

DRAFT: October 31, 2025

TO: Director Anita Cozart and Office of Planning Staff

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RE: Proposed Next Steps for Wisconsin Avenue Development Framework Zoning Amendments

Background

Last month, we met with OP staff to provide feedback on the proposed zoning text amendments in Zoning Commission Case 25-13. Our objective in reviewing the draft zoning text amendments was to assess how the vision and policies outlined in the Wisconsin Avenue Development Framework (WADF) would be fully implemented by these amendments. As we mentioned in our meeting, we support the design elements included in the draft amendments and agree that they will contribute to achieving the WADF vision. We believe that this proposal is a major advance in using a more form-based approach to guiding development to realize the vision of the WADF and the Comprehensive Plan while creating a more predictable process. We understand OP's decision not to rely on a discretionary Design Review process and, instead, use the zoning text to provide the guidance for how new and redeveloped buildings will foster a walkable public realm.

However, this decision not to use a Design Review process places a new challenge on the text provisions to address the design vision as definitively as possible. We suggest that some key provisions be refined or added to provide additional and more certain guidance. Our recommendations would clarify the review and approval process and ensure that by-right development would meet the District's high standards for walkable, mixed-use development in a high-quality public realm. We believe that with some essential but minimal additional effort—outlined below—these key elements could be incorporated, making it easier and more efficient to create the buildings and public realm envisioned in the WADF.

In this memo, we offer examples of where the draft amendments could be refined, provide examples of other form-based codes, and suggest steps that OP could take to test and improve the WADF draft amendments. As we prepared this memorandum, we consulted

some of the leading form-based code writers and administrators in the country. These experts acknowledged the design standards included in the amendments. They also identified gaps that could make the current draft difficult to follow and lead to less than optimum outcomes. These discussions have led us to suggest the approach outlined below.

Examples for Clarifying By-Right Option in the Draft Amendments

A quick review by an experienced administrator of form-based codes identified three areas where greater clarity could go a long way to achieve the WADF vision and make the code more user friendly. In particular, the administrator mentioned:

- **Clarification of definitions and measurement methods** (e.g. angular planes, transparency) to provide greater specificity and mitigate the need for applicants to reconcile or interpret conflicting or nonspecific guidance.
- **Provide measurable standards** to achieve urban design objectives.
- **Provide for more flexibility in administrative review and approval**, based on specific criteria, to enable a more efficient and effective approval process to ensure compliance.

Examples of proposed clarification/additions to the draft amendments are shown in the attached table.

Examples of Form-Based Codes in Other Cities

Modern day form-based codes (FBCs; also called design or character-based codes) emerged more than 40 years ago to allow for and encourage mixed-use, walkable development set in a high-quality public realm. Today, citywide and district-based FBCs are used by many cities to shape diverse and more equitable development in downtowns, neighborhood centers, and important mixed-use corridors. Below are links to four award-winning codes from across the country. If you have not seen them, we recommend taking a look at these examples of what high quality, innovative codes might offer administrators, developers, and residents in the WADF area.

South Bend, IN (population 104,000) The [South Bend, IN Form-Based Code](#) and interactive [Zoning Map](#) are among the most user-friendly codes in the country.

Buffalo, NY (population 277,000) This city's [comprehensive/strategic plan](#) and [Green Code](#) (zoning ordinance) have spurred significant infill, mixed-use walkable development and redevelopment in this Rust Belt city.

Las Vegas, NV (population 679,000) The [Las Vegas Zoning Unified Development Ordinance](#) is an excellent example of a citywide form-based code--organized by districts--

for a city of comparable size to Washington. The [2025 Master Plan](#) sets the framework for compact, equitable, resilient growth.

Nashville/Davidson County, TN (729,000 population) The Metro Nashville [website](#) describes it as “...focused on how properties interact with their surrounding neighborhoods to promote and support things like quality of life, public safety, and a better built environment.” There is a separate code for the [Downtown](#) and [Urban Design Overlays](#) for designated areas.

We believe that, with a modest amount of tweaking, the proposed zoning could provide clearer guidance, promote consensus and make the code easier to use. The images below are excerpted from two of many good examples of form-based codes. In the [South Bend Code](#), for example, the introduction to the code includes a step-by-step guide for how to use the code and illustrations and explanations throughout the code communicate the vision and specific standards clearly.

How to Use this Code

1. Find your Property on the Zoning Map
Identify which zoning district applies to your lot or best matches the character, use, and intent of your project. The Zoning Map may be found on the City of South Bend website.

2. Review and Comply with the Development Standards
Understand the character and intent of the zoning district and comply with all the regulations specific to your district.

21-02. Definitions and Measurements
Review this section for definitions of terms found throughout the Ordinance and for explanations of dimensional regulations or measurements that are found in each zoning district.

21-03. Standard Districts or 21-04. Special Districts
Apply all development standards for the applicable zoning district.

21-05. Overlay Districts
If your development is within a Historic Preservation district or the Northeast Neighborhood, comply with the provisions of this section in addition to the standards of the zoning district.

Review the following sections for further information on the development standards:

21-06. Uses
Review this section for all principal and accessory uses that are permitted in your zoning district and identify any additional standards that may apply to the applicable use or uses.

21-07. Access & Parking
Review this section for additional regulations related to pedestrian access, bicycle parking and access, vehicle parking and access, off-street loading, and private streets and alleys.

21-08. Building Standards
Review and apply this section for additional building design regulations. If your building is within a Standard District, you must select which building type applies.

21-09. Site Development
Review this section for additional regulations related to landscape, fences and walls, stormwater, outdoor lighting, and performance standards.

21-10. Signs
Review this section for additional regulations related to signs, including exempt signs, prohibited signs, temporary signs, on-premise signs, off-premise signs, and special use signs.

Section 21-01

Sections 21-02 to 21-10

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September 27, 2021

INTRODUCTORY PROVISIONS

Zoning Map & Districts

21-01.02

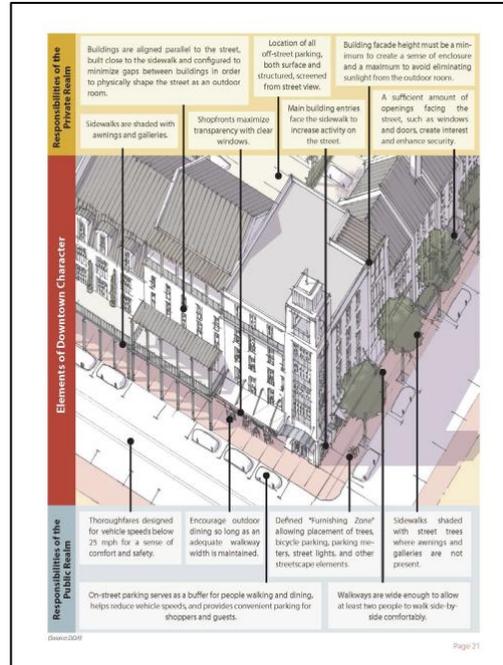
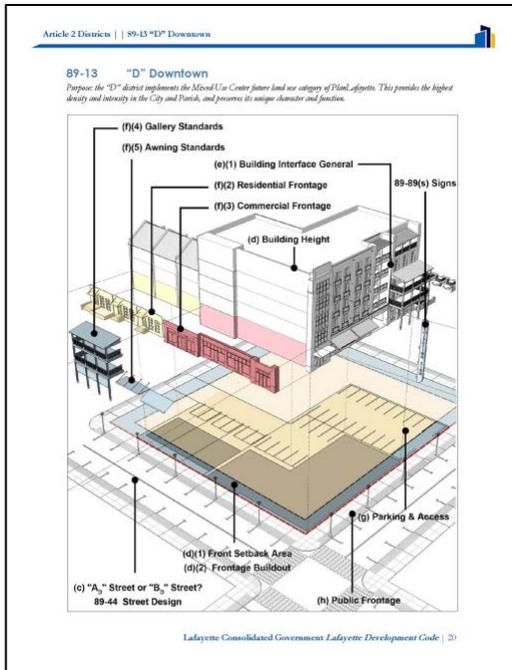
MORE URBAN

U3 Urban Neighborhood 3	UF Urban Neighborhood Flex	NC Neighborhood Center	DT Downtown
<p>The U3 District is established to provide for, promote, and maintain the development of a full range of housing types located near neighborhood centers and along major streets in urban neighborhoods in core and outlying areas of the City.</p> <p>Single unit, two-unit, and multi-unit residential development, together with ADUs.</p> <p>Buildings with modest setbacks and mixing building footprints that create a consistent block face along smaller city blocks.</p> <p>Detached garages or shared parking accessed from an alley.</p> <p>Pedestrian-oriented scale with sidewalks and street trees.</p>	<p>The UF District is established to enhance and support a full range of housing types and small-scale commercial uses found outside neighborhood centers in core and outlying areas of the City.</p> <p>A mixture of single unit, two-unit, multi-unit, and ADUs, integrates limited small-scale office, commercial, and institutional uses that are compatible in scale.</p> <p>Buildings with smaller setbacks create a consistent block face along smaller city blocks.</p> <p>Detached garages or shared parking accessed from an alley.</p> <p>Pedestrian-oriented scale with sidewalks and street trees.</p>	<p>The NC District is established to provide higher intensity urban neighborhood centers, typically located near the intersection of major streets in core and outlying areas of the City that are well connected to surrounding neighborhoods.</p> <p>A mixture of storefront retail, professional offices, and dwelling units located in townhouses, apartment buildings, and in the upper stories or rear of mixed-use buildings.</p> <p>Buildings with active building footprints set at or close to the sidewalk.</p> <p>Pedestrian-oriented scale with sidewalks and street trees.</p>	<p>The DT District is established to promote the development of the downtown region of the City of South Bend as a high intensity urban center for a multi-county region.</p> <p>A mixture of mid-rise and high rise mixed-use developments including a variety of compatible building types and urban uses.</p> <p>Buildings with active building footprints set at or close to the sidewalk.</p> <p>Pedestrian-oriented scale with sidewalks and street trees.</p>
<ul style="list-style-type: none"> ■ Carriage House ■ Detached House ■ Cottage Court ■ Duplex ■ Townhouse ■ Apartment House ■ Stacked Flats 	<ul style="list-style-type: none"> ■ Carriage House ■ Townhouse ■ Cottage Court ■ Duplex ■ Townhouse ■ Apartment House ■ Stacked Flats ■ Shop 	<ul style="list-style-type: none"> ■ Carriage House ■ Townhouse ■ Apartment House ■ Stacked Flats ■ Shop 	<ul style="list-style-type: none"> ■ Townhouse ■ Apartment House ■ Stacked Flats ■ Shop ■ Mid-Rise/Tower

SOUTH BEND ZONING ORDINANCE
1-7

Source: [City of South Bend Zoning Ordinance](#)

The Downtown Development Ordinance in Lafayette, LA includes highly detailed graphics showing developers and the public how standards fit together and how buildings are expected to fit within a high quality public realm.



Source: [City of Lafayette, LA Downtown Ordinance](#)

Next Steps for the WADF Text Amendments

Given the current lull in financing and construction, we believe that OP could take the opportunity to strengthen this proposal. We ask OP to pursue a modest amount of additional analysis and revision to the proposed zoning text amendment to ensure that they will enable the District to achieve the vision set out in the WADF. We urge you to take the following steps—which we believe can be accomplished in the timeframe of a few months—to make helpful changes. These steps can be done as a follow-on to the December 11, 2025 hearing, where we are considering presenting this approach to strengthen implementation of the WADF to the Zoning Commission.

Step 1: Review form-based codes from other cities—Many cities of various sizes across the country have adopted form-based codes—either citywide or for special districts. These vary significantly in their approach, scope and provisions. A review of several of these, ideally with discussions with the local officials who administer them, could provide a range of ideas and models.

Step 2: Consult form-based codes experts—We strongly encourage OP to meet with consultants and practitioners who have a wealth of experience in drafting and administering form/design-based codes. Many of these are willing to meet virtually to

discuss how these codes work in other communities and, possibly, discuss the likely results of the amendments as currently written.

Step 3: Review the draft amendments--Ideally, OP would contract with consultants who draft form-based codes to: 1) review the current amendments; 2) create images of the type of development that they would allow by-right under the current draft; 3) suggest revisions, if needed; and 4) prepare images of the type of development that would be permitted, if the revisions were made. Our initial discussions with some of these experts suggest that useful input could be obtained for a fairly modest sum.

Step 4: Test it out—A discussion with developers who have a track record of successful projects that embody the type of development called for in the WADF can be invaluable in testing the draft amendments. We believe that ULI Washington would be willing to work with OP to convene this group. Developers would be asked to review the draft amendments, identify what works and what could be improved, and suggest changes—both in the regulations and the process.

Step 5: Revise the draft amendments, based on the input from experts and developers

Expected Outcomes

The WADF offers an excellent opportunity for DC to experiment with innovative zoning. The Framework is visionary and specific with regard to the type of walkable, mixed-use, human-scale development that would be welcome in neighborhood centers and corridors across the city. The proposed zoning text amendments also provide the chance to streamline the administrative process to encourage developers to “do the right thing.” If done right, the WADF zoning amendments will result in:

- Zoning that is more specific and user-friendly;
- De-mystify zoning so that it channels more constructive and informed community input from plan to project implementation;
- Better and more by-right development consistent with the vision outlined in the Wisconsin Avenue Development Framework;
- A faster and more certain review and approval process with fewer legal challenges;
- A model for zoning innovation, which can be adapted for other neighborhoods in the city; and
- A better tool for OP staff to use in preparing the new comprehensive plan by making it easier for residents to envision what possible changes in land use recommendations could mean for their neighborhoods and to be more confident that new development will live up to the vision.

We urge you to consider these suggestions and we stand ready to help in any way we can. We appreciate your consideration and look forward to working with you on this important and far-reaching project.

Examples for Clarifying By-Right Option in the Draft Amendments

Provision	Clarification Questions	Possible Solutions
Setbacks, Angular Planes	<ul style="list-style-type: none"> ● How are angular planes determined on irregular lots? ● Can the developer shift massing to fit site constraints without a variance? 	<ul style="list-style-type: none"> ● Define specifics of measurements in text ● Add diagrams ● Allow staff to approve ≤10% dimensional adjustments for site constraints.
Ground Floor Transparency and Accessibility	<ul style="list-style-type: none"> ● Is transparency measured from 0 feet to 15 feet above grade? ● Does tinted/fritted glass count? 	<ul style="list-style-type: none"> ● Add definition: e.g. 2'-10' above grade, clear or low-E glass, VT ≥ 0.6; exclude mirrored/tinted/spandrel glass ● Require calculation method in submittals. ● Allow staff to approve 10% dimensional adjustments for site constraints.
Mid-block Corridor Requirement	<ul style="list-style-type: none"> ● Is this a public easement, dedication of right of way, or just a private pass? ● Who maintains it? ● Can it be gated at night? ● Is the exact location set and if so, is there any administrative flexibility? ● What are the required furnishing details? For example, what kind of lighting is required? 	<ul style="list-style-type: none"> ● Require recorded Public Use Easement or dedication. Without a public easement, the space is private and could be closed. ● Specify: minimum 25' clear width, ADA compliance, maintenance/security provisions, signage, lighting, no closure without Zoning Commission or BZA approval.
Adaptive Reuse	<ul style="list-style-type: none"> ● If reusing an existing building, does the developer have to meet all new transparency/entrance rules? ● Is there administrative flexibility for structural constraints? 	<ul style="list-style-type: none"> ● Add an adaptive reuse section ● Allow retention of existing non-conforming transparency, entrance spacing, setbacks, lot occupancy if life-safety met

Table: 1

Provision	Clarification Questions	Possible Solutions
	<ul style="list-style-type: none"> • Are there criteria for alternative compliance? 	<ul style="list-style-type: none"> • Guidance for the Zoning Administrator that any façade changes must improve pedestrian experience
Administrative Flexibility	<ul style="list-style-type: none"> • Are there options for administrative approval of minor adjustments without a full BZA/ZC case? • What is the threshold for administrative approval? 	<ul style="list-style-type: none"> • Add administrative adjustment provision: e.g. “Zoning Administrator may approve ≤10% deviations for site constraints, documented in public record.” Ideally, the adjustment would be contextual and not broadly applied. See Example Admin Flexibility Chart
Coordination with DDOT	<ul style="list-style-type: none"> • Is DDOT approval required before zoning approval can occur, or can reviews run parallel? • What specific requirements does DDOT have to ensure that the public realm—both publicly and privately controlled—contributes to achieving the WADF vision? 	<ul style="list-style-type: none"> • Specify that DDOT confirmation is required for public space/transportation elements before zoning permit is granted • Specify that these reviews will occur, ideally with OP’s participation along with DDOT.

Table: 2