

Buffalo Reboots its Code

Buffalo To Replace Old Planning With New Form-Based Code

Submitted on 06/13/2014.



"We're in the home stretch," explains Chris Hawley, a planner with the City of Buffalo who has been instrumental in writing a new form based code for the city, due to be implemented as early as the end of 2014. Dating from 1953, the city is taking the unusual step of throwing the old code out in its entirety.

It is not business as usual in Buffalo, which has suffered not only from years of overall decline but also from a zoning code that promoted disinvestment in the city. Hawley notes that in recent years pretty much everyone agreed the zoning code is problematic, particularly those trying to do mixed-use projects in the city. As a result, significant bureaucracy impediments that used to exist have given way to a sense that the government should get out of the way. "One of the great luxuries in Buffalo is a total open mindedness to scrapping the entire system and starting over," says Hawley. "It's a unique political and economic situation, where everything we did previously didn't work."

For Mayor Byron Brown, now in his third term, his greatest achievement so far is to put the city on more sound financial footing, restoring its A+ credit rating, and reducing taxes every year. "We're not dealing with crises anymore, so we have time to do cool stuff," says Hawley, explaining that "Brown liked the notion of making city hall more business and development friendly with a clear approvals process, making sure city hall doesn't get in the way of what citizens say they want."

The new form-based code for Buffalo didn't emerge out of the ether. It began in 2006 with the city's comprehensive plan, which focused on five principles; to fix basics, build on assets, invest strategically, and embrace smart growth and sustainability. The Charter of the New Urbanism was built in to comp plan directly, and called for a rewrite of zoning code for those smart growth principles to become effective.

Clarity can't be overstated. Hawley cites Opticos Design and Code Studio as two firms that are very good at putting form-based codes in plain English, with an organized approach, great graphic design, and images and tables to convey to the public what the future of their city can look like. Buffalo could not have achieved its new code without the tremendous body of work created in the past five to seven years to point the way.

A user-friendly code is priority number one, written for the layman, architect and real estate attorney alike. Hawley maintains Buffalo is the largest city to propose a code in plain English, rather than "legalese." "Even the word 'shall' does not exist in the document," he says. It is a 180-degree turn from the old one that even administrators can't understand.

Hawley wryly notes that both the 2006 comp plan and the new form-based code are quite “lean,” keeping with the vernacular of the Congress. He explains the old code was 1,804 pages and the new one is a bit over 300. More importantly, it is legible. “It is a very simple, illustrative document laying out key principles about how we’d like to restore Buffalo.”

“A fatal mistake that any municipality can make is not knowing what you want when you start the process,” warns Hawley. Buffalo was lucky in many ways to have the political and economic stars aligning, but there was also general consensus that a smart growth plan was a good solution for a city that had good bones but also suffered from years decades of decline. He notes another lesson is to get the development controversies out there that you know will come up – such as building height, parking, and uses – and do it early in the process. “Those expectations need to be very clear up front, especially when choosing a consultant and assembling a team to rewrite the code.”

Although Buffalo has an extensive list of existing buildings that will benefit from the new code, making it easier to renovate and redevelop, Hawley is most enthusiastic about starting to fill in the gaps between buildings. In particular, the edge of downtown Buffalo will benefit immensely from new infill development that instills the values of the form-based code.

Buffalo has decades of prosperity in its distant past, as well as a precipitous decline that followed. But perhaps that decline was enough to convince residents, business owners and elected officials to throw out the old playbook. If Buffalo indeed does rise again, it is fair to say that the form-based code will likely play a key role.

Reported by Sam Newberg, Photo by David Torke