

# Form-based Zoning & Reinventing Malls in a Post-COVID World



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For many years, well before “coronavirus” became a household word, there was rampant speculation about the demise of American shopping malls and many big-box retailers. The economics and convenience of online commerce have forever changed the way people shop; Amazon is among the nation’s top five companies by revenue. Once-bustling retail center parking lots are now empty grayfields, sprouting weeds.

And now the extraordinary and far-reaching impact of the COVID-19 pandemic, which temporarily shuttered retail establishments and resulted in nationwide unemployment numbers not seen since the Great Depression, has only accelerated this process. Silent cash registers have created a ripple effect, as tenants miss their rents and owners fall behind on loans. According to a recent Bloomberg article, an index that tracks mall REITs has plunged 34 percent this year.

Now more than ever, economically obsolete retail sites dotting the American landscape will need significant focus and attention — from their owners, from elected officials, and from the communities that surround them. Those who hold a stake in the futures of these sites need to assess a variety of questions and considerations:

- Malls and retail outlets are typically sited on high-value land, with proximity to major roadways and infrastructure. What is the best way to make use of “dead” land that has so much potential?
- What zoning requirements exist for these sites — what restrictions are in place? And if these restrictions were not a factor, what would the possibilities be? Could these sites be educational centers? Sports facilities? Retirement communities? Distribution Centers? Parks and recreational space?
- Communities typically have a lot to say about the types of development they will tolerate — and if a proposal is unpopular, they will rally in opposition to it. What steps can be taken to engage the community, and to help residents understand how sites can be repurposed and reinvented, turning around blighted sites and rebuilding an important tax base?

At T&M Associates, we have experienced engineers and planners recommending form-based zoning as an approach to tackle the redevelopment of these sites. We believe this will be crucial to helping developers and

municipalities restore and reinvent these properties — while ensuring that plans align with the community's needs and desires.

Unlike conventional zoning, which is based on the idea that each site's use and bulk-zoning requirements should be established from a predetermined set of standards, form-based zoning is organized around the physical form of the development in space. This allows communities to transform a site based on form and substance first, and then create the zoning text to align with this form. It creates a form-based visualization of the project and a clear vision for the site. This process, which promotes walkable spaces that preserve and complement the existing community, creates predictability for both the town and developer and typically involves streamlined approvals and fewer Zoning Board and Planning Commission meetings.

What are the first steps for developers? Put together a strong team — including planners, engineers and land-use attorneys that are experienced in navigating a form-based zoning process. Engage stakeholders early and communicate with them regularly. Be prepared to collaborate with the community on a clear vision for the site, and be ready to follow that vision through to completion.

The mall as we once knew it may be a thing of the past. But the spaces they once occupied can play a vibrant role in the future of our communities.