



**Statutory Authorization:** 24 V.S.A. §§4410, 4414(1)(E), 4433, 4464

**Type:** REGULATORY

**Related Topic Areas:** Growth Centers; Downtown Revitalizations; Historic Preservation; Land Use & Development Regulations; Zoning Regulations

## Design Review

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### Overview

Formal planning in the United States has long been concerned with the quality and design of the public realm. The first modern example of unified urban design was demonstrated at the 1893 Chicago World's Fair, in the form of architect Daniel Burnham's "Great White City." This exhibition spawned a nationwide City Beautiful Movement that promoted the functional and visual integration of the built environment, emphasizing the design of public spaces, including public parks, buildings, monuments, and streetscapes. Advocates of the City Beautiful Movement, led by prominent businessmen, were among the first to recommend laws that would require integrated street design through the regulation of building heights and setbacks.

As zoning evolved over the twentieth century, however, the use or function of land took precedence over the form of development. National zoning models called for the separation of uses, connected through an expanding network of streets, highways, and commercial strips, which now dominate our auto-oriented landscape. The local regulation of aesthetics and design was considered questionable at best: it was often argued that aesthetics fell outside the purview of local zoning and that design requirements discouraged new growth and development by adding to the cost of construction.

In the past twenty-five years—in large part in response to the national "franchising" of local landscapes through formulaic architecture—there has been renewed interest in regulating the design of development to



**The higher densities of compact pedestrian-friendly neighborhoods—whether a downtown street or village green—require a harmonious approach to design and a high quality of construction. By establishing standards for siting, layout, and building and landscape design, towns can create a shared template for new development that enhances the quality of proposed neighborhoods.**

protect the character and sense of place that is unique to each community. As Edward T. McMahon, a noted planner, attorney, and former president of Scenic America, has observed: "Without thoughtful attention to design, a town will become 'Anywhere USA.' Design of a community

communicates what it is."

Design regulations also have been shown to have economic benefits—they allow for higher densities of development, increase property values, and create attractive neighborhoods and communities that encourage new investment.

Most states, including Vermont, now specifically allow for local design regulation to protect the character of urban, village, and rural landscapes. Design regulations, as all local regulations, must conform to an adopted municipal plan.

## Application

One of the most effective ways to protect community character, including the character of the built environment, is to regulate the siting, layout, and design of new development and construction. Design is always a consideration, if not always identified and regulated as such:

- Design elements are inherent in even the most basic zoning requirements, including lot size, setback, coverage, building height, and off-street parking standards.
- Site plan review offers an additional tool to more carefully regulate site layout and design—including the placement and orientation of buildings in relation to neighboring parcels, local streets, internal site circulation, and parking areas.
- Conditional use review under zoning can be used to address the visual or aesthetic impacts of development and include related site layout,

### Design Matters

“Travel teaches you many things, not the least of which is that the world doesn’t have to be ugly. ...

While good design can mean more tourists, increased jobs, a better tax base, increased property values, and a better quality of life, bad design or no design can lead to polarization and citizen opposition to new development. Without doubt, there would be far less opposition to new developments, of all types, if builders, developers, and public officials paid more attention to the appearance, design, and compatibility of the new development with the existing natural and architectural character of our communities.”

Source: Edward T. McMahon, *Planning Commissioners Journal*, No. 21 (Winter 1996).

design, buffering, and screening requirements.

- Subdivision regulations also typically include basic design criteria for the layout and design of lots, streets, open space areas, and supporting infrastructure.

**Design Review Districts.** The Vermont Planning and Development Act (24 V.S.A. Chapter 117) more specifically allows for design review in association with the designation of “design review districts,” which, in statute, are very broadly defined. Design review districts, in their development and application, are in many respects similar to historic districts, which are also allowed under Chapter 117. (See related topic paper.) Design review districts, however, are much more flexible in their scope and application. They can be used to protect the character of downtowns and residential neighborhoods, to promote the redevelopment of commercial strips and business districts, and to integrate the pattern and form of development in designated new town centers and growth centers.

Design districts are often defined as overlay districts that regulate the design of development in one or more underlying districts, in accordance with stated district purposes and objectives. In Vermont, design districts often include, or overlay:

- historic village or neighborhood districts
- downtown and central business districts
- commercial and industrial districts, including industrial and office parks
- gateways that mark the entrance or transition to village and urban centers
- rural landscape districts
- viewshed districts

In 2006, around thirty Vermont municipalities have enacted some form of design review. Design review regulations are frequently used to meet the local planning commitment required for state designation as a downtown, village, or new town center under the Vermont Downtown

## Where Do Design Review Districts Belong?

24 V.S.A. §4414(1)(E)

A design review district may be created for any area containing structures of historical, architectural, or cultural merit and other areas where there is a concentration of community interest and participation, such as a central business district, civic center, or similar grouping or focus of activities. These areas may include townscape areas that resemble in important aspects the earliest permanent settlements, including a concentrated urban settlement with striking vistas, views extending across open fields and up to the forest edge, a central focal point and town green, and buildings of high architectural quality, including styles of the early nineteenth century.

Program (24 V.S.A. §793[1]).

In short, a design review district:

- encompasses an area containing structures, townscapes, or landscapes of historical, architectural, or cultural merit;
- is defined by boundaries identified under local zoning;
- includes enforceable design criteria, or standards, that address specific design considerations; and
- is administered by the appropriate municipal panel specified in the regulations, often in association with an advisory design review board or committee.

Once a design review district is designated under local zoning, no structure may be erected, reconstructed, substantially altered, restored, removed, demolished, or changed in use or type of occupancy without local review and approval by the planning commission, zoning, or development review board.

**Design Plan/Report.** Design review regulations—because they are so broadly defined in statute, but so specific in their local application—take time, effort, and often some outside expertise to develop. Under Chapter 117, the planning commis-

sion is responsible for preparing a report that describes “the particular planning and design problems of the proposed district” and sets forth a “design plan” that includes recommended planning and design criteria to guide future development.

The purpose of this report is to document the design context for the district, including design issues that need to be addressed in the regulations and the standards of review. The Vermont Division for Historic Preservation has published a *Design Resource Guide* (1997), which provides useful guidance for report preparation.

Community involvement at this stage is critical for the process to gain public support. A variety of “visualization” techniques are available for this purpose, including:

- *Neighborhood tours and forums*, led by knowledgeable community members or experts, highlight and provide feedback on design issues within targeted areas of the community.
- *Design charrettes* are intensive, facilitated community design workshops that focus on the layout and design of a particular area or neighborhood and include, as participants, both community members and experts from a variety of fields.
- *Visual preference surveys* are group surveys that use images of different

forms and densities of development to determine which are most acceptable to the community.

- *Visual simulations*, which include photographic or computer-generated simulations and modeling, show what new design features or elements will look like in relation to their setting and context.

The planning commission must also hold a warned public hearing on the design report prior to forwarding it to the legislative body with a recommendation to adopt design regulations.

**Design Standards.** The regulations should include clear, enforceable design standards that are specific to the setting, context, and character of the district and are consistent with district objectives. Only through the application of clear standards can local review panels render consistent, predictable decisions and avoid charges of subjectivity that are common in design review. The standards should be tailored as needed to meet community objectives without being so restrictive that they’re unacceptable to local property owners and voters. Again, community and property owner involvement is critical.

The following types of standards are often found in design regulations and are illustrated in more detail in associated guidelines.

- *site layout and design standards*, including standards for the placement and orientation of buildings and parking areas in relation to adjoining structures, streets, and greens
- *building height, scale, and massing standards*, including standards that regulate the overall size, volume, and form or shape of buildings in relation to their context
- *building design standards*, including standards for roof shapes and lines, facades and fenestration (window and door openings), materials, color, and architectural details
- *streetscape standards*, including “build-to” lines and standards for street design, street lighting, trees, street furniture, pedestrian sidewalks or

## Standards or Guidelines?

**Design standards** are enforceable review standards that are used to achieve district objectives and are specified in the regulations.

Many communities also develop **design guidelines** that illustrate and explain design concepts and provide guidance in meeting applicable design standards. Often guidelines are published as a separate guide or handbook that may be referenced in the regulations or simply used as a planning and educational tool.

The report prepared by the planning commission, if presented in detail, can serve as the district design handbook.

paths, and transit stops

- *landscaping standards*, including the type and placement of landscaping elements around buildings and parking areas, within streetscapes, and for screening
- *sign standards*, including number, location, height and area, lighting, and materials

### Design Review Commission.

Chapter 117 also allows for the municipal appointment of an advisory design review commission to include members with expertise in the fields of architecture, landscape architecture, urban planning, historic preservation, and related disciplines, a majority of whom should reside in the community (§4433[4]). The design review commission is authorized to assist the planning commission in preparing design district reports and related standards and guidelines. The design review commission, if authorized under local regulations or by resolution of the legislative body, can also serve in an advisory capacity under related regulatory proceedings (§4464). Accordingly, the design review committee may:

- review applications and prepare recommendations under applicable design review criteria;
- meet with the applicant, interested parties, or both;

## Report Preparation

1. Define preliminary district boundaries.
2. Establish district design goals and objectives.
3. Decide on a common design vocabulary.
4. Prepare base maps.
5. Conduct historic, land use, and visual surveys or inventories of the proposed district.
6. Identify and describe district design problems and objectives (context).
7. Develop design review standards and guidelines.

Source: Adapted from the Vermont Division for Historic Preservation’s *Design Review Resource Guide* (1997).

## Form-Based Zoning

**Form-based zoning**—developed and promoted by urban designers and architects as an alternative to standard “Euclidean” or dimensional zoning—emphasizes form over function. The basic premise of form-based codes is that the regulation of physical form, rather than use, is key to producing a better built environment.

**Conventional zoning**, because it focuses on density and the separation of uses rather than design, has been held responsible in large part for the proliferation of “cookie-cutter” subdivisions, commercial strips, low density development and sprawl. “Smart codes” and other types of form-based zoning, on the other hand, are contextual in nature. They focus on regulating the form or design of development in relation to its context. Form-based zoning places primary emphasis on building orientation, types, dimensions, facades, and streetscape design rather than uses or densities of development, and typically exhibits the following characteristics:

- Standards are defined for districts, including downtowns, neighborhoods, or transportation corridors that call for

integrated design. Transect-zoning, developed by Andres Duany, one of the founders of New Urbanism, defines design standards for zones along a transect or cross section of the community that extends from an urban core to outlying rural areas. Standards for the pattern and form of development vary by district, based on a district’s design context or location along the urban-rural transect.

- Standards emphasize the form of the built environment, rather than density and use, recognizing that uses may change over time, but buildings endure. Form-based codes rely heavily on illustration and graphics, rather than text, to present design concepts and standards.
- Design standards don’t preclude—and therefore allow—a mix of uses and housing types located within close proximity to each other.
- Greater attention is given to the design of the public realm—including streetscapes, parks, and other public spaces—and how these are defined in relation to the built environment.

The preparation of form-based codes typically involves:

- An inventory and analysis of existing conditions, including existing building

types and design elements.

- An intensive, collaborative public visioning and design charrette process that includes both design professionals and local community members.
- Defining districts based on inventories of existing conditions and the proposed design context established through the public charrette process.
- Developing district standards, including standards for layout (streets, blocks, building placement, height) and for building design (building and frontage typologies, architectural details).
- Illustrating standards in a format that is graphic, jargon free, and easy to understand and apply.

Form-based codes do not readily address the impacts of land use, and can be very expensive to develop, especially on a town- or citywide basis. As a result form-based zoning is rarely adopted in its pure form, except as it may apply to new town or growth centers. Form-based zoning is not specifically enabled for use in Vermont, as in some states, but many of the principles and processes associated with form-based zoning can be applied under local design review.

- conduct site visits and perform other fact-finding as needed to prepare recommendations;
- inform applicants in advance of a public hearing of negative recommendations and suggest remedies for addressing deficiencies in the application; and
- present recommendations to the appropriate municipal panel prior to or at the warned public hearing on the application.

## Considerations

Design is inherent and should be considered, in the development and application of all local land use regulations. The designation of design review districts under zoning allows a community to establish and apply locally relevant and acceptable design regulations that can be administered by existing commissions and boards. Additional administrative capacity is

not usually required, though additional expertise is often needed to develop design standards and guidelines and to help administer the regulations. The appointment of a design review commission can be used to tap the expertise of local community members and to involve more people in the design review process.

Aesthetic standards—and architectural standards in particular—are often considered overly restrictive but are gaining acceptance for use in historic, downtown, and village districts and in communities that are attracting national chains. All design standards and guidelines should be presented in enough detail to provide clear and consistent guidance to boards and applicants; illustrated standards and guidelines are especially helpful. Without clear standards, design review can be arbitrary, subjective, and subject to legal challenge.

## Resources

Many excellent examples of design standards and guidelines are available nationally (see [www.vpic.info](http://www.vpic.info) for access to these and other examples). Vermont examples include:

- Bennington’s Design Standards for their Planned Commercial District (available online)
- *Design Guidelines for Manchester’s Commercial and Historic Districts*
- *Designing Your Corner of Vermont*, Vermont Arts Council
- Burlington’s series of design papers, presented by topic
- *Vermont Interstate Interchange Planning and Development Design Guidelines*, Vermont Department of Housing and Community Affairs