Denver's enormous code may be destined for City of Tulsa

by Randy Bright http://www.tulsabeacon.com/?p=4269#more-4269

The City of Denver has just released its new zoning code, eight years after it adopted its comprehensive plan, written by Fregonese Associates.

The new zoning code, produced by Code Studio in San Antonio, is a whopper, a full 1,024 pages of text and diagrams that breaks down the city into a multitude of zones describing what is allowed and required in each of them. It will take some time to digest such a large document, so it will be a while before I can offer any detailed comments on it.

It is, however, important for Tulsans to get to know this code, because John Fregonese told me some time ago that he would recommend that Code Studio write our zoning code after the comprehensive plan was done. I suspect that the City of Tulsa will accept that recommendation, and eventually we will have a new zoning code similar to Denver's.

Fortunately, the Denver Zoning Code is downloadable in pdf format so that you can search it for key words. Unfortunately, I was unable to download their zoning map in a format that was legible, but perhaps they will correct that later. Without it, I found it difficult to ascertain from the code whether or not there is an urban growth boundary.

The immediate question is whether or not such a leviathan code can help Denver accomplish its goals.

Witold Rybczynski, an architect and Professor of Urbanism at the University of Pennsylvania, thinks that planning on such a scale is not such a good idea, quoting classic urban planner Daniel Burnham (1846 - 1912) who said, "make no big plans, only small ones."

Rybczynski, who also teaches in the real estate department of Wharton Business School, believes that "centralized city planning is not the answer to the problems facing American cities."

In an article that ran on slate.com entitled, "Don't Plan On It," Rybczynski said that "…in the last 40 years, our faith in centralized city planning has changed radically. In short, we've lost it. The last binge of planning in the 1960s produced urban renewal, city expressways, and acres of housing projects from which many cities are still only partially recovered. Urban renewal destroyed rather than repaired inner-city neighborhoods, expressways promoted urban blight, and the projects proved environmentally and socially dysfunctional."

Rybczynski continued, "In projects large and small, real estate developers have replaced city planners and bureaucrats as the chief players on the urban scene, restoring neighborhoods, attracting residents to downtowns, helping to create the amenities that keep them there. The important lesson is not that city planning is unimportant, but, rather, that urban development should not be implemented by the public sector alone, and that in a democracy, a vision of the

future city will best emerge from the marketplace… The simple truth is that successful city-building is less about big moves and more about perseverance and day-to-day management."

I agree. The best way for the City of Tulsa to grow is not to restrict itself with a thick book of rules designed to cause conformity to a preconceived idea. The fact is, the more you regulate something, the less you will have of it, so if we want more development, we need to regulate it less, not more.

Proponents of complicated form-based codes argue that extensive and detailed codes create the predictability that they believe developers want in order to streamline the planning and approval process, but I think what developers really want is for a city to appreciate their investment enough to not subject them to endless bureaucratic scrutiny, after which they have little assurance that their projects will be approved within a reasonable amount of time, if at all.

It is not unusual for cities that have adopted these kinds of codes to run developers and individual builders through the bureaucratic wringer, often taking years, that is unless they design their projects with exact conformity to the code, a conformity that might not be what the marketplace desires. It might be unusual or not, but cities have used the system to prevent projects they don't want but can't deny outright, by simply causing their applicants to spend themselves into oblivion or surrender.

Unfortunately, once a city has invested millions of dollars, thousands of hours, and over a decade in writing a new comprehensive plan and zoning code, who is going to be willing to admit that it is already obsolete before the ink is dry? Only after a few more decades have passed will someone finally complete the cycle and announce once again that our old plan was misconceived and out of date, and it's time for a new one. It will be interesting to see how well it works for Denver, because frankly, they are going to be stuck with it for a very long time.

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