive zoning approach" (Denver, 2010b, p. 4). This approach emphasized a balance between building form and land use regulation, and according to the City of Denver (2010b), this has resulted in an "easy-to-navigate" (p. 6) set of regulations that are based on the vision per each neighborhood context. According to Hill (2009), the city replaced "arcane zoning terms like R-1 and B-2" (¶1) with "specific guidelines and illustrations describing what new buildings should actually look like" (¶1) to ensure predictability in achieving outcomes based on the community vision established through the form-based code formulation process.

The Process Used to Create the Form-Based Code

The timing and extent of participation. The estimated cost for the five-year process was about $850,000, overall, and this included payment to code consultants, Code Studio from Austin, Texas, and Winter and Company from Boulder, Colorado (Axelrad, personal communication, Aug. 30, 2011). Axelrad stated that there was a significant amount of staff time involved and about $215,000 was spent for public outreach and communication, which consisted of the project website, newsletters, and a direct postcard mailing to over 219,000 parcels (personal communication, Aug. 30, 2011). In order to eliminate barriers to participation, Spanish translation was provided,

and postcards in Spanish were hand-delivered by city council members to reach out to their districts (Axelrad, personal communication, Aug. 30, 2011).

Meetings were also offered at different times to best accommodate those with different schedules, and different locations for meetings and even different formats were used to increase accessibility and inclusivity within these processes (Axelrad, personal communication, Aug. 30, 2011). Staff and consultants even went to HOAs (Homeowners' Associations) and creative press releases were used (Axelrad, personal communication, Aug. 30, 2011). Overall, Axelrad indicated that everyone demonstrated great sensitivity to need and difference, and the city council members worked within their districts to listen and incorporate differences and work through the issues (personal communication, Aug. 30, 2011).

Marcus (2010) indicated that Denver's "neighborhood groups are pleased with not only the outcome of the new zoning code proposal, but also the public process that went into developing it" (¶12). Steve J. Nissen, Chair of INC (Inter-Neighborhood Cooperation) stated that "this has been a great display of 'down home democracy' at its best and has been lauded over and over by city officials and citizens alike" (as cited in Marcus, 2010, ¶13).

According to the City of Denver (2010b), "a hallmark of this project has been the inclusiveness and breadth of public outreach and participation" (p. 9), which began "with a series of city-wide public 'listening sessions' with neighborhood and key industry stakeholder groups, followed by work sessions with the ZCTF (Zoning Code Task Force), to diagnose and identify the top priority problems with ... [Chapter 59] that the New Code should address" (p. 9). After the diagnosis phase was completed, the City of

Denver (2010b) indicated that "a year-long dialogue" (p. 9) took place to discuss the "best zoning approach" (p. 9) in order to address these issues.

The district approach. The City of Denver approached the creation of its new zoning code through its 11 council districts. The city has two at-large council members and 11 council members representing each district. This resulted in 13 ward-based meetings (Axelrad, personal communication, Aug. 30, 2011). According to the City of Denver (2010b), this "five-year, deliberate public process" (p. 9) was kicked off in 2005 by the 16-member "Zoning Code Task Force (ZCTF)" (p. 9) consisting of the businesses, organizations, civic groups, and political leadership, which came together to "prepare the draft language and map" (p. 9).

According to Axelrad, this five-year process, which spanned from 2005 until 2010, started and ended intact (personal communication, Aug. 30, 2011). Listening sessions were held to diagnose problems to devise the best approach, which endured over a year-long process throughout the City's districts (Axelrad, personal communication, Aug. 30, 2011). While the code was being drafted, the task force and city council members were continually briefed, and the public review draft was made available online for public comment (Axelrad, personal communication, Aug. 30, 2011). In general, Axelrad indicated that there was a high level of interest from the community throughout this process, which consisted of a balance of words and mapping much like the outcome produced by this process, the new Denver Zoning Code (personal communication, Aug. 30, 2011).

According to the City of Denver (2010b), the first drafts were reviewed internally by a "45-member technical review committee" (p. 10), and "the first public review draft was

published in May 2009" (p. 10), which was followed by "a summer-long intensive public outreach and comment-collecting effort" (p. 10). Throughout the process, the City of Denver used a project website to post drafts and to collect additional comments, and the 13 public meetings that were held from May to June in 2009 resulted in the attendance of over "1,000 participants" (Denver, 2010b, p. 10). According to the City of Denver (2010b), on-going briefings, work sessions, and "bimonthly ZCTF (Zoning Code Task Force) meetings" (p. 10) were held, and "intensive public outreach and participation" (p. 10) accompanied the review of each draft. Public presentations were held within the districts from August to September in 2009, which included 13 additional meetings and over "880 participants" (Denver, 2010b, p. 10). In November 2009, "Joint City Council and Planning Board 'listening sessions' [were] held on two consecutive days ... to hear public comment and input on Draft #3" in which "a total of 148 persons spoke ... [and] lasted 6 hours" (Denver, 2010b, p. 10).

According to the City of Denver (2010b), "continuing key stakeholder presentations and small-group meetings" (p. 11) were held to involve civic and professional organizations, which included the American Institute of Architects (AIA) Denver Chapter, among other organizations, and in January 2010 the "Business and Retail Working Group (BRWG)" (p. 11) was formed. Following the public review of two more drafts, the City Council approved the Denver Zoning Code on June 22, 2010, and the Denver Zoning Code became effective on June 25, 2010 (Denver, 2010).

According to Winter and Company (2010), the consultants involved in code formulation created the "context-based zone districts and building forms that are the basis of the new code" (¶1), and the team worked to promote "goals for economic

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development, sustainability and context-sensitive design" (¶1). Winter and Company (2010) indicated that a "diagnostic report on existing zoning" (¶3) was completed to develop "a citywide system of contexts" (¶3), and "a community survey on design and re-development by context" (¶3) was performed, in addition to the preparation of "building form graphics and tables" (¶3), which were all used to create Denver's new form-based code. Denver's neighborhood contexts were "illustrated on posters that document street patterns, site design and building character" (Winter and Company, 2010, ¶9). This use of visual communication allowed the team to convey developing concepts within the code formulation process.

The design orientation and visual communication. The layout of the new code uses a balance of graphics and text in order to produce a 21st century code update; however, the images used were not codified and were used for illustrative purposes (Axelrad, personal communication, Aug. 30, 2011). The code still relies on the use text, but these images help convey parameters that were also used within the formulation process (Axelrad, personal communication, Aug. 30, 2011). The form-based code formulation process emphasized a form- and context-based approach that, according to Marcus (2010), helped to translate "zoning information into simple diagrams and graphics" (¶9).

According to Laetz and Halbur (2010), Denver recognized that zoning regulations can inhibit the ability of "good results to happen" (¶12), and this was remedied by promoting quality design through imagery, then "talking about it" (¶13) and "building constituencies that would fit the demand or expectation of a higher quality product" (¶13). Peter J. Park explained that most zoning codes tell you "what you can't do" (as

cited in Berg, 2010b, ¶14). However, the new code "tries harder to guide developers

and designers toward what they can do, mainly by being a very visual document" (Berg,

2010b, ¶14). For example, visual images depicting neighborhoods and streetscapes

have been included "on nearly every page in the city's New Code, which Park says

helps give everyone a better idea about what impact the right kind of projects can have"

(as cited in Berg, 2010b, ¶14).

Challenges within the process to create the Denver Zoning Code. Berg

(2010b) explained that "having a picture book for a zoning code was a bit worrisome for

some of the city's architects" (¶15). Architect Paul Brady stated that "earlier versions of

the code had many architects concerned about losing some of their design freedom" (as

cited in Berg, 2010b, ¶15) as a result of "tight rules on wall lengths and plate heights

and what seemed an incredibly limiting guideline on roof pitches" (¶15) within the earlier

drafts of the new code. However, Brady explained that "after collaboration between

architects and the city's planning staff, most of the concerns were ironed out" (as cited

in Berg, 2010b, ¶15).

When asked about challenges that occurred within the process and whether or not

the local AIA (American Institute of Architects) chapter supported these plans, Axelrad

indicated that the AIA organized into topic area work groups, which included a

residential group and a commercial group (personal communication, Aug. 30, 2011).

She indicated that there were concerns, but measures were taken and support was

achieved (Axelrad, personal communication, Aug. 30, 2011). She explained that on the

second or third draft, the business and retail group engaged the process (Axelrad,

personal communication, Aug. 30, 2011). The process was stopped in response to

vocal red flags, and a business and retail work group was organized to address concerns, which added an additional four to six months onto the process; however, according to Axelrad, the issues were worked through (personal communication, Aug. 30, 2011). Additional flexibility resulted from the consideration of alternatives and exceptions, and according to Axelrad, no questions were left in anyone's mind (personal communication, Aug. 30, 2011).

Steven Carr, President of AIA Denver, indicated that the new form-based code will provide residents with "more choices about what they can do in their neighborhoods ... based on specific contexts" (as cited in Hill, 2009, ¶6). He also indicated that the new code will "allow more options for architects and their clients" (as cited in Hill, 2009, ¶6). In general, the form-based code formulation process was described as inclusive since concerns were listened to and responded to, and, overall, the process was applauded (Axelrad, personal communication, Aug. 30, 2011).

Outcomes and the Implementation of the Form-Based Code

Predictability was considered as an outcome of this process that served to streamline development review while producing outcomes in accordance with the community vision. According to Hill (2009), Denver's "new code ... employs a 'form-based' approach" (¶5) through the division of the jurisdiction into "seven types of districts: suburban, urban, urban edge, general urban, urban center, downtown, and special context" (¶5) with each classified according to areas of stability to areas of change in order to encourage appropriate new infill development and redevelopment (¶7). According to Berg (2010a), Denver's new form-based code "focuses on three areas: taking a context-based approach that organizes neighborhoods by their unique

characteristics; a form-based approach that translates written language into graphics and tables; and organizing the overall language to simplify the code" (¶4).

The context-based approach of Denver's new form-based code classifies areas from urban to suburban, and Peter J. Park stated that "these various attributes of the street block structure, the building forms, and how the buildings relate to their site and to each other, is reflected in the different contexts" (as cited in Laetz & Halbur, 2010, ¶8). According to Laetz and Halbur (2010), predictability is generated through "the relationship of the building in forming the public realm" (¶8), which is achieved through the use of build-to-lines that lead to the development of "a mass forming the street edge" (¶8) in addition to "transparency and ground story activation" (¶8) in order to orient development to the pedestrian. Predictability is also generated by the code based on the contextual classification of development in which the "regulations are calibrated for the building scale based on those contexts" (Laetz & Halbur, 2010, ¶8). Each neighborhood context is contained within an "article" within the new Denver Zoning Code, which includes a range of forms illustrated to convey concepts immediately followed by specific regulations pertaining to use and form within each context. However, according to Axelrad, the conventional zoning code, Chapter 59 still applies to about 25% of the City, where about 900 PUDs (Planned Unit Developments) are still in place, and zoning still underlies this hybrid form-based code in order to address existing conditions (personal communication, Aug. 30, 2011).

Summary

Predictability is achieved through these clearly presented and specific regulations that were the result of the city's search for planning tools that would "contribute to the economy, ... [and] the making of the city", and Peter J. Park views the move to fix "the

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zoning code as a significant economic development initiative because ... uncertainty goes away" (as cited in Laetz & Halbur, 2010, ¶9). In response, the City of Denver "rezoned a lot of properties to align with the policies and adopted plans" to increase this certainty (Laetz & Halbur, 2010, ¶9). The move to adopt a form-based code has produced a set of regulations that enact the policies and objectives of the Comprehensive Plan (2000) and Blueprint Denver (2002) where the community vision is achieved through predictability as an outcome of this form-based code formulation process. This extensive public participation process that took place over five years has resulted in a new form-based code that is user-friendly and includes a balance of visuals and language to guide the achievement of the community vision through predictability and certainty within the code implementation process and the outcomes produced.

Discussion

Overview

The Miami, Florida and Denver, Colorado scenarios are analyzed through the criteria established by Innes and Booher (1999) for good consensus building in order to assess these participatory processes used to formulate the form-based code, in addition to the outcomes produced as a result of these processes. This discussion takes into consideration the case study findings found in the earlier sections of this chapter. Both these findings and this discussion serve as components that are used to analyze the hypotheses, following the evaluation and comparison to code implementation processes and outcomes, which are located after each city's project analyses in Chapter Five.

Process Criteria of Good Consensus Building (Innes & Booher, 1999)

- Did the processes include "representatives of all relevant and significantly different interests"? (Innes & Booher, 1999, p. 419).

Both Miami and Denver indicated that portions of their budget included costs for marketing and outreach to encourage participation within these processes to create the form-based code. Of the estimated $3Million Miami spent to create Miami 21, about $250,000 was spent on marketing and outreach over the five-year period (Gonzalez, personal communication, Aug. 22, 2011). In comparison, Denver's cost to produce the new form-based code was about $850,000, which included about $215,000 for public outreach and communication (Axelrad, personal communication, Aug. 30, 2011). Both cities used postcard mail-outs to reach out to citizens to seek their participation and postcards in Spanish were also delivered. Findings obtained from both scenarios indicated that foreign language translation was made available at presentations, meetings, and workshops.

Both cities expended the extra effort necessary to work towards achieving consensus with the architectural, business, and retail communities. This added an additional four to six months to Denver's overall process, and Miami incurred additional time and expense as a result of studies produced to indicate the similarities between the regulatory approach of both code types. This involved the Commission's request to hire architects to illustrate the differences that would be produced by both code types through conceptual renderings that depict the maximum development potential produced under the regulations of both Miami 21 and Ordinance 11000. These served to illustrate that the new form-based code was not as restrictive as some had originally believed.

- Was the process "driven by a purpose and task that are real, practical, and shared by the group"? (Innes & Booher, 1999, p. 419).

Both cities identified the problem areas years in advance of undertaking the process to overhaul their conventional zoning codes with new form-based codes. Miami wanted clarity, predictability, and streamlined regulations to produce its community vision based on smart growth principles, and Denver needed a responsive set of regulations that would enforce the goals and objectives established within its Comprehensive Plan (2000) and Blueprint Denver (2002).

- Was the process "self-organizing, allowing participants to decide on ground rules, objectives, tasks, working groups, and discussion topics"? (Innes & Booher, 1999, p. 419).

In both cases, the processes were structured to some degree; however, meetings and workshops were added as they became necessary. Both cities' processes were self-organizing to the extent that groups needing further discussion and opportunity to collaborate were able to organize, and the city and its consultants provided additional studies, workshops, and meetings to integrate a diversity of interests into the process in order to work towards achieving consensus.

- Did the process "engag[e] participants, keeping them at the table, interested, and learning through in-depth discussion, drama, humor, and informal interaction"? (Innes & Booher, 1999, p. 419).

This criterion is best addressed by the fact that both cities began their processes on a much smaller and immediate scale. Miami's 13 Neighborhood Enhancement Teams were divided into four quadrants, and Denver's ward-based form of governance, consisting of 11 districts, comprised the approach to reach out to and engage the public in these participatory processes. Both Miami and Denver indicated that visual

communication figured strongly in conveying concepts for discussion and resulted in a balance of words and visual imagery within the adopted new form-based codes.

- Did the process "encourag[e] challenges to the status quo and foste[r] creative thinking"? (Innes & Booher, 1999, p. 419).

While the primary intent of these processes may not have been for participants to challenge the "status quo", any dissension within these processes was not silenced and was viewed as an opportunity for further consensus building. This entailed creative thinking from all parties to work through the issues to achieve results in which nearly all were satisfied.

- Did the process incorporate "high-quality information of many types" to "assur[e] agreement on its meaning"? (Innes & Booher, 1999, p. 419).

Both processes involved the collaboration of leading experts in form-based coding, and each process addressed the items identified through considerable thought and planning. Denver's Comprehensive Plan (2000), Blueprint Denver (2002), and the analysis of the shortcomings of the conventional zoning code, Chapter 59, served as the motivation for creating the new form-based code. In Miami, the previous conventional zoning code demonstrated great complexity as a result of the number of amendments that had been made over its approximate 20-year lifespan, which resulted in inconsistencies. This led to the determination of the need to overhaul these conventional zoning codes in order to achieve goals and objectives that increase predictability to streamline code implementation. Throughout these processes, leading experts were hired as consultants and provided expert opinion. Innovative planning concepts were developed and conveyed to the public through a balance of verbal and visual communication. This information was used to assure agreement on the meaning within the process of each scenario.

- Did the process "see[k] consensus only after discussions have fully explored the issues and interests and significant effort has been made to find creative response to difference"? (Innes & Booher, 1999, p. 419).

Both cities began these processes with the goal of producing a form-based code; however, the achievement of consensus does not appear to be the exclusive motivator within these scenarios, rather the concepts were conveyed and extensive public outreach and participation took place. Additionally, significant effort was demonstrated by each city to incorporate the views of all stakeholders within the community, which included the extra effort made by each city to work to address the concerns of the architectural, business, and retail communities. This effort allowed each city to achieve consensus through the code formulation process, rather than purely focusing on the achievement of consensus as an outcome.

Table 4-1: Code formulation process criteria of good consensus building (Innes & Booher, 1999)

Process Criteria	Miami	Denver
Included representatives of all relevant and significantly different interests	Y	Y
Was driven by a purpose and task that are real, practical, and shared by the group	Y	Y
Was self-organizing, allowing participants to decide on ground rules, objectives, tasks, working groups, and discussion topics	Y	Y
Engaged participants, keeping them at the table, interested, and learning through in-depth discussion, drama, humor, and informal interaction	Y	Y
Encouraged challenges to the status quo and fostered creative thinking	Y	Y
Incorporated high-quality information of many types and assures agreement on its meaning	Y	Y
Sought consensus only after discussions have fully explored the issues and interests and significant effort has been made to find creative responses to differences	Y	Y

Outcome Criteria of Good Consensus Building Processes (Innes & Booher, 1999)

- Did the process produce "a high-quality agreement"? (Innes & Booher, 1999, p. 419).

Both cities' processes led to high-quality agreements and demonstrate innovations in form-based coding, which resulted in the adoption of a form-based code within a major metropolitan context. These extensive participatory processes led to an agreement in which nearly everyone was satisfied. Both code processes presented concepts, goals, and objectives through a balance of words and visual imagery. Of the two, Denver's form-based code is simplified the most; however, 25% of the city is still regulated by Chapter 59, the conventional zoning code, and effort made to incorporate these additional areas could have resulted in greater complexity. However, both cities have demonstrated the achievement of high quality agreements that were the result of considerable public outreach and participation.

- Did the process "en[d] stalemate"? (Innes & Booher, 1999, p. 419).

The processes within both contexts involved overcoming obstacles and working through interests of hundreds, and even thousands, of people representing as many interests within these cities as possible. The most notable challenges within both processes involved working through differences of opinion with the architectural, business, and retail communities. The code teams of both cities either produced additional studies or provided additional workshops and meetings to work through the issues to end stalemate.

- Does the process "compar[e] favorably with other planning methods in terms of costs and benefits"? (Innes & Booher, 1999, p. 419).

Since these form-based code formulation processes are the first to be produced within major metropolitan contexts in the U.S., these present innovations within the field of planning, and a comparative guide as to what these processes should cost is not readily available; however, Miami and Denver have indicated what the costs were to

produce their plans. Miami's process was more expensive than Denver's, and brought

in a total of about $3Million over the five-year period, while Denver's process cost about

$850,000 for a process of that same duration (Gonzalez, personal communication, Aug.

22, 2011; Axelrad, personal communication, Aug. 30, 2011).

Miami's process was led by DPZ (Duany Plater-Zyberk and Company), the firm

which created the form-based code, and involved the collaboration of leading experts in

economic development, public space planning, and transportation. In addition, Miami

included the regulation of the entire city within their form-based code while Denver left

about 25% of the city to be regulated by Chapter 59, the conventional zoning code.

Additionally, approximately 900 PUDs (Planned Unit Developments) remain regulated

by these texts within the City of Denver. In terms of benefits, both cities indicated that

their new codes have increased predictability and are more responsive towards the

achievement of the community vision.

- Did the process "produc[e] creative ideas"? (Innes & Booher, 1999, p. 419).

Both processes entailed considerable creative thinking, and as a result, produced

creative ideas, as well. Miami is the first major metropolitan area in the U.S. to adopt a

form-based code, and innovations were developed within this form-based code. This

included the development of the "Sub T-zone" to customize regulations per each

context in order to fine tune the approach to apply the form-based code to a city of this

magnitude. Denver made major transformations to its nearly 55-year-old conventional

zoning code, Chapter 59. Denver's new code is extremely user-friendly and

demonstrates contemporary planning approaches that exemplify a context- and form-

based approach.

- Did the process "resul[t] in learning and change in and beyond the group"? (Innes & Booher, 1999, p. 419).

The City of Miami indicated that if it were to start the process again today that it would start early to identify the opposition and provide outreach to communicate with the local AIA chapter from the beginning (Gonzalez, personal communication, Aug. 22, 2011). Denver indicated that if it were to begin the process again today, it would fine tune the pace of the process from the beginning, since some momentum was lost and indicated that the architectural, business, and retail group engaged the process much later (Axelrad, personal communication, Aug. 30, 2011). As a result of both cities' efforts to incorporate the architectural, business, and retail groups, "learning and change in and beyond the group" (Innes & Booher, 1999, p. 419) were outcomes of these processes.

- Did the process "creat[e] social and political capital"? (Innes & Booher, 1999, p. 419).

These efforts not only produced new codes, but these also provided opportunities for group learning and discovery in which "social and political capital" (Innes & Booher, 1999, p. 419) was created. An architect from Denver noted that even though there were concerns about the first drafts of the new code in regards to stricter design regulations, these concerns were resolved and the local AIA Chapter in Denver has endorsed the new code (Berg, 2010b; Hill, 2009).

- Did the process "produc[e] information that stakeholders understand and accept"? (Innes & Booher, 1999, p. 419).

Both of these processes demonstrate the recognition of the importance of public participation in building constituencies to generate support for the plan to achieve successful outcomes. Additionally, five years of public processes involved public collaboration through workshops, presentations, and meetings where concepts were

conveyed through visual techniques and project websites that further promoted citizen

participation within both cities. As a result of these efforts, the information produced

reflected information that "stakeholders understand and accept" (Innes & Booher, 1999,

p. 419).

- Did the process "se[t] in motion a cascade of changes in attitudes, behaviors, and actions, spinoff partnerships, and new practices or institutions"? (Innes & Booher, 1999, p. 419).

Both processes resulted in new practices, and both scenarios indicated that great

sensitivity to difference was demonstrated, which led to the extra effort made by each

city to iron out concerns. Relationships and partnerships were established throughout

these exchanges within these code formulation processes. As a result, these processes

produced outcomes, which include new practices established through the process to

create the regulations that are contained within these new form-based codes.

- Did the process "resul[t] in institutions and practices that are flexible and networked, permitting the community to be more creatively responsive to change and conflict"? (Innes & Booher, 1999, p. 419).

These processes entailed extensive public outreach and participation, which led to

the establishment of agreements and networks. The format of the form-based code is

considered flexible in its application, which enables its application to a variety of

contexts and conditions, while the intent is to promote predictability through code

implementation through specific, well-defined, and prescriptive parameters. These

processes have enabled flexibility through code formulation and predictability within

code implementation. Both Denver and Miami have produced outcomes that have

enabled the community to be "more creatively responsive to change and conflict" (Innes

& Booher, 1999, p. 419). These experiences will allow each city and its participants to

build upon these lessons learned for future participation and consensus building

opportunities.

Table 4-2: Code formulation outcome criteria of good consensus building (Innes & Booher, 1999)

Outcome Criteria	Miami	Denver
Produced a high-quality agreement	Y	Y
Ended Stalemate	Y	Y
Compared favorably with other planning methods in terms of costs and benefits	Y	Y
Produced creative ideas	Y	Y
Resulted in learning and change in and beyond the group	Y	Y
Created social and political capital	Y	Y
Produced information that stakeholders understand and accept	Y	Y
Set in motion a cascade of changes in attitudes, behaviors, and actions, spinoff partnerships, and new practices or institutions	Y	Y
Results in institutions and practices that are flexible and networked, permitting the community to be more creatively responsive to change and conflict	Y	Y

Summary

Both Miami and Denver's processes and outcomes have been analyzed in

accordance with the criteria established by Innes and Booher (1999). This analysis

demonstrated that these processes and outcomes were indicative of good consensus

building processes as a result of the achievement of all of the process and outcome

criteria. Throughout the case studies, the use of visual communication within these

processes and the design-orientated outcomes were explored for the purpose of further

analysis and comparison to examine code implementation within Chapter Five through

the project analyses using the same criteria. These results are factored into the analysis

of the hypotheses, and the sum of these results comprises the findings and

recommendations provided in Chapter Six.

CHAPTER 5
CODE IMPLEMENTATION AND PROJECT ANALYSES

Overview

The projects within this chapter have been analyzed according to the processes and outcomes involved within code implementation. These projects have been provided by each city and consist of one reviewed under the conventional zoning code and one reviewed under the form-based code. Projects reviewed under each city's conventional zoning code have also been subjected to their new zoning and reviewed accordingly under each city's form-based code in order to gauge differences in code function, process, and outcomes. The project analyses have illustrated each city's public participation requirements for both code types. These analyses were performed to identify the level of opportunity available for citizen participation through the development review and approval process following code adoption.

Additionally, the predictability generated by the extensive participatory processes of form-based code formulation has been explored alongside code implementation processes and outcomes. This analysis has been performed to assess the value of expedited review processes, which include the use of by right development review policies and procedures, to take into consideration the need for additional flexibility through opportunities for further citizen participation within code implementation. These results have been compared and contrasted with code implementation procedures for conventional zoning to gauge how the potential for the achievement of predictability differs between both code types.

Both Miami and Denver have by right development policies, which serve to streamline code implementation processes to increase predictability and certainty to

promote development; however, these policies can also limit or even inhibit public participation since opportunities to participate at public hearings are restricted to projects requiring additional processes. Therefore, meaningful and purposeful citizen participation at the code formulation stage is critical when the public does not have the opportunity to comment and seek conditions of approval from the City Commission or City Council on the public record after the code has been adopted.

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Miami Project Analyses

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Projects for this study were based on a random selection that consisted of a referral from the City of Miami. The City was asked if there were any projects that have come in under Miami 21 and if there were any under Ordinance 11000, the previous conventional zoning code, which would make a good comparison. Due to the City of Miami's recommendation, the project representing the Miami 21 form-based code is the Brickell CitiCentre, and the project representing the conventional zoning code, Ordinance 11000, is the Miami World Center.

Miami 21: The Brickell CitiCentre

Project description. The Brickell CitiCentre consists of a 9.038 acre Special Area Plan (See Appendices E-F for conceptual renderings). Within the City of Miami, a special area plan allows a property consisting of over nine abutting acres to be master planned in order to provide adequate infrastructure, thoroughfare connectivity, and additional design standards that will increase the responsiveness of a large scale development (Miami, 2011). This Special Area Plan required a rezoning and, therefore, public hearings before the City Commission. In addition to the Special Area Plan, a development agreement also was heard before the City Commission. Both of these

items provided the opportunity for the public to comment and to seek conditions of approval from the City Commission.

This project will span four city blocks and will contain over 4.68 Million square feet of floor area and boasts an "overall economic impact of $1Billlion" (Miami, 2011, ¶33). This mixed-use development will contain residential, commercial, and lodging, among other uses and provides numerous amenities, with sidewalks and internal streets lined with a climate trellis that "dominate[s] the imagery of the project" (Miami, June 2011, ¶26).

Code organization and function and review procedures. The Brickell CitiCentre is classified according to "T6-48B O" zoning, which indicates that it is within the T6 Urban Core transect and has a height limit of 48 stories, and the "B" designation indicates the bonus potential while the "O" classification indicates that it is open, which is used to determine density regulations. Review under Miami 21 entails determining the zoning classification and transect designation, and then Article 3 is used to obtain general transect zone regulations. Next, Article 4 is used to determine building function, uses, and review and public hearing procedures (See Appendices G-J) (Miami, 2010). Finally, Article 6 contains supplemental regulations for additional requirements that may apply.

While reviewing the code, the level of specificity and the organization of the code were apparent, and the new code was found to contain a balance of words and visuals that were helpful in understanding the concepts, parameters, and regulations conveyed. The code is generally easy to follow, although cross-referencing to other sections is sometimes necessary. The overall approach of the form-based code is different from

conventional zoning codes in that the entire city has been truly master-planned and the level of detail and the context-based approach generates a greater level of specificity than the conventional zoning code, Ordinance 11000. The level of thought and detail regarding relationships at the micro and macro scales contributes toward the notion of predictability and helps to guide development that will be responsive in achieving the goals and vision established by the community through the code formulation process.

Additionally, the Brickell CitiCentre project, and each project analyzed within this analysis, included the examination of review procedures and opportunities for citizen participation. Since this project required public hearings, this analysis also consisted of the review of these public hearings and includes a summary of public comments. If the Brickell CitiCentre project would not have required public hearings, the form-based code project would have consisted of analyzing Article 7, Diagram 14: Permitting Process (see Appendix J) for review and approval procedures. Article 4, Table 3 Building Function: Uses (see Appendix H) was used to determine if the use(s) are allowed by right or if the use(s) require a warrant or an exception. These findings are used to determine the development review and approval procedures within Article 7, Diagram 14: Permitting Process. Exceptions and variances appear before the Planning Zoning Advisory Board (PZAB) and zoning changes require public hearings before the City Commission.

Public hearings. A representative of Swire properties summarized the support and recommendations received for the project during the City Commission meeting and stated that "this project has been designed to the standards of Miami 21" (¶13), and is "the first special area plan under the new code" (Miami, July 2011, ¶13). It was noted

that the applicants have met with concerned property owners and have "listened to their concerns" (¶13), and the representative for the project stated that "Swire is committed to maintaining open communication ... and will continue to be responsive" (¶13) but indicated that the developer "can't really afford to be saddled with conditions that are not applicable to any other developers" (Miami, July 2011, ¶13).

Citizen participation at the public hearings. As a result of the special area plan and the development agreement, the public had the opportunity to demonstrate support for the project and to voice their concerns. Citizens representing community organizations spoke in support of the project and reinforced the location of the project along the main corridor and applauded the project's aesthetics and the overall commitment to the community, including the economic impact that the project will make (Miami, 2011). While most citizens expressed support for the project, concerns were expressed by the citizens in order to ease the transition of incorporating a project of this magnitude into the community.

These concerns included the number and location of driveways near existing businesses since it was felt that these conflicts would create a traffic problem and would interfere with the proposed pedestrian orientation of the project (Miami, July 2011, ¶17). Requests were made by citizens to address the number, location, and placement of driveways and a sidewalk buffer was sought to protect pedestrians. As a result, citizens urged the Commission to condition any approval to address these concerns (Miami, July 2011, ¶17).

Additionally, concerns were expressed regarding "the impacts of the construction of this project" (¶17) on private properties, and requests were made to devise "specific

measures to protect adjacent and neighborhood properties from construction-related dust and debris" (¶17) through requests made for conditions of approval to provide "the installation of a watering and dust screen program" (Miami, July 2011, ¶17) that would ensure the uninterrupted operation of businesses surrounding the proposed project. At this time, there were also requests made to limit "truck access to the property" (¶17) during hours of operation, and requests were made to ensure that there will be uninterrupted utility service (Miami, July 2011, ¶17). Other concerns included continued pedestrian access and alternative parking during construction, and it was requested that a contact person be made available to resolve issues as they arise.

It was also noted for the record that the developer has discussed the construction management agreement; however, a citizen noted that "there's nothing in the record before you, except my presentation and maybe the presentation of others that shows that the developer will actually address these concerns" (Miami, July 2011, ¶17). As a result, it was requested that the Commission "condition the approval of the special area plan [based] on the developer implementing these requested actions" (Miami, July 2011, ¶17).

These concerns were responded to by a representative for the developer and staff, and it was indicated that many of these concerns have been added as conditions to the recommendation for approval (Miami, 2011). In addition, Mr. Garcia, Community Development Director went on to acknowledge that "there is great merit in involving all the adjacent property owners, all the stakeholders in the area because it is only through that interaction that we will fully understand what impacts might be generated by the construction process and of course [to] involve the applicants as well" (Miami, July

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3011, ¶89). Garcia explained that even though "the applicant will ... submit a construction management plan", city staff "will reach out to the stakeholders in the area to ensure that they have their input" (Miami, July 2011, ¶89). Immediately following the public hearing, a Commissioner also added additional conditions to the approval to address the concerns of citizens (Miami, 2011).

Summary. In summary, the special area plan consisted of four public hearings, and the development agreement consisted of two public hearings. Both were unanimously approved with conditions and modifications by the City Commission on July 28, 2011. While public hearings may not offer the same level of collaboration as the participation found within code formulation, this scenario demonstrates that the public hearing does provide a venue for additional public participation and indicates public acknowledgement of the value of the public hearing in providing an arena for the public to give "teeth" to their concerns through the inclusion of concerns and requests on the public record and as a result of the opportunity for the public to seek conditions of approval from the Commission.

Ordinance 11000: The Miami World Center

Project description. The Miami World Center consists of approximately 25 acres of mixed-use development, which was added as a Special District to Ordinance 11000, the city's previous conventional zoning code (See Appendix K for conceptual rendering). Since the project was being developed concurrently with the process to create Miami 21, many of the concepts, goals, and objectives were incorporated into the project, which included the use of a regulating plan (See Appendix L). As a result of these factors and as a result of the magnitude of this project, which spans 9 city blocks, the

zoning information and regulations of this project have been attached as Appendix "D" within the new Miami 21 form-based code.

The project is located immediately north of the Central Business District in downtown Miami and "calls for a mix of high-rise offices, hotels, shops, restaurants, entertainment and conference venues, school, and eventually, residences, all built within the framework of plazas and broad sidewalks" (Miami, Nov. 2008b, ¶56). The project is described as the "catalyst to bring the City into becoming a vibrant, urban downtown center" (Miami, Oct. 2008, ¶32).

The process to approve the Miami World Center involved a zoning amendment of the zoning atlas within Ordinance 11000 and a zoning change to add Special District SD-16.3 Miami World Center to Ordinance 11000. The development agreement for this project establishes density, base floor area ratios, bonuses, and provides a regulation that stipulates that the project is unlimited in terms of height and establishes a 20-year agreement for the project (Miami, 2008). All three items required public hearings, which provided the opportunity for the public to comment and seek conditions of approval from the Commission.

Code organization and function and review procedures. The Miami World Center was added to Ordinance 11000 as Special District SD-16.3, and while reviewing this section within Ordinance 11000, and the Miami World Center Design Standards, it was apparent that the language contained within SD-16.3 and the Miami World Center Design Standards were exactly the same regulations contained within Appendix "D" of the Miami 21 form-based code (Miami, 1991) (See Appendix M: Building Disposition Regulations). These regulations feature a balance of language and imagery to convey

concepts, and based on this analysis, it was found that the review procedures were the same for both code types. The level of detail and the inspirations for the project are clearly conveyed throughout both code types.

The Miami World Center project reviewed under Ordinance 11000 entailed review procedures and citizen participation opportunities that are similar due to the temporal proximity of this project alongside the creation of the new Miami 21 form-based code, which resulted in the inclusion of this project as Appendix "D" within the new form-based code regulations. Since the Miami World Center project entailed creating a special district through a zoning change, zoning amendment, and included a development agreement, this project required public hearings before the City Commission and provided opportunities for the public to comment and to seek conditions of approval from the Commission. If the project would not have required public hearings, the analysis of development review and approval procedures would have involved the same reference to the permitting process diagram in Article 7, Diagram 14 (Appendix J). As a result of this project's inclusion in Appendix "D" of the new Miami 21 form-based code regulations, and as a result of the reference to 7.1.2. Permits, it was indicated that permitted uses are established within Article 4, Table 3. This table indicated that permitted uses are approved by right when "the use meets all of the applicable standards of the Miami 21 code, and the other specific requirements that may be enumerated elsewhere in the City Code" (Miami, 2010, Article 7.1.2.1).

Also within Article 7.1.2.1, it was indicated that the Zoning Administrator issues building permits and certificates of use and sets forth the requirements for warrants, waivers, exceptions, variances, zoning amendments, and sign permits. Differences

between the project's inclusion within Miami 21 and its inclusion as a Special District within Ordinance 11000 is that under 11000 developments that contain a number of residential units or hotel rooms or an amount of square feet of finished floor area would have to be reviewed for major use special permits. Otherwise procedures are similar between both code types, but these codes differ in terms of the overall organization and clarity. Within the reference to Article 7.1 Procedures, there are charts, diagrams, and specific sections devoted to clarify the permitting process and decision-making authority.

Public hearings. According to a representative for the developer, the Miami World Center will revitalize "the Park West/Overtown community" (¶11), and the zoning change "is simply a text change to promote better urban design in Park West" (Miami, Oct. 2008, ¶11). The "map change ... appl[ies] the new overlay to Miami World Center" (¶11), and the "development agreement ... preserve[s] the zoning to allow stable, quality, long-term development and the creation of ... public open spaces" (Miami, Oct. 2008, ¶11). Although the project required a zoning change and a zoning amendment, it was noted that the project does not involve a change in use, and a representative for the project indicated that the Miami World Center project is "following the principles of Miami 21" (Miami, Oct. 2008, ¶11).

During the October 23, 2008 City Commission meeting pertaining to the zoning amendment, a representative of the developer emphasized the amount of time and energy that they have "spent with the City and the CRA (Community Redevelopment Agency) to make sure this has been an open process and everyone in the community has been involved" (¶11), which includes meeting with about 10 different civic

organizations (Miami, Oct. 2008, ¶11). It was also indicated by the developer's representative that several letters of support have been received for the project (Miami, Oct. 2008).

During City Commission meeting pertaining to the zoning change, it was indicated that "this is a long-neglected part of downtown, and this project brings lots of lifeblood" (¶42) as a "stunning representation of a walkable and sustainable type of a development with lots of pedestrian opportunities" (Miami, Oct. 2008, ¶42). Furthermore, the Commission Vice Chair acknowledged the developer's representatives "for going above and beyond the call of duty to make sure that all of the key organizations in the area had the opportunity to voice their concerns and issues with the project" (Miami, Oct. 2008, ¶57).

Citizen participation at the public hearings. During the City Commission meeting pertaining to the first reading of the zoning change, several citizens, business owners, and representatives spoke in favor of the project and noted the long-term outlook and applauded the "urban framework ... with vibrant commerce and commercial space" (Miami, Oct. 2008, ¶32). During the second hearing for the zoning change, several citizens, civic organizations, and businesses owners and their representatives voiced their support of the project, and stated that the project is well planned and applauded the project's pedestrian orientation (Miami, Nov. 2008b, ¶37).

Concerns expressed included issues relating to the actual ownership of the project, which according to one citizen, "totals about eight acres, which is about 30 percent of the district" (¶39), which differs from the fact that it was previously mentioned that they "own or have closed on 70 percent of the district" (Miami, Nov. 2008b, ¶39). It

was indicated that this concern was in response to current economic uncertainty and for the potential for this project to go unrealized for "20 years" (Miami, Nov. 2008b, ¶39). As a result, a suggestion was made to have the project's approval "contingent on them owning the 25 acres that they represent that they own" (Miami, Nov. 2008b, ¶39) in order to prevent the City from being bound to one vision to allow other development in the event that the project is not completed unless "they overwhelmingly own 80 percent" (Miami, Nov. 2008b, ¶46).

In response, a representative for the project came forward to explain that this only concerns the proposed project under current ownership and that it does not bind property not owned by the Worldcenter Group. Another representative for the project added that "we do control 80 percent" (¶55), and "we have closed on approximately 30 percent of the land, a large portion of which we still have under contract" (¶55), and added that "a majority of developers ... do not close on the properties before the zoning is in place" (Miami, Nov. 2008b, ¶55). These concerns were backed by additional conditions of the approval within the development agreement, which ensures adherence to the DRI (Development of Regional Impact) "unless the developer parties obtain an independent DRI for the project or unless the project is exempt from DRI review" (Miami, Nov. 2008a, ¶3).

Summary. The zoning amendment consisted of three public hearings, the zoning change consisted of five public hearings, and the development agreement consisted of four public hearings, which provided the opportunity for public comment. The zoning amendment, zoning change, and development agreement were all unanimously approved by the City Commission on November 13, 2008 (Miami, 2008b). As a result of

this analysis and review, it was found that the code organization, function, and review procedures did not change between the Special District SD-16.3 within the conventional zoning code, Ordinance 11000 and the inclusion of the project and its regulations within "Appendix D" of the new Miami 21 form-based code in this specific instance. The zoning change, zoning amendment, and development agreement all required public hearings, which all provided the opportunity for further public participation.

Before and After: Miami World Center

The purpose of this analysis is to examine the differences in process and outcomes that would result if the Miami World Center was reviewed today under the regulations of the new Miami 21 form-based code. This process is repeated for Denver's project reviewed under the conventional zoning code, which follows the Denver project analyses later within this chapter.

Project description. If the Miami World Center project were reviewed today under Miami 21, little would change in terms of process and outcomes. This project and its regulations were created in 2008 while the new Miami 21 form-based code was being developed. Due to the project's magnitude, which consists of about 25 acres in downtown Miami, and as a result of the efforts to include the goals and objectives of Miami 21, the regulations for this project were included as Appendix "D" in the new Miami 21 form-based code. However, this project was originally zoned "SD-16.3 Miami World Center Special District" and reviewed under Ordinance 11000 while it was still in effect.

Code organization and function and review procedures. Within Ordinance 11000, the "SD-16.3 Miami World Center" has been included as a special district within Article 6. Zoning information pertaining to the project is under Section 616.12: SD-16.3

Miami World Center. The project was reviewed under the conventional zoning code, and the special district regulations originally consisted of a zoning change, a zoning amendment, and a development agreement, which required public hearings. Within Ordinance 11000 it is also indicated that the Miami World Center Design Standards "provide more detailed clarification" (Miami, 1991), and as a result, these are incorporated by reference. Building disposition, configuration, use and density, parking standards, among other regulations are all described within the Miami World Center Design Standards (Miami, 2008a). Many of the concepts from Miami 21 have been incorporated, which included the public benefits program, LEED (Leadership in Environmental Energy Design) certification, and several other concepts mentioned in Ordinance 11000, The Miami World Center Design Standards, and in sum within Appendix "D" of Miami 21.

Ordinance 11000 references The Miami World Center Design Standards, which is the more restrictive document (Miami, 2008a; Miami, 1991). As a result, the remainder of this review analyzed the Miami World Center Design Standards for comparison to Appendix "D" of the Miami 21 form-based code. The Miami World Center Design Standards document introduces the project, contains the regulatory plan, street design specifications, and design standards. The project is described as a mixed-use development, located north of the Central Business District (CBD) in downtown Miami that consists of 25 acres, spans 9 city blocks, and features a "dynamic mix of retail, residential, office, and institutional uses" (Miami, 2008a, p. 5). After reviewing Ordinance 11000 and the Miami World Center Design Standards, Appendix "D" of the Miami 21 plan was examined. The language of Ordinance 11000 pertaining to SD-16.3 were

included exactly within Appendix "D" of the Miami 21 plan from pages 403-415, and the Miami World Center Design Standards are included from pages 416-468, respectively (Miami, 2010; Miami, 2008a; Miami, 1991). As a result, these were all found to be similar in terms of process and outcomes between both code types.

Public hearings and citizen participation. Under Ordinance 11000, public hearings were triggered for the zoning change, zoning amendment, and the development agreement. Based on the findings from review under Miami 21, this process would not change under the new code. The zoning change and amendment and the development agreement all triggered public hearings, and these would under the new code, as well. At the public hearing, the public had the opportunity to voice their support and concerns regarding the project and had the opportunity to seek conditions of approval. This opportunity would remain unchanged between both code types as a result of the consistency between both sets of regulations. Review under both code types involves similar code implementation processes in terms of development review and approval and public hearing requirements.

Outcomes and summary. Although the Miami World Center was created under Ordinance 11000 in 2008, the concepts of Miami 21 were integrated into the project and regulations. The Miami World Center regulations have also been attached as Appendix "D" within the new Miami 21 form-based code. As a result, the organization, function, and review procedures between these codes were found to be similar in this instance. Public hearings would also be required for this project under the new code due to the reciprocity of this project between both code types.

Analysis of Consensus Building Processes and Outcomes of the Projects in Miami

Within this section, projects provided by the City of Miami have been analyzed according to the same consensus building process and outcome criteria established by Innes and Booher (1999) that were used within the discussion section in Chapter Four to review form-based code formulation processes and outcomes. While the development review and approval process found within code implementation may not seem on par with the level of consensus building used in form-based code formulation, the analysis of the processes and outcomes involved in code implementation establish another level of comparison that also provides a basis from which to gauge the value of predictability generated by these processes while considering the need for further citizen participation opportunities. The overall findings from all of these analyses provide an overview of the relationship between code formulation and implementation.

Process Criteria

The projects in Miami have been reviewed by staff and involved the review and approval of the City Commission, which provided opportunities for citizen participation through required public hearings. Throughout both development review processes, developers worked with community organizations, business owners, and residents to address concerns off the public record. During the public hearings, representatives for the developer, staff, the City Commission, and concerned citizens worked to find solutions in the best interests of all parties. As a result, both the Brickell CitiCentre and the Miami World Center "included representatives of all relevant and significantly different interests" (p. 419) and were "driven by a purpose and task that are real, practical, and shared by the group" (Innes & Booher, 1999, p. 419).

The processes involved within these projects were self-organizing to the degree that the public hearing provided the opportunity for citizens to contribute discussion topics based on concerns, tasks, and to seek changes in ground rules in the form of conditions of approval requested from the City Commission. This indicated that these development review and approval processes were "self-organizing, allowing participants to decide on ground rules, objectives, tasks, working groups, and discussion topics" (Innes & Booher, 1999, p. 419). This opportunity would not be present for projects that do not require public hearings. While it is of interest to streamline the development review and approval process in order to increase certainty, the absence of the public hearing would reduce the process to negotiations, such as those between the developer, staff, and concerned citizens and business owners, off of the public record.

These processes entailed the review of proposed regulations and conceptual renderings and the public hearings provided a forum for the public to voice concerns and demonstrate support for these projects. This indicated that these processes "incorporated high-quality information of many types and assure[d] agreement [their] meaning[s]" and these processes both "sought consensus only after discussion have fully explored the issues and interests, and significant effort ... [was] made to find creative responses to differences" (Innes & Booher, 1999, p. 419).

The only two criteria for good consensus building processes that were not as evident within these processes include the ability of these to "engage participants, keeping them at the table, interested and learning through in-depth discussion, drama, humor, and informal interaction" (p. 419), and these did not "encourage challenges to the status quo and foster creative thinking" on the same level as the processes used to

create the form-based code (Innes & Booher, 1999, p. 419). Participants within these

processes at these public hearings had concerns primarily based on either the impacts

of construction that could affect the ability to conduct business as usual or were the

result of design-related matters and actual property ownership that could adversely

impact the city if the project were not to be realized during uncertain economic times.

The intent within these processes was not to challenge the status quo, but rather the

intent was to ensure that the impacts of development and construction would be

minimized. These concerns were voiced on the public record and were requested as

conditions of approval from the City Commission in which nearly every item was

addressed and included within the approval of these projects.

Table 5-1: Process criteria of good consensus building for code implementation in Miami (Innes & Booher, 1999)

Process Criteria	Brickell CitiCentre	Miami World Center	"After" Miami World Center
Included representatives of all relevant and significantly different interests	Y	Y	Y
Was driven by a purpose and task that are real, practical, and shared by the group	Y	Y	Y
Was self-organizing, allowing participants to decide on ground rules, objectives, tasks, working groups, and discussion topics	Y	Y	Y
Engaged participants, keeping them at the table, interested, and learning through in-depth discussion, drama, humor, and informal interaction	To some degree	To some degree	To some degree
Encouraged challenges to the status quo and fostered creative thinking	To some degree	To some degree	To some degree
Incorporated high-quality information of many types and assures agreement on its meaning	Y	Y	Y
Sought consensus only after discussions have fully explored the issues and interests and significant effort has been made to find creative responses to differences	Y	Y	Y

Outcome Criteria

The development review and approval processes of the Brickell CitiCentre and the Miami World Center resulted in "high quality agreements" (Innes & Booher, 1999, p. 419). These processes ended stalemate and produced creative ideas as a result of the opportunity to participate in the public hearings for these projects (Innes & Booher, 1999, p. 419). While developer, staff, and citizen negotiations can provide these opportunities off the public record, the public hearing was acknowledged as a means to provide leverage through the inclusion of concerns and requests for conditions of approval on the dais made by citizens within the Brickell CitiCentre project. Even though this project was reviewed under the form-based code, there were still concerns and items to be addressed. For projects that do not required public hearings, this opportunity for public participation would not exist and would be limited, or even non-existent.

Both development review and approval processes "compared favorably with other planning methods in terms of costs and benefits" (p. 419) since these projects underwent review and approval through streamlined processes, yet provided the opportunity for further citizen participation on the public record as the result of required public hearings (Innes & Booher, 1999, p. 419). These exchanges "resulted in learning and change in and beyond the group" (p. 419) and created "social and political capital" (p. 419) that began with collaboration on a more immediate level between the developer, staff, and citizens, which were noted on the public record during these public hearings (Innes & Booher, 1999, p. 419). As a result, these opportunities provided processes that "produced information that stakeholders understand and accept" (Innes & Booher, 1999, p. 419).

It may be a stretch to conclude that the outcomes of these processes "set in motion a cascade of changes in attitudes, behaviors, and actions, spinoff partnerships, and new practices or institutions" (p. 419); however, these exchanges were noted on the public record and resulted in a change in practice based on the conditions made to the approval by the Commission in both projects under both code types (Innes & Booher, 1999, p. 419). While some degree of learning through participation occurred, it may be presumptive to conclude that these processes resulted "in institutions and practices that are flexible and networked, permitting the community to be more creatively responsive to change and conflict" (p. 419) based on these processes alone; however, these have produced outcomes more closely aligned to this criterion but arguably not to the same degree as code formulation (Innes & Booher, 1999, p. 419).

Table 5-2: Outcome criteria of good consensus building for code implementation in Miami (Innes & Booher, 1999)

Outcome Criteria	Brickell CitiCentre	Miami World Center	"After" Miami World Center
Produced a high-quality agreement	Y	Y	Y
Ended Stalemate	Y	Y	Y
Compared favorably with other planning methods in terms of costs and benefits	Y	Y	Y
Produced creative ideas	Y	Y	Y
Resulted in learning and change in and beyond the group	Y	Y	Y
Created social and political capital	Y	Y	Y
Produced information that stakeholders understand and accept	Y	Y	Y
Set in motion a cascade of changes in attitudes, behaviors, and actions, spinoff partnerships, and new practices or institutions	Y	Y	Y
Results in institutions and practices that are flexible and networked, permitting the community to be more creatively responsive to change and conflict	Y	Y	Y

Denver Project Analyses

Projects for this study were based on a random selection that consisted of a referral from the City of Denver. The City was asked if there were any projects that have come in under the new Denver Zoning Code and if there were any under Chapter 59, the previous conventional zoning code that would make a good comparison. As a result the City of Denver's recommendation, the project representing the Denver Zoning Code is the project at 505 East Colfax Avenue, and the project representing Chapter 59 is the project at 6201 East Colfax Avenue.

The Denver Zoning Code: 505 East Colfax Avenue

Project description. The project at 505 East Colfax Avenue was provided by the City of Denver as the project for analysis under the new form-based code. The project is classified as "C-MS-8", which indicates that it has a neighborhood context of "urban center" and has a zoning description of "main street", which informs the character of the built form, and the number "8" indicates the maximum building height in number of stories, which allows up to 8 stories (Denver, 2010a). The project was built in 2010 and consists of 3,922 square feet on a 15,000 square foot lot (See Appendices S-T).

Code organization and format and review procedures. The new form-based code is organized into articles based on neighborhood context, and the instructions guide the reader through the use of the code. There is very little cross-referencing necessary and regulations are clearly presented in a balance of words and visual images that are used to convey concepts, parameters, and regulations. Illustrative building forms are presented for use types within each neighborhood context and are immediately preceded by regulations pertaining to the specific building type (See Appendices P-Q).

The drive-thru restaurant and eating and drinking establishment is conveyed as a permitted use by right without limitations, which entailed only zoning permit review as indicated in Article 7: Division 7.4, Uses and Required Minimum Parking (Denver 2010a) (see Appendix Q). Section 12.2.7 Summary Table of Authority and Notice indicated that the decision-making authority is the Zoning Administrator for uses requiring only zoning permit review (See Appendix R) (Denver, 2010a).

Public hearings and citizen participation. As a result of the City's by right development policy, this project was reviewed and the decisions were made by the Zoning Administrator; therefore, no public hearings were required. Opportunities for citizen participation would be limited to citizen, developer, and staff negotiations since this project, and projects with permitted uses meeting established criteria, would not entail public processes. These policies are intended to streamline the development review and approval process and are seen as a complement to the extensive citizen participation that accompanies form-based code formulation.

Summary. The project at 505 East Colfax Avenue achieved a pedestrian-oriented outcome through precise, yet easy to navigate regulations within the City's new form-based code. As a result of by right development policies, the review of this project was not a public process. The project is designed to incorporate the concepts established through the new Denver Zoning Code, which includes an increased pedestrian orientation that results in the building's placement that engages the public realm from the primary street with vehicular access and traffic circulation situated behind the building and made secondary to the pedestrian orientation. The format, function, and organization of the code presented clear parameters, conveyed through text and

supported by relevant and illustrative visual imagery. While reviewing the code, it was

apparent that the regulations are specific, detailed, and these are the result of code

formulation processes that have processed the relationship between context and form

within each neighborhood context to produce a predictable outcome.

Chapter 59: 6201 Colfax Avenue

Project description. The project at 6201 Colfax Avenue was presented by the

City for the analysis under the previous conventional zoning code, Chapter 59. The

project is classified as "B-4", or General Business District zoning, and consisted of

3,535 square feet on a 35,542 square foot lot between Krameria and Leyden Streets on

Colfax Avenue (See Appendices U-V) (Axelrad, personal communication, Aug. 30,

2011).

Code organization and function and review procedures. While reviewing the

project under Chapter 59, immediately it was evident that the number of regulations

took precedence over specifics related to form and the consideration of relationships

that lead to the achievement of 21st century planning objectives. In addition, the

organization of the code produced a vast difference from the new Denver Zoning Code,

which resulted in covering the entire section pertaining to Division 7 that included all of

the information for the B-1, B-2, B-3, B-4, and B-8 districts in order to uncover

parameters for development based on a zoning of "B-4" (See Appendices W-X). In

addition, considerable cross-referencing to other sections was necessary.

In terms of the analysis performed for this project, as reviewed under the previous

conventional zoning code, Chapter 59, the review procedures and opportunities for

citizen participation during code implementation was indicated on page 238. "Food

preparation and sales, commercial" (p. 238) is a permitted use within the "B-4" zoning

classification (Denver, 1956, p. 238). By right policies are covered within Section 59-38 Duties and Powers (see Appendix Y). As a result of these findings, it was confirmed that the project entailed a permitted use and that it was reviewed administratively.

Public hearings and citizen participation. Denver's by right development policy, under which this drive-thru restaurant was found to be permitted as a use by right, required only review by zoning permit. As a result, there were no opportunities for citizen participation outside of citizen, developer, and staff discussions and negotiations since this was not a public process; therefore, the project did not require public hearings.

Summary. The project at 6201 East Colfax Avenue was developed in 2005, prior to the adoption of the new Denver Zoning Code. The building was constructed with the drive-thru lane parallel to Colfax Avenue, creating a barrier between the pedestrian realm and access to the building entrance from the primary street, which involves pedestrians having to cross the drive thru lane in order to enter the building. Overall, vehicular access and parking take precedence within this project, and vehicular activity dominates the street frontage. This differs significantly from the approach of the form-based code where building proximity to the street front and pedestrian activity would take precedence. Additionally, the format of the conventional zoning code does not convey the predictability that the new code does as a result of generalized regulations that lack a context- and form-based approach. There were no public hearings required within the review and approval of this project, and as a result, opportunities for further citizen participation were limited due to by right development policies.

Before and After Analysis: 6201 East Colfax Avenue

The before and after analysis examined if differences exist in code implementation in terms of the process and the outcomes produced between the project as it was reviewed under the previous conventional zoning code and the project to be reviewed under the new form-based code for this study. This was performed to determine if there are differences in terms of the predictability produced between both code types. As a result, this analysis was used to demonstrate differences in code function, and to examine how predictability and the outcomes produced by each code type correlate to the presence and necessity of further citizen participation opportunities.

Project description. If the project at 6201 East Colfax Avenue were to be developed today, it would fall under the "U-MS-3" zoning classification, which indicates that the project would be classified according to the "Urban" Neighborhood Context and would fall within the "Main Street" zone description, and the number "3" indicates that the zoning allows a maximum height of 3 stories (See Appendices Z-AA). The project was reviewed and developed in 2005 prior to the adoption of the new form-based code and was classified with a zoning of "B-4, General Business District" at that time (Axelrad, personal communication, Aug. 30, 2011). The project involved the construction of a fast-food restaurant and drive-thru facility that consisted of 3,535 square feet on Colfax Avenue, situated between Leyden and Krameria Streets on a lot measuring 35,542 square feet.

Code organization and function and review procedures. The City's new form-based code consists of 13 articles, and the "U-MS-3" zoning for the project, if it was reviewed today, would fall under the regulations of Article 5: Urban (U-) Neighborhood Context. A review of Article 5 found the regulations to be clearly presented and

contained almost entirely within the article based on the neighborhood context classification. Next, the building form "drive thru restaurant" is selected, and a clearly presented chart containing regulations for the form follows on the next page (See Appendices Z-AA). The zone lot use restrictions indicate that the eating and drinking establishment would be a "primary use" and an "accessory drive thru use" (Denver, 2010a, p. 5.3-23) would be excluded from these restrictions. This section also conveys the build-to requirements, which include the minimum and maximum depths for primary and side street frontages, along with the setback requirements.

The chart also indicates that "surface parking between building and primary street/side street" (p. 5.3-23) and "drive thru lane between building and primary street/side street" (p. 5.3-23) are not allowed, and it is indicated that vehicle access is "determined as part of site development plan review" (Denver, 2010a, p. 5.3-23). To achieve an orientation towards the pedestrian, the ground story activation requirements indicate the percentage of transparency required on primary and side streets, and it is also indicated that an entrance is required for pedestrian access on a primary street. Supplemental Design Standards indicate permitted uses and required parking. Parking calculations are provided per square feet of gross floor area, and as a result, if the project were built under the same specifications today, it would require 14 parking spaces, much less than the amount developed under the B-4 regulations.

Next, it is indicated that an eating and drinking establishment within the "U-MS-3" zoning classification is a "permitted use without limitations" and requires only "zoning permit review" (Denver, 2010a, p. 5.4-6). Article 12.2.7 Summary Table of Authority and Notice indicates that the zoning administrator has decision-making authority (Denver,

2010a, p. 12.2-6) (See Appendix BB). As a result, the project entailed a use by right, which would not require public hearings, either.

Public hearings and citizen participation. Since this project involves a use by right, it would only require zoning permit review under the new form-based code. This is similar to the development review and approval process used under the conventional zoning code. Therefore, no public hearings would be required under the form-based code. As a result, there would also be no opportunities for citizen participation following code adoption within a recorded, public forum. The code implementation procedures of both code types were found to be similar.

Outcomes and summary. Based on review of the plan provided by the City of Denver, the appearance of the project, if it were built today under the regulations of the new form-based code, would differ considerably in terms of the building's proximity to the street front, and vehicular access, activity, and parking would take on a secondary emphasis to the pedestrian orientation (See Appendices S-V). The development regulated by the "B-4" conventional zoning code classification featured a drive-thru facility parallel to the primary street, creating a pedestrian access barrier. Additionally, the plan provided by the city indicated that the project included 38 parking spaces; however, the project would only require 14 under the new form-based code regulations.

Based on the analysis of these projects, the differences between the conventional zoning code and the form-based code in Denver are within the function of the code and the outcomes that these regulations have produced within the final development product. The organization and format of the code also provided additional differences. The conventional zoning code, Chapter 59, was found to contain several pages of

limitations, which numbered from 1 to 192 at the beginning of the code. Overall, there are a lot of regulations to cover in Chapter 59 that do not pertain to the project that must be covered to find the regulations that do pertain to the project. This is considerably different from the organization and function of the new form-based code, in that clear instructions for using the code are included in the beginning and the regulations per each neighborhood context are within separate articles, and very little cross-referencing is necessary to other articles within the new code.

The new form-based code demonstrates relationships between context and form, which are apparent from the information obtained through focused and specific images, tables, and diagrams. It was also found that the procedures for development review under the new form-based code would be similar to those within the conventional zoning code. However, the code function, organization, and their effect on the final form would produce differences based on the project analyses performed for both code types. While this project did not require public hearings and, therefore, did not provide opportunities for further citizen participation, this was found to be constant between both code types.

Analysis of Consensus Building Processes and Outcomes of the Projects in Denver

The projects provided by the City of Denver were analyzed according to the same process and outcome criteria established by Innes and Booher that were used to evaluate the processes and outcomes produced through form-based code formulation in the discussion section in Chapter Four. These criteria were also used to evaluate the projects in Miami earlier within this chapter (see pp. 103-107). While the development review and approval process within these project analyses are more constrained than

the extensive five-year participatory process involved in form-based code formulation, analysis of process and outcome criteria of these project analyses provides another level of evaluation from which to gauge the relationship between code formulation and implementation.

What is unique to the Denver projects, yet similar in theory to other potential projects in other cities, including Miami, is that Denver's projects did not require public hearings as a result of by right development policies. While Miami's projects did require public hearings, these were a result of zoning changes, amendments, development agreements, and special area plans. This process would be similar in Denver, and if the projects in Denver were reviewed under similar circumstances in Miami, these would not trigger public hearings, either.

However, fewer process and outcome criteria were met by the projects in Denver as a result of by right development policies and procedures, which resulted in an absence of required public hearings for both projects. Each of these criteria could be argued and justified through staff and applicant exchanges; however, as a result of the absence of public hearings, and, therefore, no recorded minutes, these exchanges would have been off the public record or limited to more "private" level negotiations. The objective that often accompanies the extensive public participation involved in form-based code formulation is that further public participation within code implementation would not be as necessary due to the results of a specific and purposeful formulation process. The elimination of further public participation following code adoption can be used to reduce time and expense as a result of a streamlined processes in order to increase certainty as a means to promote development.

Process Criteria

The process involved in the review and approval of both projects, regardless of code type "included representatives of all relevant and significantly different interests" (p. 419), yet these exchanges were limited to development review staff and the applicants and were administratively reviewed in-house with little or no public input outside of potential discussions and negotiations off the public record (Innes & Booher, 1999, p. 419). These processes were "driven by a purpose and task that are real, practical, and shared by the group" (p. 419) in that these objectives included the review and approval of projects to be developed within the city; however, it is important to note that "shared by the group" (p. 419) would have included reviewing parties and applicants with little to no public input (Innes & Booher, 1999, p. 419). The self-organization of these processes were limited to staff and applicants, which would have allowed them "to decide on ground rules, objectives, tasks, working groups, and discussion topics" (Innes & Booher, 1999, p. 419). "Engag(ing) participants, keeping them at the table, interested, and learning through in-depth discussion, drama, humor, and informal interaction" (p. 419) were limited to exchanges between staff and applicants since the review and approval of these projects were not public processes (Innes & Booher, 1999, p. 419).

While the processes that led to the development of both projects involved creative thinking, this, once again, was limited (Innes & Booher, 1999, p. 419). As a result, "challenges to the status quo" (p. 419) would not have been as integral to the process as it would have been if these were public processes involving broad citizen participation (Innes & Booher, 1999, p. 419). The development of plans and studies necessary for development review and approval "incorporated high-quality information

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of many types" (p. 419) and the purpose of the development review and approval processes were to "assure agreement on ... meaning" (p. 419) through consensus building; however, once again, this would have been limited to staff and applicants (Innes & Booher, 1999, p. 419). These processes "sought consensus only after discussions have fully explored the issues and interests" (p. 419) where significant effort was "made to find creative responses to differences" (p. 419), but these processes were not made public (Innes & Booher, 1999, p. 419).

Table 5-3: Process criteria of good consensus building for code implementation in Denver (Innes & Booher, 1999)

Process Criteria	505 East Colfax Avenue	6201 East Colfax Avenue	"After" 6201 East Colfax Avenue
Included representatives of all relevant and significantly different interests	To some degree	To some degree	To some degree
Was driven by a purpose and task that are real, practical, and shared by the group	To some degree	To some degree	To some degree
Was self-organizing, allowing participants to decide on ground rules, objectives, tasks, working groups, and discussion topics	To some degree	To some degree	To some degree
Encouraged challenges to the status quo and fostered creative thinking	N	N	N
Incorporated high-quality information of many types and assures agreement on its meaning	Y (with limitations)	Y (with limitations)	Y (with limitations)
Sought consensus only after discussions have fully explored the issues and interests and significant effort has been made to find creative responses to differences	Y (with limitations)	Y (with limitations)	Y (with limitations)

Outcome Criteria

The code implementation processes of the projects in Denver "produced ... high quality agreement[s]" (p. 419) in the form of new development created within the city in each instance (Innes & Booher, 1999, p. 419). It was found through the project analyses

that the project at 505 East Colfax Avenue embodies the community vision as a result of clearly defined parameters and a responsive set of regulations that were produced as an outcome of form-based code formulation. Both Denver projects compare "favorably with other planning methods in terms of costs and benefits" (p. 419) as a result of streamlined development review and approval processes, which include by right development policies (Innes & Booher, 1999, p. 419). However, these processes limit further citizen participation.

While both development review and approval processes produced creative ideas, these outcomes were the result of the efforts and exchanges between staff and the applicants for these projects (Innes & Booher, 1999, p. 419). Within these processes, "learning and change in and beyond the group" (p. 419) occurred within administrative processes without public participation, yet these "produced information that stakeholders understand and accept" (Innes & Booher, 1999, p. 419). However, within both instances, and as a result of by right development policies, the definition of "stakeholder" does not include the public within the creation of "social and political capital" (Innes & Booher, 1999, p. 419). These processes were most likely limited to the exchanges that took place between staff and applicants (Innes & Booher, 1999, p. 419). "Changes in attitudes, ... actions, ... and new practices" (p. 419) resulted from these administrative review procedures and exchanges between staff and applicants that ended stalemate and "result[ed] in institutions and practices that are flexible and networked" (p. 419); however, these have not enabled citizens "to be more creatively responsive to change and conflict" (Innes & Booher, 1999, p. 419).

Although the outcomes of these processes indicate that streamlined development review and approval processes are used to reduce time and expense in order to increase certainty in promoting development, these findings coupled within those obtained through the Miami project analyses indicate that opportunities for further citizen participation can be necessary. It was also indicated in the Miami scenarios that a recorded public venue can provide concerned citizens with some degree of leverage and assurance that concerns will be addressed. This can occur through requests for conditions of approval from the Commission or Council. As evidenced by the before and after analysis of the Denver project at 6201 East Colfax Avenue, the responsive set of new form-based code regulations ensured the realization of the city's vision and goals. These factors are critical, especially when coupled with by right development policies, since there is often no public process involved in the development review and approval of projects that do not require public hearings.

Findings from the before and after analysis also indicated that the predictability generated by the form-based code would have led to the elimination of the pedestrian access barrier produced by the drive-thru lane from the primary street within the project at 6201 East Colfax Avenue, if it were to be reviewed and developed today. Opportunities for further citizen participation might have also addressed this conflict and remedied the less specific and responsive set of regulations found within Denver's conventional zoning code, Chapter 59.

Even though the city now has a newly adopted form-based code, these new regulations only regulate about 75% of the city (Axelrad, personal communication, Aug. 30, 2011). In addition, concerns can accompany specific projects even under the form-

based code, as evidenced from the Miami project analyses. As a result, opportunities

for further public participation can be useful in eliminating errors and can be used to

ensure the smooth transition of projects into the community. Opportunities for further

participation accompanied by streamlined development review and approval processes,

following extensive public participation within form-based code formulation processes,

would produce the best processes and outcomes.

Table 5-4: Outcome criteria of good consensus building for code implementation in
Denver (Innes & Booher, 1999)

Outcome Criteria	505 East Colfax Avenue	6201 East Colfax Avenue	"After" 6201 East Colfax Avenue
Produced a high-quality agreement	Y	Y (to some degree)	Y
Ended Stalemate	Y (with limitations)	Y (with limitations)	Y (with limitations)
Compared favorably with other planning methods in terms of costs and benefits	Y	Y (with limitations)	Y
Produced creative ideas	Y (with limitations)	Y (with limitations)	Y (with limitations)
Resulted in learning and change in and beyond the group	Y (with limitations)	Y (with limitations)	Y (with limitations)
Produced information that stakeholders understand and accept	Y (with limitations)	Y (with limitations)	Y (with limitations)
Set in motion a cascade of changes in attitudes, behaviors, and actions, spinoff partnerships, and new practices or institutions	Y (with limitations)	Y (with limitations)	Y (with limitations)
Results in institutions and practices that are flexible and networked, permitting the community to be more creatively responsive to change and conflict	N	N	N

Analysis of the Hypotheses

Within this section the hypotheses outlined in Chapter Three Methodology are

examined as a result of the findings obtained from the case studies and project

analyses.

- Hypothesis I: The form-based code has greater potential to incorporate meaningful participation earlier in the process than the conventional zoning code.

In terms of participatory timing through project review, the analysis of these

projects indicated that the timing and extent of participation within the implementation of

the form-based code and the conventional zoning code through development review

and approval is similar following code adoption. In both the Miami and Denver

scenarios, by right development policies preclude public hearings unless projects

require them. While both projects in Miami required public hearings, these are the result

of code implementation policies and processes that produced similar results within both

contexts for both code types.

The citizen participation that occurred through public hearings within the Miami

project analyses demonstrated that the public hearing does provide citizens with some

degree of leverage by giving "teeth" to their concerns and by requesting conditions of

approval from the Commission on the public record. In Denver, neither project required

public hearings, which reinforces the importance of citizen participation during code

formulation. The difference between both code types lies in the degree of specificity of

the regulations produced within form-based code formulation, which increases the

likelihood of participation within these processes being meaningful and purposeful.

- Hypothesis II: The form-based code entails a greater level of visual communication and decision-making based on the design orientation than the conventional zoning code.

The analysis of projects reviewed under these newly adopted form-based codes

led to the discovery of regulations that are more visual and design-oriented than those

within the conventional zoning codes of both cities. The form-based code regulations

are precise and prescriptive, and there is a balance between words and imagery within

these new codes. The previous conventional zoning codes of both cities are text-laden and otherwise indicative of earlier planning methods, lacking form-based and context-based approaches.

These conventional zoning codes contain less of a balance between language and visual imagery, which produce "can't do" regulations resulting in a greater level of ambiguity. In comparison, the approach of the form-based code prescribes and depicts parameters clearly and provides a greater "can do" approach. Both cities indicated that the form-based code formulation processes relied on use of visual communication in order to collaborate with the public. This was evidenced by the Miami scenario, which included the use of watercolor perspectives to convey concepts and to stimulate discussion, which are included within Appendix A, Watercolor Perspectives. In Denver, building forms were used to illustrate design parameters within the form-based code formulation processes and were included in the final code product (see Appendices P and Z).

- Hypothesis III: Due to the design orientation and visual communication, participation within the form-based code is more inclusive and accessible to the general public.

While visual images were used to communicate concepts within specific form-based and context-based approaches of the form-based code formulation processes within both cities, both Miami and Denver indicated that increased levels of participation were a result of extensive marketing and outreach campaigns. Public acknowledgement that these new codes would affect properties also increased attendance and participation within these processes. In terms of development review, the design orientation of these new codes and the use of visual communication within these form-based code formulation processes increased the clarity of the concepts conveyed and

produced specific and prescriptive regulations that serve to streamline development review and approval. Differences in code type generally do not affect procedures in terms of the opportunity for further citizen participation through public hearings since procedures within both code types within both cities were found to be similar. As a result, inclusivity and accessibility within code implementation was not affected by code type following code adoption within these instances, in which further citizen participation on the public record was limited to items which required public hearings.

- Hypothesis IV: Due to the emphasis on language and use, the conventional zoning code presents a higher level of predetermined concepts that are more abstract and less likely to facilitate participation, which makes public participation during development review and approval more critical.

Both Miami and Denver have created form-based codes through extensive participatory processes that produced prescriptive regulations to ensure the achievement of the community vision. Conventional zoning codes present a less prescriptive set of regulations, yet there was little difference in terms of opportunities for further citizen participation between both code types. This finding is more favorable to the form-based code since these formulation processes often involve extensive public participation to produce a specific set of regulations that prescribe outcomes in line with the community vision.

It was found that the regulations and procedures of each code type for both cities were similar in terms of code implementation procedures through development review and approval that specify which projects require public hearings and those that do not. However, a more ambiguous set of regulations with an emphasis on use and fewer visual, design-oriented parameters achieved through a context- and form-based approach would not as distinctively convey the intent on specific properties. Both cities

implied that a sense of urgency was produced through public acknowledgement of the effect that a new set of regulations would have on private properties, which resulted in increased participation within form-based code formulation processes within both cities.

Through development and code review within the project analyses, it was found that the language- and use-based conventional zoning codes presented a focus on limitations without as clearly conveying the possibilities. The use and language emphases inhibit the production of specific parameters to enforce the community vision predictably through context- and form-based approaches. These use and language emphases devoid of a design orientation also truncate the ability to collaborate on a more meaningful and purposeful level with the public within code formulation processes. As a result, the form-based code can generate greater predictability than the conventional zoning code as a result of the latter's use regulation emphasis. The specificity of the form-based code may seem more restrictive during code formulation, but the detailed and focused participation within these processes can be used to engage the public on a more meaningful and purposeful level.

The Miami scenarios indicated that public hearings were used to seek conditions of approval from the Commission to ensure appropriate design and the realization of development that would not adversely affect surrounding properties. Design-related concerns, such as the number and location of driveways, were voiced at the public hearings to improve upon the results obtained at the more "private" level discussions between property owners and representatives for the project. Both Miami and Denver noted that prior to their form-based codes, many criteria were repeated extensively from

project to project, and the new codes have been used to clarify contemporary planning concepts while streamlining the development review and approval process.

The clarity of the form-based code and its increased certainty within implementation processes are used to encourage appropriate development supported through public constituencies. The goal within form-based code formulation processes is to create specific parameters that will reduce or eliminate potential conflicts. However, the Brickell CitiCentre project in Miami reviewed under the form-based code included concerns voiced by the public at the required public hearings that would have had to be negotiated off the public record, if the project would not have required public hearings as a result of the inclusion of a special area plan and a development agreement. In this matter, the "accessibility" outlined in Hypothesis III could become the concern in that negotiations and measures to address these concerns would have to entail negotiations that could signal differences in influence without the opportunity to participate in a recorded public hearing.

Summary

From the Miami project analyses, it was found that issues and concerns often surface in relation to physical site design through code implementation. While there is generally opportunity to work with developers and staff on projects outside of public hearings, many citizens use the recorded public hearing as a means to give "teeth" to requests and concerns by seeking conditions of approval from the Commission. While the form-based code often presents an extensive amount of public participation during code formulation, it was found that this participation is critical since opportunities for further public participation during code implementation may be limited or even non-existent.

The Miami and Denver scenarios illustrated that these different contexts have similar procedures, which include those pertaining to by right development. While the Miami projects required public hearings, the two projects from the City of Denver did not. This comparison demonstrates by right development scenarios that could occur within either city. Development review is often streamlined through by right development policies, but participation following code adoption may be necessary as evidenced by the analysis of public hearing minutes for the Miami projects included within this study. The Denver projects demonstrated the form-based code achieved the community vision through increased predictability as reflected in project outcomes within the before and after analysis pertaining to the project at 6201 East Colfax Avenue and as a result of the comparison of projects produced under both code types. Within Denver the new form-based code is a vast improvement over Chapter 59 in terms of clarity, predictability, and in terms of the new code being more user-friendly.

In Miami, the new form-based code generates predictability through specific regulations that are also presented through a balance of words and visual imagery. The projects analyzed did not demonstrate differences in the outcomes produced between the regulations of both code types due to the more recent amendments made to Ordinance 11000. Additionally, the inclusion of Miami 21 goals and objectives within the conventional zoning code project and its magnitude resulted in the inclusion of its regulations in Appendix "D" of the new Miami 21 form-based code.

There was also little difference in terms of review procedures within the projects analyzed under both the conventional zoning code and the form-based code in both Miami and Denver. The comparison between Miami and Denver indicate a difference in

terms of opportunities for further participation, which result from projects that require public hearings and those that do not. There is an elevated importance of participation during code formulation since this is can be a "one-shot" opportunity if a project does not require public hearings.

Overall, both cities have produced form-based codes through extensive citizen participation that have led to an increase in predictability through outcomes and processes that are achieved through the specific and prescriptive regulations of the form-based code. Streamlined development review procedures, which include by right development policies, can be useful in expediting these processes, but these can also inhibit the opportunity for further public participation at public hearings.

In summary, form-based code formulation can lead to the creation of increased predictability through specific and prescriptive regulations produced through extensive citizen participation, and by right development policies can expedite code implementation processes. However, these should be accompanied by additional methods to incorporate opportunities for further public participation through a recorded medium in order to ensure accountability and responsiveness in addressing public concerns. The combination of form-based code formulation processes, involving extensive public participation, and by right development policies, along with methods to ensure opportunities for public participation following code adoption, would produce the best results.

CHAPTER 6
CONCLUSION AND RECOMMENDATIONS

Overview

This research examined the citizen participation that took place within form-based code formulation for the Cities of Miami, Florida and Denver, Colorado. This study included interviews with leading planning professionals involved in the creation of these form-based codes. This study also included a discussion and analysis based on the criteria established by Innes and Booher (1999) for good consensus building processes to evaluate the processes and outcomes of form-based code formulation, which is detailed within the discussion section in Chapter Four. The same criteria were used to evaluate the processes and outcomes of code implementation that followed the project analyses of each city within Chapter Five. Chapter Five also contains the examination of projects reviewed under both code types for both the City of Miami and the City of Denver to analyze code organization, function, and review procedures in order to evaluate the process and outcomes of code implementation. These analyses examined the predictability model while considering the need for additional flexibility through further citizen participation following code adoption.

Before and after analyses were used to evaluate projects reviewed under both cities' previous conventional zoning codes. These projects were subjected to the regulations of the new form-based codes in order to ascertain if differences exist between code function and implementation through development review and approval. Finally, the hypotheses established in Chapter Three Methodology were analyzed based on the findings obtained from the case studies, the discussion in Chapter Four, and all of the project analyses within Chapter Five.

Case Study Summary

Within the Miami and Denver case studies, the problems were identified that served as the motivation to overhaul the existing conventional zoning code. For Miami, it was the need to reduce inconsistencies within a 20-year-old plan that had been amended multiple times, which dis-incentivized smart growth. For Denver, it was the need to implement the City's other adopted plans, which included Comprehensive Plan (2000) and Blueprint Denver (2002), while formulating context- and form-based regulations to increase clarity and certainty within the code implementation in order to improve upon the more than 50-year-old conventional zoning code, Chapter 59.

Both cities undertook a five-year participatory process to create their form-based codes. However, there were significant cost differences between the two cities. Miami's process cost about $3Million, while Denver's cost $850,000 overall. Both cities hired consultants to lead the creation of the form-based code. Miami chose DPZ (Duany Plater-Zyberk and Company), and Denver hired Code Studio and Winter and Company. These processes were both well-attended and involved thousands of citizens over the five-year period. Both cities originated these participatory processes on a much smaller and immediate scale at the beginning. Miami's Neighborhood Enhancement Teams were reduced into four quadrants: east, west, north, and south, in which workshops and presentations were held. Denver's ward-based form of governance involved initiating participation at the district level.

Both code processes entailed existing conditions analyses and the use of an organizing principle to derive the approach to apply the form-based code. Additionally, both cities delineated areas throughout the city as "areas of change" and "areas of stability" to appropriately direct development. After these factors were determined,

building form, height, and relationships between structures, contexts, and the development of design standards led to the creation of specific and predictable regulations, which demonstrate a balance of text and visual imagery. Both cities also noted challenges within the form-based code formulation process from the architectural, business, and retail communities.

Both cities took the initiative and made the extra effort to direct consensus building activities to work through these concerns to achieve results that nearly all were satisfied with. The City of Miami conducted extra studies to demonstrate that there is little difference between the intensity of regulations of the conventional zoning code and the form-based code, and they were successful in working through these concerns to embrace differences of opinion. The City of Denver made extra effort after the second and third drafts had already been presented and stopped the code formulation process in order to build consensus, which added an additional four to six months to the process. Outcomes of both Miami and Denver's code formulation processes included the adoption of new form-based codes, just one month apart. These consist of specific and responsive regulations that aim to increase predictability within code implementation through the development review and approval process.

Discussion Summary

Through an analysis of Innes and Booher's processes and outcome criteria for good consensus building, both of these scenarios were examined and comparisons were made. Both the City of Miami and the City of Denver implemented marketing and outreach campaigns to encourage participation. Miami spent about $800,000 on marketing and outreach, and Denver spent about $250,000, which included direct postcard mail-outs to property owners within each city. Both cities also had foreign

translation services available. Miami provided translation in Spanish and Creole, while Denver provided Spanish translation to increase accessibility and inclusivity. The results of these processes indicated that "representatives of all relevant and significantly different interests" (Innes & Booher, 1999, p. 419) were incorporated within these processes to the extent possible. The extra effort made by both cities to integrate the interests of all groups, including the architectural, business, and retail communities, demonstrates further adherence to this criterion.

Both scenarios identified the motivation to overhaul each city's conventional zoning code with a form-based code, and as a result, both cities demonstrated that "the process was driven by a purpose and task that is real, practical, and shared by the group" (Innes & Booher, 1999, p. 419). While the focus of both processes was on the goal of creating a form-based code, these processes were self-organizing to the degree that latent stakeholders were able to organize and present opposition, which both cities recognized as opportunities for further consensus building. As a result, these processes were somewhat "self-organizing, allowing participants to decide on ground rules, objectives, tasks, working groups, and discussion topics" (Innes & Booher, 1999, p. 419).

The smaller-scale approach at the beginning of these processes, coupled with the use of visual imagery to convey concepts throughout these processes, indicated that these "engage[d] participants, keeping them at the table, interested, and learning through in-depth discussion, drama, humor, and informal interaction" (Innes & Booher, 1999, p. 419). Challenging the "status quo" was not the primary objective within these processes, but opposition was not ignored. The findings obtained through analysis of

these processes demonstrated that both cities took the initiative to embrace differences of opinion to work through the issues and interests to achieve consensus. This confirms the intent behind Innes and Booher's criterion (1999) that "the process encouraged challenges to the status quo and fostered creative thinking" (p. 419).

Leading experts in form-based coding were involved in both processes, and this coupled with the multitude of analyses performed, provided high quality information. Both cities used visual imagery to convey concepts and to build consensus. Each "process incorporate[d] high quality information of many types" in order to "[assure] agreement on ... meaning" (Innes & Booher, 1999, p. 419). As a result of the effort made to work through the concerns of the architectural, business, and retail communities, both the Miami and Denver scenarios demonstrated that "significant effort" was made "to find creative responses to differences" (Innes & Booher, 1999, p. 419).

As a result of the sum of these findings, both processes were found to have met the seven criteria for good consensus building processes established by Innes and Booher (1999). Additionally, outcomes of both cities' processes indicated that "high quality agreements" were made as a result of the adoption of form-based codes in which nearly all were satisfied, and indicated that extra effort was made to address concerns that "end[ed] stalemate" (Innes & Booher, 1999, p. 419). Both scenarios involved innovations in form-based coding since these are the first major U.S. cities to adopt a form-based code. While significant time and expense accompanied the creation of these form-based codes, these have produced an increase in predictability and are considered the forerunners of form-based coding within major metropolitan contexts. As

a result, these processes and outcomes "compare favorably with other planning methods in terms of costs and benefits" (p. 419), and have "produce[d] creative ideas" (Innes & Booher, 1999, p. 419).

Due to the collaboration, group learning, and consensus building achieved with groups with dissenting voices, these processes demonstrated "learning and change in and beyond the group" (p. 419) and have "create[d] social and political capital" (Innes & Booher, 1999, p. 419). The form-based codes produced within both Miami and Denver are clearly presented through a balance of words and text, and the techniques used in collaboration to convey concepts have demonstrated great sensitivity in the achievement of agreement on their meaning. As a result, these processes have "produce[d] information that stakeholders understand and accept" (Innes & Booher, 1999, p. 419).

Throughout these processes, group learning occurred through collaboration and these processes produced change in "attitudes, behaviors, and actions, spinoff partnerships, and new practices or institutions" (p. 419), and "institutions and practices that are flexible and networked, permitting the community to be more creatively responsive to change and conflict" (Innes & Booher, 1999, p. 419). As a result, these findings indicate that both cities met all of the outcome criteria established by Innes and Booher (1999). Innes and Booher (1999) have indicated that "it is not necessary for every outcome criterion to be achieved to have a successful process" (p. 419); however they explain that "a process which produces more of the desired outcomes is probably better than one which achieves fewer" (p. 419).

Project Analyses Summary

The project analyses entailed the examination of one project reviewed under the form-based code and one project reviewed under the conventional zoning code, which were provided by each city. The first round of analyses examined the project, provided a general description, and analyzed code organization, function, and development review procedures. The analysis of development review procedures, including by-right development policies, outlined which projects require public hearings and which projects do not in order to take into consideration the presence of opportunities for citizen participation following code adoption, which included public hearings. If projects required public hearings, summaries of meeting minutes were included and outlined according to an overview of the public hearing and the citizen participation that took place within the public hearing. These findings were compared to code type and compared and contrasted between both contexts. If projects did not require public hearings, administrative review procedures were summarized.

Outcomes produced by each code type were explored to consider how, and if, predictability was created. These findings were used to analyze the relationship between participation within code formulation and implementation to evaluate the need for additional flexibility through further citizen participation within the development review and approval process. This flexibility was weighed against the value of certainty and predictability in promoting development.

While Miami's projects both entailed public hearings, the overall process was found to be very similar to Denver's. Denver's projects did not require public hearings; however, if the same projects under the same circumstances were applied to Miami's codes and procedures, public hearings would not occur, either. Furthermore, it was

demonstrated that projects that do not require public hearings are limited in terms of further citizen participation. While the public hearing may present limitations within participatory potential, often citizens use the public hearing to ensure that concerns are addressed and to seek conditions of approval from the City Commission.

The next set of analyses involved the before and after examination of both cities' projects that were originally reviewed under their conventional zoning codes. For this analysis, these projects were subjected to the regulations of each city's new form-based code to further examine differences in code organization and function while considering the differences between the development review and approval procedures. These projects were also examined to uncover the differences in the outcomes produced as a result of the differences in function and predictability generated by each code type. The Miami World Center project demonstrated similarities between both code types in terms of process and outcomes, and Denver's project at 6201 East Colfax Avenue highlighted differences in the predictability and outcomes produced between both code types. However, the findings from both the Miami and Denver scenarios demonstrated similar code implementation procedures and processes between both code types, which highlighted similar opportunities for further citizen participation following code adoption.

The use of visual communication was used to develop concepts within the form-based code formulation processes within both the Miami and Denver scenarios. Both form-based codes demonstrate a balance of visual imagery and text that clarify concepts and help make these new form-based codes more user-friendly. The conventional zoning codes from both cities are less prescriptive and present ambiguity in terms of design-oriented objectives and concepts, and this lessens the ability to

predict the location of intensities and relationships produced within the greater context. This was illustrated by the Denver scenario in which the outcome produced by the new form-based code demonstrated significant differences in the ability to predict building placement to promote the pedestrian orientation.

The emphasis on language and use predominate within these conventional zoning codes and ambiguous regulations would seem to necessitate further citizen participation during code implementation. However, it was found that the development review and approval procedures were similar for each code type for both cities. The differences in outcomes produced between both code types for each city were found in the creation of a more predictable set of regulations to achieve the community vision.

While many concerns and differences of opinion were addressed during these five-year participatory processes, public hearings were found to provide an important venue for further citizen participation on the public record following code adoption. These provided the public with the opportunity to request conditions of approval from the Commission for the projects reviewed under both code types within the City of Miami. However, these additional processes add time, expense, and can decrease certainty within the development review and approval process. The Denver projects demonstrate the function of by right development policies that streamline development review and approval that could have occurred in Miami, as well. Based on these comparisons, extensive citizen participation that results in a specific set of regulations was found to be critical in order to predict the achievement of publicly desired outcomes, especially for projects that do not require public hearings or provide opportunities for further citizen participation following code adoption.

Hypotheses Summary

It was projected in Hypothesis I that the form-based code has greater potential to incorporate meaningful participation earlier in the process than the conventional zoning code. The project analyses indicated that opportunities for further citizen participation were not affected by code type within these scenarios. However, the intent behind this hypothesis was confirmed through the code analyses, which indicated that the level of specificity of the form-based code entails the development of specific form- and context-based regulations that increase the likelihood of participation being purposeful and meaningful while producing a responsive set of regulations and increased outcome predictability. Analysis of these codes also indicated that the form-based codes were more specific and prescriptive due to a balance of text and imagery that convey context- and form-based regulations, which are absent within both cities' previous conventional zoning codes.

It was projected in Hypothesis II that the form-based code entails a greater level of visual communication and decision-making based on the design orientation than the conventional zoning code. Both of the new form-based codes were found to be more visual and design-oriented than the previous conventional zoning codes through project and code analyses. Both form-based code formulation processes entailed the use of visual imagery to produce specific and clear regulations that nearly all understood and agreed on. In the Miami project analyses, the level of design-oriented regulations used to review projects were similar due to recent amendments made to Ordinance 11000 and the inclusion of the conventional zoning code project, the Miami World Center, within Appendix "D" of Miami 21. In the Denver project analyses, the differences were within the level of design-oriented regulations used to review projects between both

code types, which were a result of the age of the previous conventional zoning code in addition to its emphasis on use. There were also differences produced between both code types, which were demonstrated by an outcome that was found to be in compliance with the city's other plans and exemplified the community vision as a result of the function of the Denver form-based code, which differed considerably from the previous conventional zoning code, Chapter 59.

It was projected in Hypothesis III that due to the design orientation and visual communication, participation within the form-based code is more inclusive and accessible to the general public. Case study analyses demonstrated the importance of the design-oriented approach and the use of visual communication. Both cities also indicated that extensive marketing and public outreach increased levels of inclusivity and accessibility within the form-based code formulation processes. Additionally, it was implied that a sense of urgency was created through public acknowledgement that these new codes would affect nearly all properties within each city. However, the levels of inclusivity and accessibility were similar within code implementation for both code types following code adoption.

It was projected in Hypothesis IV that due to the emphasis on language and use, the conventional zoning code presents a higher level of predetermined concepts that are more abstract and less likely to facilitate participation, which makes public participation during development review and approval more critical. The specificity and predictability produced by the form-based code contrasts with the regulatory approach of the conventional zoning codes that are use-based. However, the Miami conventional zoning code project, the Miami World Center, presented an exception since it was

master planned as a special district and bridges the intent between the conventional

zoning code and the form-based code. This project also demonstrated similarities in

terms of development review and approval processes including opportunities for further

citizen participation within both code types during code implementation.

The Denver project analyses demonstrated how the new form-based code

concepts were prescribed through the achievement of development outcomes. The

analysis of the projects in Denver demonstrated similar opportunities for further citizen

participation between both code types following code adoption since both projects did

not require public hearings as a result of by right development policies. In theory, the

level of specificity of the concepts conveyed and their application in achieving the

community vision should decrease the need for further citizen participation; however,

the projects in Miami demonstrated that there was a need for further citizen

participation. The form-based code project in Denver at 505 East Colfax Avenue

demonstrated the function of by right development policies, which do not include public

processes, yet the project produced an outcome in accordance with the city's other

plans and reflected the community vision derived through the form-based code

formulation process.

Findings

Code formulation processes. Visual communication was used to convey the

context- and form-based approach to establish specific and detailed regulations to

achieve community desired outcomes within both process scenarios. Marketing and

outreach campaigns helped to maximize participation within both scenarios, which

included direct postcard mail-outs and the provision of foreign language translation

within both scenarios. These factors combined increased accessibility and inclusivity within both form-based code formulation scenarios.

Code formulation outcomes. Both form-based code formulation processes led to the development of specific and detailed regulations that feature a balance of text and visuals that have increased the level of predictability through the implementation of these form-based codes.

Code implementation processes. By right development policies streamline development review and approval processes, and public hearings can provide opportunities for further citizen participation, only if projects require them. Opportunities for further citizen participation were found to be similar between both code types within both contexts. The goal of creating a form-based code through extensive citizen participation is often to achieve streamlined code implementation processes, and this often entails the use of by right development policies in order to increase certainty within the development process.

Code implementation outcomes. Review of the form-based code project in Miami revealed differences between the organization of the code and the use of visual imagery between both code types. However, due to the temporal proximity and magnitude of the Miami World Center project reviewed under the conventional zoning code, these regulations were also incorporated into the new Miami 21 form-based code as Appendix "D". Review of the form-based code project in Denver also revealed differences between the organization of the code and the use of visual imagery between both code types. Project analyses revealed that there was a difference in terms of outcomes produced as a result of the regulations of both code types. Denver's new

form-based code, the Denver Zoning Code, has incorporated the community vision, goals, and objectives of Comprehensive Plan (2000) and Blueprint Denver (2002), which prescribed an orientation toward the pedestrian much different than the project reviewed under the previous conventional zoning code, Chapter 59. The conventional zoning code project when subjected to the new form-based code regulations would produce similar results to the project reviewed under the newly adopted form-based code. These changes would include the location of the building directly adjacent and accessible to the pedestrian zone on the primary street front with vehicular access and activity second to the pedestrian orientation.

Evaluation of form-based code formulation and implementation. Both form-based code formulation processes met all of the criteria for good consensus building processes established by Innes and Booher (1999), and both form-based code formulation processes produced outcomes that met all of the criteria for outcomes of good consensus building processes established by Innes and Booher.

Evaluation of code implementation through development review procedures and outcomes. Miami's projects came closest to meeting the level of criteria met by the processes and outcomes of code formulation due to required public hearings. Denver's projects featured streamlined development review and approval processes, but these achieved fewer process and outcome criteria due to the absence of required public hearings. "After" analyses for both cities' projects reviewed under the previous conventional zoning codes were subjected to the regulations of the new form-based codes, which indicated that there would be little difference in terms of code implementation processes based on these scenarios. Outcomes would differ in Denver

as a result of a more responsive set of regulations produced through form-based code formulation.

Recommendations

This study has demonstrated that predictability can be achieved through specific context- and form-based regulations. These are often conveyed through a balance of text and visual imagery in order to prescribe outcomes in accordance with the community vision. While the establishment of predictability can lead to increased certainty to promote development, it was discovered that additional citizen participation following code adoption may be necessary.

As a result, it is recommended that methods for further citizen participation are developed to incorporate flexibility into the predictability model. Both cities indicated that new technologies and websites were used throughout these form-based code formulation processes. These could also be useful in providing an additional forum to complement by right development policies. Through the designation of staff or elected officials to monitor these new technologies or websites, someone would be available to address concerns. These new methods would also provide an additional source of recordation and accountability and would allow projects to be tailored during development review to incorporate citizen participation, regardless of project type. This approach would limit increases in time, expense, and uncertainty within the development process and would not entail additional public hearings. In summary, the use of new technologies would provide an additional means to address concerns without decreasing certainty within the development process. This approach, coupled with the extensive and purposeful front-loaded public participation of form-based code

formulation, in addition to streamlined development review and approval procedures, would provide the best results.

Gaps in the Literature and Areas for Additional Research

Innes and Booher (1999) indicated the need for evaluations that analyze the "long-term effects" of consensus building processes, and both Miami and Denver have indicated that there is a likelihood that post analyses will be performed (p. 420). Future areas of research could include obtaining public opinion through surveys following form-based code participatory processes and after these codes have been in place to gauge public satisfaction.

One source noted that while other areas not regulated by form-based codes have been affected by the economy, the areas where form-based codes are in place have been nearly unaffected by the economy (Hawley, 2010). Several sources have mentioned the use of form-based codes as economic development tools but do not provide substantive evidence for method or measurement. The analysis of the form-based code as an economic development engine would provide another avenue for further research from which to explore the predictability and flexibility models of code implementation. Form-based codes are still a relatively new concept, and the adaptation of these code formulation processes and the resulting format can be useful in advancing the quality of public participation through a design orientation. This would also provide an interesting avenue for further research, which could be used to examine how the predictability and flexibility models are further developed to produce the most ethical and most responsive approach to achieving the community vision.

Conclusion

Based on the sum of these findings, creating a form-based code presents a premium opportunity for consensus building. While the formulation of these codes can be costly, these processes often incorporate extensive citizen participation requiring specific input and focused collaboration that can lead to increased outcome predictability. The specificity of the form-based code can be used to streamline development review while producing outcomes in accordance with the community vision. However, additional flexibility through further citizen participation within code implementation can be necessary.

The results of these analyses indicated that form-based codes can provide opportunities for purposeful and meaningful citizen participation within code formulation. This participation was found to be critical since opportunities for further citizen participation can be limited within code implementation. The use of visual forms of communication and design were found to be important components within the public collaboration process and were found to be helpful in conveying the regulations within these new form-based codes. In conclusion, both the City of Miami and the City of Denver have created form-based codes that involved extensive public participation and community outreach. The predictability generated by these codes through specific and well-thought out parameters is a product of extensive and purposeful public participation within the code formulation process. This, when paired with additional flexibility in the form of additional public participation opportunities within code implementation, will ensure the optimum approach towards realizing the community vision.

Source: City of Miami

Source: City of Miami

Results from Ordinance 11000

Source: City of Miami

Results from Miami 21

Source: City of Miami

Results from Ordinance 11000

Source: City of Miami

Results from Miami 21

Source: City of Miami

Results from Ordinance 11000

Results from Miami 21

Source: City of Miami

Results from Ordinance 11000

Results from Miami 21

Source: City of Miami

Department of Urban and Regional Planning
PO Box 115706
University of Florida
Gainesville, FL 32611-5706

Informed Consent Letter

Dear Planning Professional:

As part of my Masters research at the University of Florida, I am conducting a series of interviews with leading planning professionals in both the public and private sectors to obtain in-depth information regarding citizen participation. You have been selected based on your expertise in this area. This open-ended, unstructured interview will require about 40 minutes of your time and will involve questions related to the topics, which have been attached for your review. Participation in this interview is entirely voluntary, there will be no compensation, and any topics or questions contained within the attached sample questionnaire may be omitted at your discretion. Your interview will be conducted by phone after I have received this signed consent letter. With your permission, I would like to record our conversation during the interview for later reference. I will transcribe this interview for use in my Masters Thesis and can provide a copy of our discussion and its inclusion in my research at your request. If you desire any portions of the interview to be excluded, or if you wish to remain anonymous, please indicate in writing on this form, or at any time throughout this process. This research interview presents no anticipated risks and no direct benefits and you may withdraw consent to participate in this research effort at any time without consequence.

If you should have any questions about this request or this research protocol, I can be reached at (912) 227-2862, or you can reach my faculty supervisor, Dr. Kathryn Frank at (352) 392-0997 at extension 458. Questions or concerns about your rights as a participant may be directed to the IRB02 office, University of Florida, PO Box 112250, Gainesville, FL 32611; (352) 392-0433.

Please sign and return this copy of the letter in the enclosed envelope. A second copy has been included for your records. By signing this letter, I will include your responses and the information obtained as a result of the interview in the final manuscript to be submitted as part of my Masters Thesis, which will be presented to my faculty supervisor.

Thank you,

Kristina L. Wright

I have read the procedure described above for taking part in this interview that will be used as part of this Masters Thesis Research. I voluntarily agree to participate in the interview and I have received a copy of this description

_____   8/22/11

Participant Signature   Date

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A Summary of Miami Interview Questions and Responses with Luciana Gonzalez, Project Manager of Miami 21. August 22, 2011.

Extent of Meetings and Time Involved

In one of the sources it was noted that there were over 400 public participation sessions, can you verify the exact amount? Was this the original intent? If not, how did the process evolve to incorporate additional meetings? On the average how long were these meetings? Approximately how long did the overall process endure?

There were over 500 meetings in 4.5 years. These were internal mainly and included biweekly meetings. In addition, there were about 60 public hearings and meetings. The process to create Miami 21 was the "most democratic process ever within the city of Miami". In terms of public hearings and city commission meetings, some were over 11 hours, but most were 3 hour workshops.

Costs

What were the overall estimated costs for conducting these processes?

A lot of the cost was absorbed internally, but there were consultants, which included DPZ (Duany Plater-Zyberk and Company, and other sub consultants. The cost to produce Miami 21 was about $2.21 Million over 5 years. However, this cost does not include attorneys' fees and marketing costs; with these the amount comes to about $3Million, overall.

Was citizen participation language and requirements included of 11000 or Miami 21?

11000 is about 20 years old, and language regarding citizen participation was not in 11000.

Attendance

How was the decision to approach citizen participation by breaking down the jurisdiction into quadrants achieved? Do you feel that this was the best approach? If so, why? If not, why? What were the attendance levels at these sessions? Do you have an estimate of the population involved throughout the entire process, or records of attendance for these public workshops and meetings?

There were 4 quadrants, and the original plan started with most development intense quadrants. There are 13 original Neighborhood Enhancement Teams, which are part of government operations. These original 13 neighborhood enhancement teams were broken down into net areas that resulted in the 4 quadrants. The process began with the East Quadrant since it was the most development intense and the process continued until the completion of all quadrants.

In terms of attendance, there are about 60 attendance sheets. Overall, the percentage of the population would be small, but there was a greater turnout than other community

meetings. The first meeting "kick-off" meeting there were over 600 participants. All quadrants were well-attended and well-organized.

Methods

What are the differences in the approach towards encouraging citizen participation between the processes used for Miami 21 as compared to 11000?

For Miami 21, we went above and beyond. Awareness spread through bus shelter ads, bumper stickers, banners, fliers, direct mail-outs to all residents of households throughout the entire city. About $250,000 was spent on marketing over the 5-year period.

Was visual communication and/or the design-orientation a bigger factor within the form -based code as compared to the conventional zoning code, 11000?

Absolutely!

Were there any unique strategies, methods, and/or techniques incorporated into the creation of the form -based code that was not used within the conventional zoning code?

The two do not even compare. They are so different.

Miami 21 is noted as a hybrid form -based code. What was the underlying motivation for making Miami 21 a hybrid form -based code and to keep zoning at its core?

To produce a better product. Miami is a built-out city and existing conditions to blend the new and nonconformities and existing uses.

What are the benefits of having a hybrid form -based code and what are the distinctions between the hybrid Miami 21 and its predecessor, 11000?

The benefits include addressing existing conditions and for economic development and job creation.

Hypotheses

Do you feel that form -based code creation has greater potential to incorporate meaningful participation earlier in the process than that of the conventional zoning code?

The form -based code is "predictable due to codification". "Site review was increased into the code in terms of height, design, and pedestrian orientation in order to eliminate repetition". There are still a lot of public process deviators, which require public notice and provide the opportunity for public comment in order to take these through and process.

Has there been a new project that has come under the new Miami 21?

Yes, the Brickell City Centre was approved in July. It is a Special Area Plan that consists of over 9 acres.

Do you feel that form -based code creation entails a greater level of visual communication and decision-making based on the design-orientation than that of the conventional zoning code?

Yes. For Miami 21, we used the website for further participation. In addition, illustrations and visuals were used for outreach and to make sure that concepts made sense to all involved. Within background and trends, good planning concepts are depicted.

Do you feel that due to the design-orientation and visual communication that participation within the form -based code is more inclusive and accessible to the general public?

These were used to ensure that concepts made sense. To increase inclusivity and accessibility we provided translation in Spanish and Creole.

Do you feel that the form -based code requires greater levels of consensus building and relies less upon the vote?

Stakeholders were embraced through consensus building that led to the final product. In addition, briefings with the city manager, commissioners and the community were conducted to ensure that the issues were "ironed out".

Do you feel that due to the emphasis on language and use that the conventional zoning code presents a higher level of predetermined concepts that are more abstract and less likely to facilitate consensus building, collaboration, and participation?

The Miami 21 process was based on basic form -based coding principles, or smart growth, at the core. Existing conditions analyses were used to gather concerns, information about different uses and development capacities. Many wanted additional capacity for nonconformities. The local AIA (American Institute of Architects) didn't fully support Miami 21 since they felt it would inhibit creativity, but we successfully proved that it does not (in "You Asked...We Answered" Architectural Renderings that depict conceptual drawings as regulated by 11000 and Miami 21).

Marketing

Do you feel that the format and approach of form -based code participatory processes encourages greater levels of participation? Please explain.

Participation is part of the process since in order for a project to be successful; there must be community "buy-in".

Now that the form -based code has been adopted, what are the city's plans for encouraging participation in the future?

There is additional participation in required public hearings, the rewrite of the sign regulations within Miami 21, and the city is working to integrate the use of new technologies and social media as additional outlets for public participation.

Analyses and Recommendations

Was a post analysis performed following these processes? If so, are there copies available?

No, not yet. Timing is still too early, especially with the economy.

If you could redesign or facilitate the processes once again from the beginning, what would you change, and/or what lessons were learned from these processes?

The team should start early to identify opposition. Since the code affects properties, leadership should be nurtured, and drafts should be presented in a timely manner in order to allow time to digest these prior to public hearings. In addition, small stakeholder groups should be encouraged to represent larger bodies and make them part of the team as champions. In addition, more visuals could be produced, and outreach and communication at the beginning of the process should be made with the local AIA (American Institute of Architects) Chapter.

What suggestions would you have for other cities wanting to transform an existing conventional zoning code into a form -based code?

Lessons learned... always have an eye on implementation. A greater focus on administration and implementation should be a part of the process, which could have been covered more during the Miami 21 process, but it was limited due to an absence of the full spectrum.

Do you think a form -based code process could be assumed by a small local government on a limited budget?

Yes. Small areas are often the target of form -based codes.

Are there any projects that would make a good comparison to Miami 21 that were brought in under 11000?

The Miami World Center.

APPENDIX E
BRICKELL CITICENTRE CONCEPTUAL ELEVATION

Source: City of Miami

APPENDIX F
BRICKELL CITICENTRE CONCEPTUAL RENDERING

BRICKELL
CITICENTRE
PRELIMINARY MASSING

Source: City of Miami

APPENDIX G
MIAMI 21 REGULATIONS FOR THE BRICKELL CITICENTRE

	T6-36	T6-48	T6-60	T6-80	D1	D2	D3	CI-HD
			URBAN CORE ZONES		WORK PLACE	INDUSTRIAL	WATERFRONT INDUSTRIAL	CIVIC INSTITUTION HEALTH DISTRICT
LOT OCCUPATION								
a. Lot Area	5,000 sf. min.	5,000 sf. min.	5,000 sf. min.	5,000 sf. min.	5,000 s.f. min.	5,000 s.f. min.	10,000 s.f. min.	10,000 s.f. min.
b. Lot Width	100 ft. min.	100 ft. min.	100 ft. min.	100 ft. min.	50 ft. min.	50 ft. min.	100 ft. min.	50 ft. min.
c. Lot Coverage	80% max.**	80% max.**	80% max.**	80% max.**	80% max	90% max	90% max	80% max
d. Floor Lot Ratio (FLR)	a.12 or b.22 / 40% additional Public Benefit ***	a.11 or b.18 / 50% additional Public Benefit ***	a.11 or b.18 / 50% additional Public Benefit ***	24 / 50% additional Public Benefit ***				8
e. Frontage at front Setback	70% min.	70% min.	70% min.	70% min.	None	None	None	None
f. Open Space Requirements	10% Lot Area min.	10% Lot Area min.	10% Lot Area min.	10% Lot Area min.	5% Lot Area min.	5% Lot Area min.	5% Lot Area min.	10% Lot Area min.
g. Density	150 du /acre *	150 du /acre *	150 du /acre *	150 du /acre *	36 du/acre max.			150 du /acre *
BUILDING SETBACK								
a. Principal Front	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.	5 ft. min.	10 ft. min.
b. Secondary Front	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.	5 ft. min.	5 ft. min.	10 ft. min.
c. Side	0 ft. min.**	0 ft. min.**	0 ft. min.**	0 ft. min.**	0 ft. min.**	0 ft. min.**	0 ft. min.**	0 ft. min.**
d. Rear	0 ft. min.**	0 ft. min.**	0 ft. min.**	0 ft. min.**	0 ft. min.**	0 ft. min.**	0 ft. min.**	0 ft. min.**
OUTBUILDING SETBACK								
a. Principal Front								
b. Secondary Front								
c. Side								
d. Rear								

Source: City of Miami

MIAMI 21
AS ADOPTED - MAY 2011

ARTICLE 4. TABLE 3 BUILDING FUNCTION: USES

	T3 SUB-URBAN			T4 URBAN GENERAL			T5 URBAN CENTER			T6 URBAN CORE			CIVIC			DISTRICTS		
	R	L	O	R	L	O	R	L	O	R	L	O	CS	CI	CI-HD	D1	D2	D3
DENSITY (UNITS PER ACRE)	9	9	18	36	36	36	65	65	65	150*	150*	150*	NA	A2**	150*	36	NA	NA
RESIDENTIAL																		
SINGLE FAMILY RESIDENCE	R	R	R	R	R	R	R	R	R	R	R	R						
COMMUNITY RESIDENCE	R	R	R	R	R	R	R	R	R	R	R	R			R			
ANCILLARY UNIT		R		R	R	R												
TWO FAMILY RESIDENCE			R	R	R	R	R	R	R	R	R	R						
MULTI FAMILY HOUSING				R	R	R	R	R	R	R	R	R			R			
DORMITORY				E	E		R	R		R	R			E	R			
HOME OFFICE	R	R	R	R	R	R	R	R	R	R	R	R			R			
LIVE - WORK				R	R		R	R		R	R				R			
WORK - LIVE												R			R	R		
LODGING																		
BED & BREAKFAST				W	R	R	E	R	R	E	R	R			R	R		
INN						R		R	R	E	R	R			R	R		
HOTEL							R	R		R	R				R			
OFFICE																		
OFFICE				R	R		R	R		R	R		E	R		R	R	W
COMMERCIAL																		
AUTO-RELATED COMMERCIAL ESTAB.									W	W	W					R	R	
ENTERTAINMENT ESTABLISHMENT						R	W	R		R	R					R	R	
ENTERTAINMENT ESTAB. - ADULT																	R	
FOOD SERVICE ESTABLISHMENT				R	R		R	R	W	R	R	W	E	R	W	R	R	W
ALCOHOL BEVERAGE SERVICE ESTAB.				E	E		E	E		E	E				E	E	E	E
GENERAL COMMERCIAL				R	R		R	R	W	R	R	E	E	R	R	R	W
MARINE RELATED COMMERCIAL ESTAB.							W	W		W	W	E			R	R	R
OPEN AIR RETAIL							W	W		W	W	W	E	R	R	R	W
PLACE OF ASSEMBLY							R	R	E	R	R		E	E	R	R	W
RECREATIONAL ESTABLISHMENT							R	R		R	R		E	R	R	R	W
CIVIC																		
COMMUNITY FACILITY				W	W		W	W		W	W		W	E	W	R	R	
RECREATIONAL FACILITY	E	E	E	E	R	R	E	R	R	E	R	R	W	E	W	R	R	
RELIGIOUS FACILITY	E	E	E	E	R	R	E	R	R	E	R	R	W	E	R	R	R	W
CIVIL SUPPORT																		
COMMUNITY SUPPORT FACILITY				W	W		W	W		W	W		E	E	R	R	W
INFRASTRUCTURE AND UTILITIES	W	W	W	W	W	W	W	W	W	W	W	W	W	E	W	W	R	W
MAJOR FACILITY													E	R	E	E	E
MARINA				E	W	W	E	W	W	E	W	W	R	E	R	R	R
PUBLIC PARKING				W	W		E	W	W	E	W	W	E	R	R	R	W
RESCUE MISSION													E	R	E	W	W
TRANSIT FACILITIES				W	W		E	W	W	E	W	W	E	R	R	R	W
EDUCATIONAL																		
CHILDCARE				E	W	W	E	W	W	W	W	W	E	E	R	E		
COLLEGE / UNIVERSITY							W	W		W	W		E	R	E		
ELEMENTARY SCHOOL	E	E	E	E	E	E	E	W	W	E	W	W		E	R	E		
LEARNING CENTER				E	E		R	R		R	R	E	E	R	E		
MIDDLE / HIGH SCHOOL	E	E	E	E	E	E	E	W	W	E	W	W		E	R	E		
PRE-SCHOOL	E	E	E	E	E	E	E	R	R	E	R	R		E	R	E		
RESEARCH FACILITY				R	R		R	R		R	R		E	R	R	R	W
SPECIAL TRAINING / VOCATIONAL					E		W	W		W	W		E	R	R	R	W
INDUSTRIAL																		
AUTO-RELATED INDUSTRIAL ESTAB.																R	R	W
MANUFACTURING AND PROCESSING																R	R	W
MARINE RELATED INDUSTRIAL ESTAB.																R	R	R
PRODUCTS AND SERVICES																R	R	W
STORAGE/DISTRIBUTION FACILITY																R	R	W

R Allowed By Right
W Allowed By Warrant: Administrative Process - CRC (Coordinated Review Committee)
E Allowed By Exception: Public Hearing - granted by PZAB (Planning, Zoning & Appeals Board)
Boxes with no designation signify Use prohibited.

Uses may be further modified by Supplemental Regulations, State Regulations, or other provisions of this Code. See City Code Chapter 4 for regulations related to Alcohol Beverage Service Estab.
* Additional densities in some T5 zones are illustrated in Diagram 9.
** A2: Density of lowest Abutting Zone

Source: City of Miami

Source: City of Miami

MIAMI 21
AS ADOPTED – MAY 2011

ARTICLE 7. PROCEDURES AND NONCONFORMITIES
DIAGRAM 14 PERMITTING PROCESS

PERMITTING PROCESS DIAGRAM
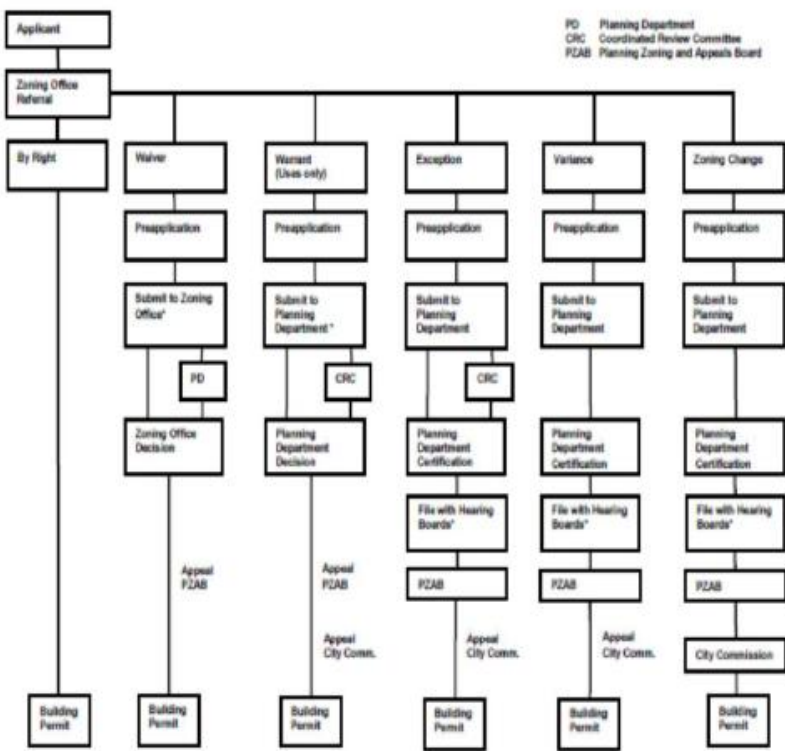
Source: City of Miami

Source: City of Miami

Diagrams and Illustrations

regulating plan

Source: City of Miami

Lot Occupation

a. Lot Area	5,000 s.f. min.
b. Lot Width	100 ft. min.
c. Lot Coverage	80% max.
- 1-8 stories	See Regulating Plan
- Above 8th story	18,000 sq. ft. max. floor plate for Residential & Lodging 30,000 sq. ft. max. floor plate for mixed use, Office & Commercial & Residential/Office
d. Floor Area Ratio (FAR)	4.32
e. Frontage along build to line	70% min.
f. Open Space Requirements	10% of gross lot area min.
g. Density	300 du/acre max.

Building Setback

a. Building Frontage	See Regulating Plan
c. Side	0 ft. min.; 30 ft. min. above 8th story
d. Rear	0 ft. min.

Source: City of Miami

Department of Urban and Regional Planning
PO Box 115706
University of Florida
Gainesville, FL 32611-5706

Informed Consent Letter

Dear Planning Professional:

As part of my Masters research at the University of Florida, I am conducting a series of interviews with leading planning professionals in both the public and private sectors to obtain in-depth information regarding citizen participation. You have been selected based on your expertise in this area. This open-ended, unstructured interview will require about 40 minutes of your time and will involve questions related to the topics, which have been attached for your review. Participation in this interview is entirely voluntary, there will be no compensation, and any topics or questions contained within the attached sample questionnaire may be omitted at your discretion. Your interview will be conducted by phone after I have received this signed consent letter. With your permission, I would like to record our conversation during the interview for later reference. I will transcribe this interview for use in my Masters Thesis and can provide a copy of our discussion and its inclusion in my research at your request. If you desire any portions of the interview to be excluded, or if you wish to remain anonymous, please indicate in writing on this form, or at any time throughout this process. This research interview presents no anticipated risks and no direct benefits and you may withdraw consent to participate in this research effort at any time without consequence.

If you should have any questions about this request or this research protocol, I can be reached at (912) 227-2862, or you can reach my faculty supervisor, Dr. Kathryn Frank at (352) 392-0997 at extension 456. Questions or concerns about your rights as a participant may be directed to the IRB02 office, University of Florida, PO Box 112250, Gainesville, FL 32611; (352) 392-0433.

Please sign and return this copy of the letter in the enclosed envelope. A second copy has been included for your records. By signing this letter, I will include your responses and the information obtained as a result of the interview in the final manuscript to be submitted as part of my Masters Thesis which will be presented to my faculty supervisor.

Thank you,

Kristina L. Wright

I have read the procedure described above for taking part in this interview that will be used as part of this Masters Thesis Research. I voluntarily agree to participate in the interview and I have received a copy of this description

_____   8/24/11   Approved by
Participant Signature   Date   University of Florida
                                               Institutional Review Board 02
                                               Protocol # ___ 2011-U-0161
                                               For Use Through __ 02-14-2012

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Summary of Denver Interview Questions and Responses with Denver Principal Planner, Tina Axelrad.

Extent of Meetings and Time Involved
How many public participation sessions were involved in the creation of your form - based code?

This is contained within the staff report. Planning staff report of form -based code policy rationale and describes general approach and public process (detailed).
www.denvergov.zoning

On the average how long were these meetings? Approximately how long did the overall process endure?

This is also contained within the staff report.

Is there a name other than the "New Code" or an ordinance number for either the form - based code adopted in June 2010, or the previous conventional zoning code?

The Denver Zoning Code, which is Ordinance 2010 #333. There is a link to it on the Community Development and Planning Website.

Project analysis: Has there been any projects or site plans that have come in under the new form -based code? Are there projects or site plans, similar in scale, which have come in under the previous conventional zoning code?

There is a McDonalds that came in under the new code, and there is another McDonalds up the street that came in under the old code. These were not public processes, since these fall within "by right development" in Denver. Projects under both the old code and the new code are both administratively approved, unless they involve other factors (use changes, etc.).

Costs
What were the overall estimated costs for conducting these processes?

The costs include the consultants we hired, which include Code Studio from Austin, Texas and sub consultants, Winter & Company, out of Boulder, Colorado. In addition, there direct costs and staff time, which was significant. The overall estimated cost was $850,000, and part of this included $215,000 for public participation and communication, which included sub consultants for Spanish translation.

Attendance
Was citizen participation approached at the district level at the beginning of the process?

Both approaches were used. Both district and citywide.

What were the attendance levels at these sessions? Do you have an estimate of the population involved throughout the entire process or records of attendance for these public workshops and meetings?

Attendance information contained within the staff report.

Methods

What are the differences in citizen engagement between the processes used for the form -based code created and the previous conventional zoning code?

The differences are "clarity and certainty". Chapter 59 is old and out of date and involved lots of rezonings and highly negotiated processes with neighbors, involving waivers and conditions. Old code did incorporate newer mixed use categories from the mid-90s on, but created numerous unique zoning districts each with a twist that led to too many differences within the plan and zoning map, which included over 900 separate distinct zoning classifications due to all the different PUDs (Planned Unit Developments) created.

How does this differ, for both plan types, between code creation and site plan review and approval?

A good before and after would be the new McDonalds (reviewed under the Denver Zoning Code) and the one down the street. It was highly negotiated through every detail from public art to brick type (and was reviewed under Chapter 59).

Is the Denver form -based code a hybrid form -based code? If so, what are the benefits of having a hybrid form -based code and what are the major differences between it and the previous conventional zoning code?

About 25 percent of the City is still regulated by Chapter 59, and zoning is used to address existing conditions.

Marketing

What importance do you give to marketing and graphic design in generating interest and increased levels of participation? Describe the marketing and outreach efforts used to keep the public informed and to generate additional participation. What other methods did city staff and/or the consultants use to seek, identify, and obtain stakeholders?

About $215,000 was spent on public outreach and communication, which included the website, newsletters, direct postcard mailing to over 219,000 parcels. The website has been taken down, but some of the info has been incorporated into the current planning website. We are also putting together a history of the process, it is not ready yet, but keep checking for this information to appear.

Hypotheses

Hypothesis I- Do you feel that the form -based code has greater potential to incorporate meaningful participation earlier in the process than that of conventional zoning code creation?

The form -based approach entails the use of graphics within the layout. The new code represents a 21st century code update with graphics. It is unique, but the images are not codified. These are illustrative only. The code still relies on the use text; however, images helped to convey topics and were used for participation.

Hypothesis II: Do you feel that form -based code creation entails a greater level of visual communication and decision-making based on the design-orientation than conventional zoning code creation?

The process involved a plan-based purpose and extensive public participation. It began with the Mayor-appointed Denver Zoning Code task force, which was represented by business leaders and government officials and consultants, which was comprised of 16 members that notably started and ended intact. This involved a 5-year process, spanning from 2005 through 2010. Listening sessions were held to diagnose problems, and public engagement to find the best approach, which consisted of one year. Drafting the code involved the task force, city council, and others that were continually briefed. The Public Review Draft was published online on the project website, which indicated the objectives of the code and posted each draft with the opportunity for public comment. The process involved 13 meetings that were all ward based since there are 13 city council members representing the districts, 2 at-large and 11 council districts. The process to create the code generated high interest, and involved words and mapping.

Hypothesis III: Do you feel that due to the design-orientation and visual communication, that participation within the form -based code is more inclusive and accessible to the general public?

Inclusivity was achieved through Spanish translation and postcards in Spanish, which council members hand-delivered, and these were used for outreach. In addition, meetings were held at different times and places and different formats were used. In addition, the team went to HOAs (Homeowners Associations, and press releases were created to keep everyone informed. In general, there was a great sensitivity to need demonstrated by the council members

Hypothesis IV: Do you feel that due to the emphasis on language and use, the conventional zoning code presents a higher level of predetermined concepts that are more abstract and less likely to facilitate consensus building, collaboration, and

participation that makes public participation during site plan review and approval more critical than the form -based code?

Overall, the results are different between the codes, but process did not change between the old code and the new code. Site plans are primarily all administrative; however, the proposed use may trigger heightened review, or use reviews, but not site plan review.

Removing Barriers to Participation
Were groups that may have barriers to participating within these processes identified and sought for their participation as part of either the form -based code or the conventional zoning code participatory processes? Were there other languages used, translators available, transportation provided, child care, etc. to further solicit participation?

Spanish translation and post cards in Spanish that the city council members hand delivered to reach out to their districts. Meetings were also offered at different times to best accommodate those with different schedules. Also different locations were used and even formats were used. Staff and consultants even went to HOAs (Homeowners Associations), press releases were creative and everyone demonstrated great sensitivity to need and difference and city council members worked within their districts to listen and incorporate differences and work through some of the issues.

Challenges
Were there any challenges that were noteworthy at any time during or following the form -based code creative process? Did the local AIA chapter support these plans, overall? Describe their participation and/or concerns, and how these were addressed.

The local AIA (American Institute of Architects) chapter organized into topic area work groups (some on residential/ some on commercial), and were a big part of the business and retail community. There were concerns, but support was achieved. On the second or third draft, the business and retail group engaged the process. As a result of vocal red flags and dissenters, we stopped the process and organized a business and retail work group that added an additional 4 to 6 months into the process, but we worked through the issues. Through additional flexibility, we considered the alternatives and made some exceptions, but there were no questions were left in anyone's mind. Overall, the process was inclusive and there was a great amount of response and listening, and everyone applauded the process.

Analyses and Recommendations

If you could redesign or facilitate the processes once again from the beginning, what would you change, and/or what lessons were learned from these processes?

Not much. The pace of the process was slower at the beginning, and some momentum was lost.

DRIVE THRU BUILDING FORM USED IN "C-MS-8" ZONING FOR 505 EAST COLFAX AVENUE

F. Drive Thru Restaurant

Not to Scale. Illustrative Only.

Source: City of Denver

Article 7. Urban Center Neighborhood Context
Division 7.4 Uses and Required Minimum Parking

KEY: P= Permitted Use without Limitations   L = Permitted Use with Limitations   NP = Not Permitted Use   ZP = Zoning Permit Review
ZPIN = Subject to Zoning Permit Review with Informational Notice   ZPSE = Subject to Zoning Permit with Special Exception Review
* = Need Not be Enclosed

USE CATEGORY	SPECIFIC USE TYPE · Vehicle Parking Reqmt: # spaces per unit of measurement · Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	C-RX-5 C-RX-8 C-RX-12	C-MX-3 C-MX-5 C-MX-8 C-MX-12 C-MX-16 C-MX-20	C-MS-5 C-MS-8 C-MS-12	C-CCN	APPLICABLE USE LIMITATIONS
Parking of Vehicles	Parking, Garage · No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	
	Parking, Surface* · No Parking Requirements	NP	NP	NP	P-ZP	
Eating & Drinking Establishments	All Types · Vehicle - MS only: 2/1,000 ft² GFA · Vehicle: 2.5/1,000 ft² GFA · Bicycle: 1/1,500 ft² GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	
Lodging Accommodations	Bed and Breakfast Lodging · Vehicle: 0.875/guest room or unit · Bicycle: 1/2 guest room or unit (80/20)	P-ZP	P-ZP	P-ZP	P-ZP	
	Lodging Accommodations, All Others · Vehicle: 0.5/ guest room or unit · Bicycle: 1/2 guest rooms or units (80/20)	P-ZP	P-ZP	P-ZP	NP	
Office	Dental / Medical Office or Clinic · Vehicle: 1.25/1,000 ft² GFA · Bicycle: 1/7,500 ft² GFA (60/40)	L-ZP	L-ZP	L-ZP	L-ZP	§11.4.7
	Office, All Others · Vehicle: 1.25/1,000 ft² GFA · Bicycle: 1/7,500 ft² GFA (60/40)	P-ZP	P-ZP	P-ZP	P-ZP	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only · Vehicle: 1.25/1,000 ft² GFA · Bicycle: 1/7,500 ft² GFA (20/80)	L-ZP	L-ZP	L-ZP	L-ZP	§11.4.9
	Animal Sales and Services, All Others	NP	NP	NP	NP	
	Body Art Establishment · Vehicle: 1.25/1,000 ft² GFA · Bicycle: 1/7,500 ft² GFA (20/80)	NP	L-ZP	L-ZP	L-ZP	§11.4.10
	Food Sales or Market · Vehicle: 1.25/1,000 ft² GFA · Bicycle: 1/7,500 ft² GFA (20/80)	L-ZP	P-ZP	P-ZP	P-ZP	§11.4.11

Source: City of Denver

Article 12. Zoning Procedures & Enforcement
Division 12.2 Review and Decision Making Bodies

SECTION 12.2.7 SUMMARY TABLE OF AUTHORITY AND NOTICE

	REVIEW AND DECISION-MAKING AUTHORITY						TYPE OF PUBLIC NOTICE REQUIRED				
	D = Decision-Making Authority R = Review and Recommendation Authority * = Public Hearing Required						*= Notice Required Blank Cell = Notice Not Required				
							Informational Notice		Notice of Public Hearing		
	Zoning Administrator	Manager	DRC	Board of Adjustment	Planning Board	City Council	Written and Posted Notice of Receipt of Application	Posted Notice of Final Administrative Decision	Written	Posted	Published
Zoning Permit Review	D										
Zoning Permit Review with Informational Notice	D						*	*			
Site Development Plan Review	R	R	D				* See Sec. 12.4.3 for site development plans that require public notice	* See Sec. 12.4.3 for site development plans that require public notice	* See Sec. 12.4.3 for site development plans that require notice of a public hearing		
Zone Lot Amendment	D										
Administrative Adjustment	D										
Code Interpretation, Determination of Unlisted Use	D										
Comprehensive Sign Plan	D				R*		*	*	*	*	
Variance	R			D*			Refer to rules of Board of Adjustment				
Appeal of Administrative Decision	R			D*			Refer to rules of Board of Adjustment				
Special Exception	R	R		D*			Refer to rules of Board of Adjustment				
Official Map Amendment (Rezoning)		R			R*	D*	* - Written Notice Only		*	*	*
Text Amendment	R	R			R*	D*			*		*
General Development Plan	R		D		R*				*	*	
Regulating Plan	R	D									

Source: City of Denver

APPENDIX S
SITE PLAN FOR 505 EAST COLFAX AVENUE

McDONALD'S RESTAURANT
MINOR DEVELOPMENT PLAN
SITUATED IN THE NE 1/4 OF SECTION 3, T.4S., R.68W., OF THE 6TH P.M.
AND IN THE SE 1/4 OF SECTION 34, T.3S., R.68W., OF THE 6TH P.M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO.
LOCATED AT 505 E. COLFAX AVE.
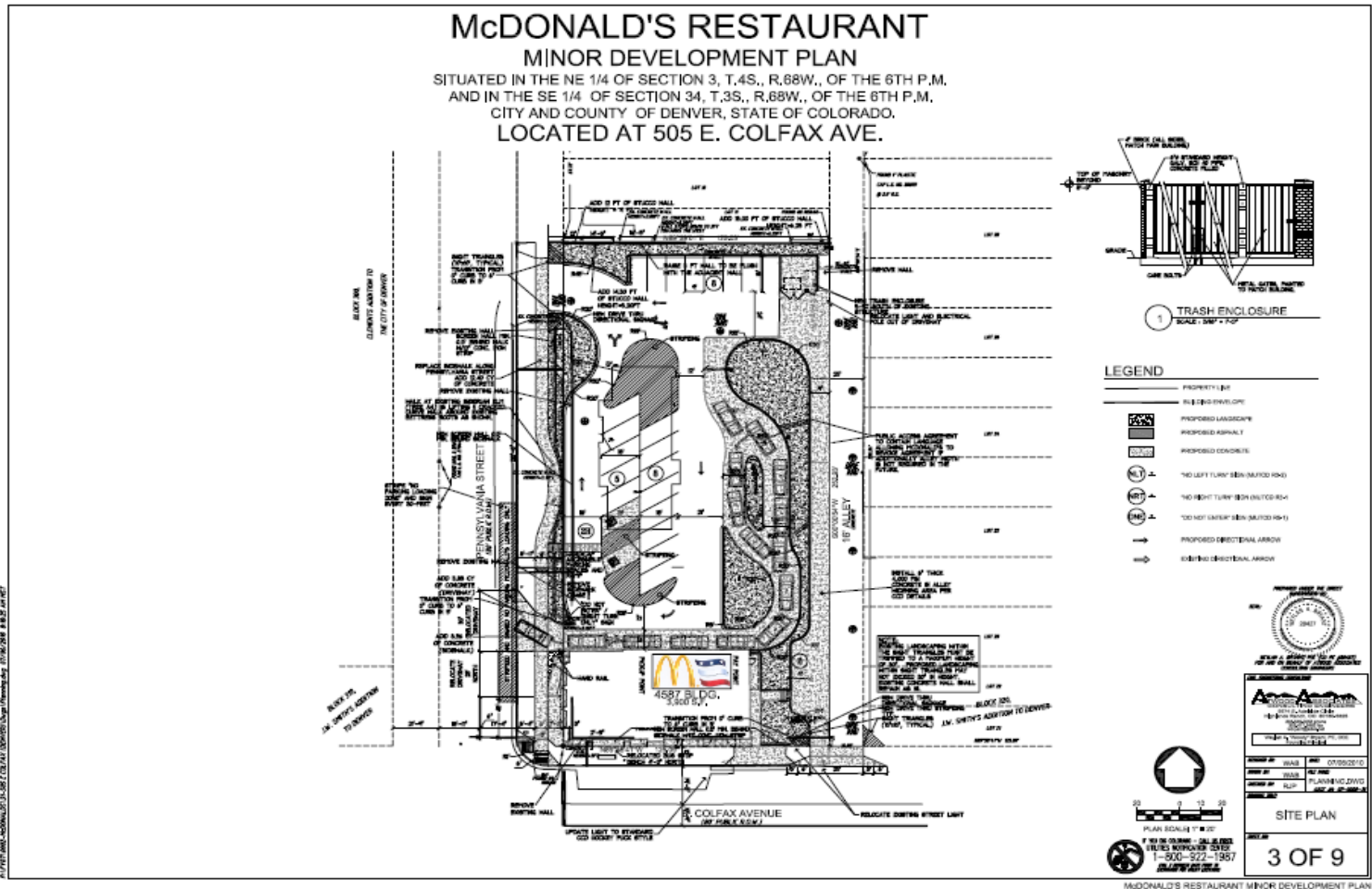
Source: City of Denver

APPENDIX T
PHOTOGRAPH OF COMPLETED PROJECT AT 505 EAST COLFAX AVENUE

Source: City of Denver

APPENDIX U
SITE PLAN FOR 6201 EAST COLFAX AVENUE

Source: City of Denver

APPENDIX V
PHOTOGRAPH OF 6201 EAST COLFAX AVENUE

Source: City of Denver

APPENDIX W
EXAMPLE OF "B-4" ZONING REGULATIONS FOR 6201 EAST COLFAX AVENUE

shall not be greater than one and one-tenth (1.1) times the area of the zone lot on which the structures are located, provided further that all of the extra floor area in excess of one (1) times the area of the zone lot shall be dedicated to residential uses.

(2) In the B-1 district, and notwithstanding paragraph (1) above, the sum total of the gross floor area of all structures on a zone lot may be as much as two (2) times the area of the zone lot on which the structures are located or two and two-tenths (2.2) times the area of the zone lot on which the structures are located if qualifying under the provisions of article IV, chapter 27 (affordable housing), provided that all of the extra 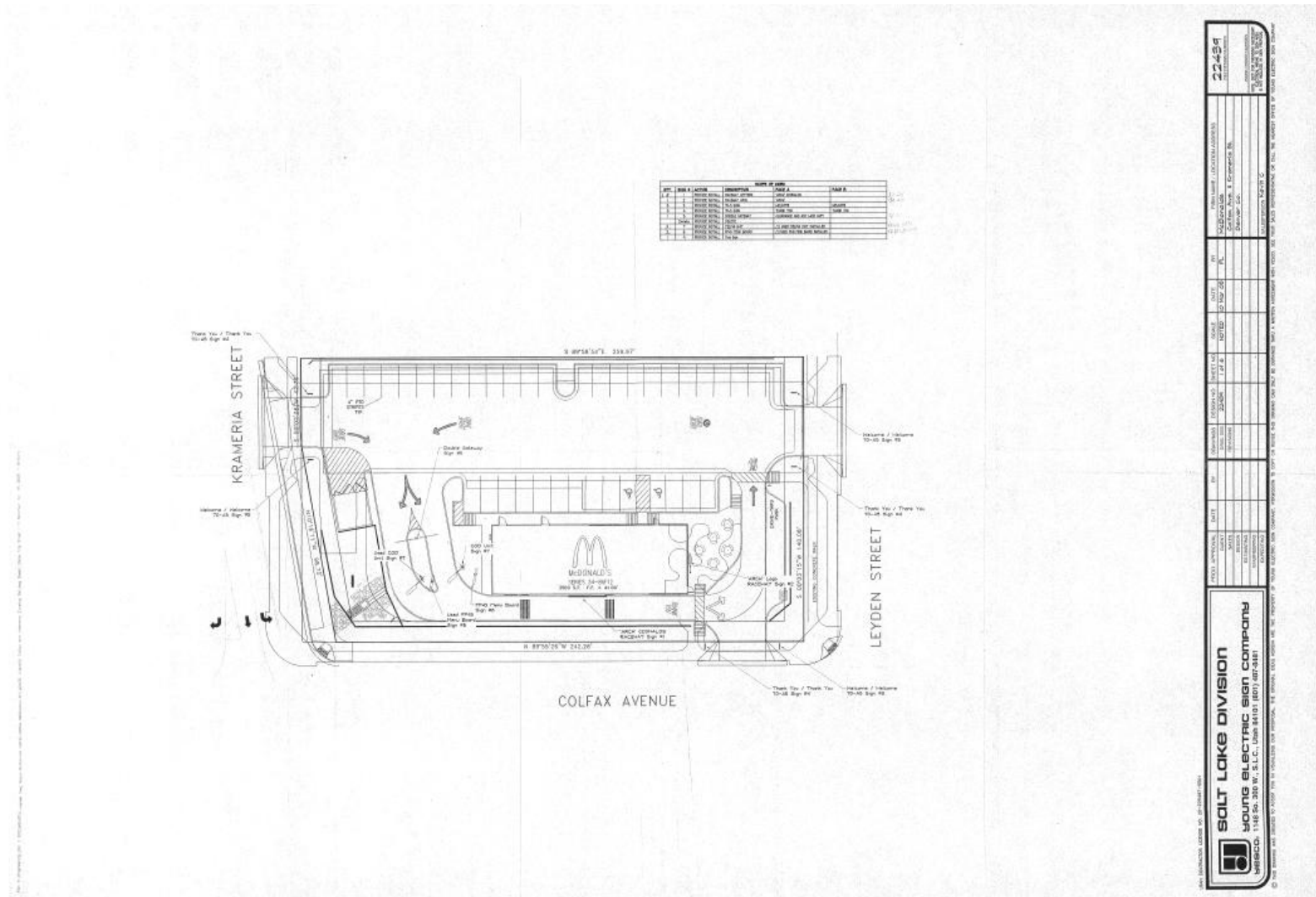floor area in excess of two (2) times the area of the zone lot shall be dedicated to residential uses and provided further that all of the following conditions are met:

    a.   The zone lot is at least one (1) acre in size and is at least two hundred (200) feet wide at the front setback line for structures;

    b.   All structures are set in at least twenty (20) feet from each side line and set in from the front and rear lines as provided in subsection (b);

    c.   Not more than ten (10) percent of the zone lot area is used for surface parking and roads; and

    d.   All structures on the zone lot cover not more than thirty (30) percent of the ground area.

(3) In the B-4 district the sum total of the gross floor area of all structures on a zone lot shall not be greater than twice the area of the zone lot on which the structures are located. Provided that, upon qualifying under the provisions of article IV, chapter 27 (affordable housing), the sum total of the gross floor area of all structures on a zone lot shall not be greater than two and two-tenths (2.2) times the area of the zone lot on which the structures are located, provided further that all of the extra floor area in excess of two (2) times the area of the zone lot shall be dedicated to residential uses.

(g) *Maximum gross floor area in structures in the B-8 district:*

(1) *Basic maximum gross floor area.* The sum total of the gross floor area of all structures on a zone lot shall not be greater than four (4) times the area of the zone lot on which the structures are located.

(2) *Floor area premiums.* In addition to the basic maximum gross floor area permitted under subsection (1) above, a premium of additional floor area may be constructed under the following circumstances:

    a.   *Premium for unenclosed plaza.* Six (6) square feet of floor area for each square foot of unenclosed plaza area continuously open to the street.

    b.   *Premium for enclosed plaza.* Six (6) square feet of floor area for each square foot of enclosed plaza if at least one (1) entrance has a width of forty (40) feet. Three (3) square feet of floor area for each square foot of enclosed plaza area if at least one (1) entrance has a width of less than forty (40) feet but not less than twenty (20) feet. No premium if all entrances are less than twenty (20) feet wide. The

Source: City of Denver

Key: P = Permitted L = Uses permitted with limitations C = Uses permitted with conditions SR = Uses permitted after special review D = Uses permitted with distance requirements * = Need not be enclosed (blank) = Not permitted	Zone District				
Use	B-1	B-2	B-3	B-4	B-8
Automobile gasoline filling station, emissions inspection		L4	L23	P	P
Automobile repair garage				L5	P
Automobile wash, laundry and/or polishing shop*		L28	L29	L30	L31
Automobile, motorcycle, light truck sales, leasing, rental*			L3	P	P
Banking and financial services	P	P	P	P	P
Bed and breakfast				P	P
Body art establishment				D4	D4
Bookstore		P	P	P	P
Brewpub				P	P
Communications service				L41	L41
Eating place		L1/ L192	L1/ L192	L43/ L192	L43
Food preparation and sales, commercial		L48	L44	P	P
Food sales or market, large		P	P	L50	L50
Food sales or market, small		P	P	L50	L50
Furniture, furnishings, retail sale, large scale			P	P	P
Garden supply store		L55*	P*	P*	P*
Home building materials and supplies, sales, or rental			P	P	P
Hotel			L61	P	P
Laboratory, research, development, technological service					P
Liquor store		D7	D7	D7	D7
Motel			L61	P	P
Office: nondental, nonmedical	L63	P	P	P	P
Pawn shop					P
Printing service, publishing, business support		L68	L68	P	P
Retail, service, repair, consumer, large scale		L73	P	L51	P
Retail, service, repair, consumer, medium scale		P	P	L51	P
Retail, service, repair, consumer, small scale	L74	P	P	L51	P
Retail, service, repair, consumer, special				P	L78

Source: City of Denver

(10) a. Determine and impose limitations on accessory uses and structures not covered in sections 59-87 and 59-88. In fulfilling this responsibility the zoning administrator shall determine what uses are common and customary to a specific use by right and if the use is incidental to the specific use by right; and impose limitations which shall be uniform throughout the zoning district on specific accessory uses taking into consideration the intensity of the accessory use, numbers, the space required by the accessory use and the effect on adjacent property. The matters which may be regulated shall include, but shall not be limited to the following:

1. Numbers of animals, except as specifically listed in sections 59-87(b)(2)c.1. and 2. maintained as accessory to a single-unit dwelling or dwelling unit in a multiple-unit dwelling;

2. Types and intensity of repairs accessory to a use by right; and

3. Size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by section 59-88.

b. The zoning administration shall maintain a record, indexed by use by right and zoning district, of all determinations regarding accessory uses, and such determinations shall not be considered a rule and regulation subject to article VI of chapter 2.

(Ord. No. 250-80, eff. 5-23-80; Ord. No. 145-82, eff. 4-5-82)

(11) Review applications for permits related to overheight fences and walls. Notwithstanding the regulations limiting the height of fences and walls established by the zoning

Source: City of Denver

K. Drive Thru Restaurant (1 of 2)

Not to Scale. Illustrative Only.
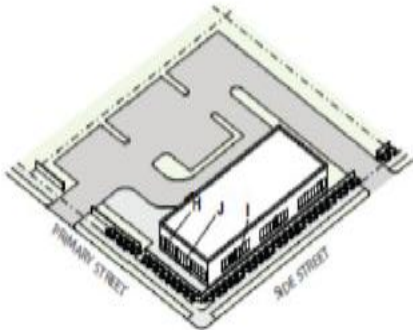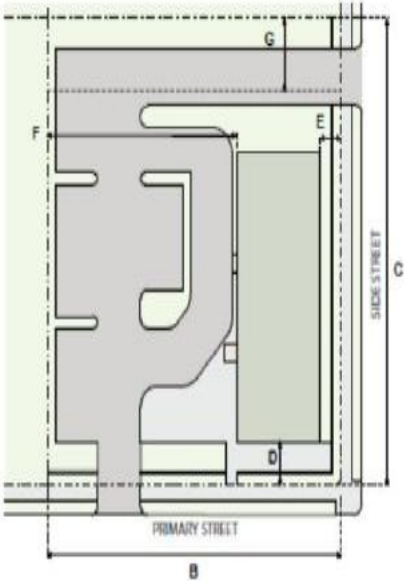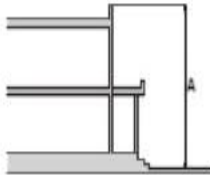
Source: City of Denver

DRIVE THRU RESTAURANT (1 OF 2)

HEIGHT	U-MX-2 U-MS-2	U-MX-3 U-MS-3, -5
A Stories (max)	2	3
A Feet (max)	35'	45'

SITING	U-MS-2, -3, -5 Option A	U-MX-2, -3 Option A
ZONE LOT		
Use Restrictions	Eating/Drinking Establishment Primary Use with Accessory Drive Thru Use Only	
REQUIRED BUILD-TO		
B Primary Street (min % within min/max)	Corner Lots: 50% 0'/5' All other: 75% 0'/5'	Corner Lots: 50% 0'/10' All other: 70% 0'/10'
C Side Street (min % within min/max)	50% 0'/5'	50% 0'/10'
SETBACKS		
D Primary Street (min)	0'	0'
E Side Street (min)	0'	0'
F Side Interior (min)	0'	0'
Side Interior, adjacent to Protected District (min)	10'	10'
G Rear, alley and no alley (min)	0'	0'
Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'
PARKING		
Surface Parking between building and Primary Street/Side Street	Not Allowed/Not Allowed	
Drive Thru Lane between building and Primary Street/Side Street	Not Allowed/Not Allowed	
Vehicle Access	Shall be determined as part of Site Development Plan Review	

DESIGN ELEMENTS	U-MS-2, -3, -5 Option A	U-MX-2, -3 Option A
BUILDING CONFIGURATION		
Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	15'/25'
GROUND STORY ACTIVATION		
H Transparency, Primary Street (min)	60%	40%
I Transparency, Side Street (min)	25%	25%
J Pedestrian Access, Primary Street	Entrance	Entrance

Source: City of Denver

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KEY: P = Permitted Use without Limitations   L = Permitted Use with Limitations   NP = Not Permitted Use   ZP = Zoning Permit Review
ZPIN = Subject to Zoning Permit Review with Informational Notice   ZPSE = Subject to Zoning Permit with Special Exception Review   * = Need Not be Enclosed

USE CATEGORY	SPECIFIC USE TYPE •Vehicle Parking Reqmt: # spaces per unit of measurement •Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	U-SU-A U-SU-A1 U-SU-A2 U-SU-B U-SU-B1 U-SU-B2 U-SU-C U-SU-C1 U-SU-C2 U-SU-E U-SU-E1 U-SU-H U-SU-H1	U-TU-B U-TU-B2 U-TU-C	U-RH-2.5 U-RH-3A	U-RX-5	U-MX-2x U-MS-2x	U-MX-2 U-MS-2	U-MX-3	U-MS-3 U-MS-5	APPLICABLE USE LIMITATIONS
Parking of Vehicles	Parking, Garage •No Parking Requirements	NP	NP	NP	P-ZP	NP	P-ZP	P-ZP	P-ZP	
	Parking, Surface* •No Parking Requirements	NP	L-ZP	L-ZP	NP	NP	NP	NP	NP	§ 11.4.5
Eating & Drinking Establishments	All Types •Vehicle: 4.5/ 1,000 ft² GFA •MS only: 2/1,000 ft² GFA •Bicycle: 1/5,000 ft² GFA (0/100)	NP	NP	NP	P-ZP	L-ZPSE	L-ZP	P-ZP	P-ZP	§ 11.4.6
Lodging Accommodations	Bed and Breakfast Lodging •Vehicle: 1/guest room or unit •Bicycle: 1/4 guest room or unit (80/20)	NP	NP	NP	P-ZP	NP	P-ZP	P-ZP	P-ZP	
	Lodging Accommodations, All Others •Vehicle: 1/ guest room or unit •Bicycle: 1/4 guest rooms or units (80/20)	NP	NP	NP	P-ZP	NP	NP	P-ZP	P-ZP	
Office	Dental / Medical Office or Clinic •Vehicle: 2/1,000 ft² GFA •Bicycle: 1/10,000 ft² GFA (60/40)	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.4.7
	Office, All Others •Vehicle: 2/1,000 ft² GFA •Bicycle: 1/10,000 ft² GFA (60/40)	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only •Vehicle: 2.5/ 1,000 ft² GFA •MS only: 2/1,000 ft² GFA •Bicycle: 1/10,000 ft² GFA (20/80)	NP	NP	NP	L-ZP	L-ZPIN	L-ZP	L-ZP	L-ZP	§11.4.8; §11.4.9
	Animal Sales and Services, All Others	NP	NP	NP	NP	NP	NP	NP	NP	
	Body Art Establishment •Vehicle: 2.5/ 1,000 ft² GFA •MS only: 2/1,000 ft² GFA •Bicycle: 1/10,000 ft² GFA (20/80)	NP	NP	NP	L-ZP	NP	NP	L-ZP	L-ZP	§11.4.8; §11.4.10
	Food Sales or Market •Vehicle: 2.5/ 1,000 ft² GFA •MS only: 2/1,000 ft² GFA •Bicycle: 1/10,000 ft² GFA (20/80)	NP	NP	NP	L-ZP	L-ZP	L-ZP	P-ZP	P-ZP	§11.4.8; §11.4.11

Source: City of Denver

Article 12. Zoning Procedures & Enforcement
Division 12.2 Review and Decision Making Bodies

SECTION 12.2.7 SUMMARY TABLE OF AUTHORITY AND NOTICE

| | REVIEW AND DECISION-MAKING AUTHORITY
D = Decision-Making Authority
R = Review and Recommendation Authority
* = Public Hearing Required | | | | | | TYPE OF PUBLIC NOTICE REQUIRED
*= Notice Required
Blank Cell = Notice Not Required | | | | |
| | | | | | | | Informational Notice | | Notice of Public Hearing | | |
	Zoning Administrator	Manager	DRC	Board of Adjustment	Planning Board	City Council	Written and Posted Notice of Receipt of Application	Posted Notice of Final Administrative Decision	Written	Posted	Published
Zoning Permit Review	D										
Zoning Permit Review with Informational Notice	D						*	*			
Site Development Plan Review	R	R	D				* See Sec. 12.4.3 for site development plans that require public notice	* See Sec. 12.4.3 for site development plans that require public notice	* See Sec. 12.4.3 for site development plans that require notice of a public hearing		
Zone Lot Amendment	D										
Administrative Adjustment	D										
Code Interpretation, Determination of Unlisted Use	D										
Comprehensive Sign Plan	D				R*		*	*	*	*	
Variance	R			D*			Refer to rules of Board of Adjustment				
Appeal of Administrative Decision	R			D*			Refer to rules of Board of Adjustment				
Special Exception	R	R		D*			Refer to rules of Board of Adjustment				
Official Map Amendment (Rezoning)		R			R*	D*	* - Written Notice Only		*	*	*
Text Amendment	R	R			R*	D*			*		*
General Development Plan	R		D		R*				*	*	
Regulating Plan	R	D									

Source: City of Denver

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Date: October 18, 2011

City of Miami

JOHNNY MARTINEZ, P.E.
City Manager

October 18, 2011

Ms. Kristina Wright Bowen
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Sincerely,

M. C. Sanchez
Assistant Director,
Planning & Zoning Department

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BIOGRAPHICAL SKETCH

Kristina Wright Bowen received a Master of Arts Degree in Urban and Regional Planning from the University of Florida in the fall of 2011. While working to complete her graduate education, she served as the Research Assistant between the University of Florida and the City of Newberry, Florida. During that time, she assisted the city with the preparation of the Evaluation and Appraisal Report. Prior to working to complete her graduate education, Kristina worked as a Planner for Glynn County, Georgia. She also worked for the Cities of Palm Coast and Orange City in Florida in planning and land development. Kristina was selected as a Fulbright Finalist in 2000 and received a Fellowship from the Bauhaus Dessau Foundation to collaborate on a project entitled "Beyond Sprawl ... Event City" with leading international planning and design professionals. The project resulted in an international exhibition and publication, which included a published article and a collaborative documentary film. As a result of her participation in the project, she received a postgraduate certificate from the Bauhaus.

Kristina received the Presidential Award for Academic Excellence and was awarded the Valerie Canady Foundation and H.J. Heinz Award as an undergraduate student at West Virginia University. She graduated cum laude and earned a Bachelor's degree from West Virginia University in 1999. Kristina is a member of the American Planning Association, and her interests include architecture and contemporary art. Her future goal is to incorporate a planning, engineering, and design firm in order to serve the coastal communities of North Florida and South Coastal Georgia.