Design Review: 
A Viable Option for Town Planning

By

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Abstract
Many small towns in the United States, faced with rapid development, have instituted comprehensive plans aimed at managing growth and preserving local character. Though a variety of growth management tools exist for such towns, the establishment of local Design Review Boards, for areas beyond historic district boundaries, is gaining momentum throughout the nation. Yet, design review is still a controversial issue for municipalities and the process for establishing design review boards is wrought with conflict and barriers. This paper evaluates the validity of establishing a design review process in the Town of Hillsborough, North Carolina and assesses the obstacles associated with design review based on case studies of three comparable towns. The case studies include; Beaufort, South Carolina, Mill Creek, Washington, and Montpelier, Vermont, all of which have successfully integrated design review into the practice of town planning. Based on in-depth interviews with town planning staff in each of the cities as well as a review of secondary literature, regional data, local zoning codes, and public records this paper examines the merit of design review and prescribes a strategy for the establishment of a design review process in Hillsborough.
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I. Introduction

Definition of Issue and Solution

The Town of Hillsborough is located in the central piedmont region of North Carolina about 20 miles west of the Research Triangle Park, RTP. Hillsborough has a total population of about 6,000 residents. It is the historic capitol of the state and the current county seat for Orange County. The total land area of the town was 4.6 square miles in 2000, though additional land has been annexed as the result of recent development. (US Census 2000) Interstates 85 and 40 run south of town and represent major transportation corridors in the state. The economy of Hillsborough is largely based on tourism and retail. The adjacent towns of Chapel Hill, Durham, and Raleigh, as well as the RTP, are major places of employment for Hillsborough residents.

The Town of Hillsborough, in anticipation of rapid growth and development, appointed a Vision 2010 Plan Committee in 1990 and, in 1991, adopted the Vision 2010 plan prepared by the committee. The Vision 2010 Comprehensive Plan was updated in March 2000. Managing growth so that it enhances and complements Hillsborough is the first goal stated in the Vision 2010 Plan. In order to fulfill this goal the plan called for the establishment of a Design Review Board and the development of design guidelines addressing neighborhood compatibility. Yet, this objective was never met. Fifteen years have passed since the Vision 2010 Plan was initially adopted and commercial and residential development has gained momentum. Now the Town is faced with multiple large-scale development proposals with limited design review procedures in place to monitor and manage the growth. The pace and scale of growth threatens the ability of the Town to successfully integrate new development with the historic fabric of the town.

Design review is a planning tool aimed at promoting community character by ensuring the compatibility of new construction with existing development. The Town of Hillsborough has an appointed Historic District Commission that is responsible for design review within the designated historic district but which has no jurisdiction beyond the district boundaries. Yet, currently the majority of growth and large-scale development is happening along the town’s main transportation corridors, not within the historic district. The establishment of a design review process is essential in order to fulfill the goals laid out in the Hillsborough Vision 2010 Plan. Yet, there is no one model for design review. Instead, design review takes many forms and local design review boards have a wide range of missions, powers, strategies, and procedures. Communities that have instituted design review have discovered various obstacles and legality issues related to the process and serve as resources while the institution of a design review
process is considered. Among the main obstacles are the regulatory rights of the Town over private development, consistency in the review process, and community opposition. The most effective steps to ensuring that the design review process is legally sound and that it functions as a benefit to the community is developing clear and consistent guidelines and gaining public support.

II. Purpose of Research

Methodology Overview

This study is structured as a research paper that relies on interviews, analysis of local data, public records, and zoning ordinances, as well as an evaluation of related literature. Through the mechanisms of case study comparison and analysis of design review practices, this paper will propose recommendations for the development of a design review process in Hillsborough. The recommendations will include guiding principles and specific tools available to the Town that will aid in the successful formation of a design review process.

Scope of Research

This research will pose value to the Town of Hillsborough as well as the greater field of town planning. Though, design review has been studied extensively for use in historic districts, little research has been compiled regarding the application of design review protocol beyond historic district boundaries. Yet, design review processes and policies can be instrumental mechanisms for promoting compatibility of form, environment, and character throughout a town’s planning jurisdiction. This paper will seek to prove that design review is a viable option for town planning and has value as a tool to be used by municipalities that are seeking mechanisms for controlling growth. Key findings, based on the case studies and review of design review literature, will be compiled in recommendations package that includes guiding principles and useful techniques for small towns that are considering establishing design review boards and adopting design review guidelines. Major barriers and issues will also be identified, and the tools that are available to construct a legally defensible design review process will be presented.

Limitations

The research presented will have the most value to small towns that are comparable to Hillsborough, NC because the cases studied share specific characteristics with Hillsborough. Further research is needed to establish best practices for design review in larger urban areas.
Also, because the power for municipalities to implement development control mechanisms vary between states, this research is limited based on state enabling legislation and political context. Design review is an emerging planning approach but is not used consistently across the nation. There are many ways to tailor design review tools, approaches, and policies to best complement the individual needs of a town. Further research is needed at local levels to establish the legal precedent and to identify design review strategies that most benefit a particular region.

III. Methodology

*Analysis Strategy*

Analysis of current interest and need by the Town of Hillsborough in establishing a Design Review Board will be determined through an in-depth interview with the Town’s Planning Director. The interview will provide information on development trends in Hillsborough and the current process used to review new construction and redevelopment. Also, the implementation procedures for the Vision 2010 Plan will be investigated.

In order to determine the most appropriate process for the establishment of design review in Hillsborough, analysis of comparable case studies will be employed. The three towns selected for case study were chosen based on shared characteristics with Hillsborough including; size, significant historic character, distance to growing metropolitan areas, and median income of the population. The case study will include research into the process used by each of the towns in establishing Design Review Boards as well as an analysis of the powers, objectives, guidelines, and scope of the commissions. This information will be primarily obtained through review of comprehensive planning documents, zoning ordinances, and municipal codes, as well as other pertinent public information.

Thorough interviews will also be conducted with town planning staff in each of the municipalities. The interviews will provide a mechanism for gaining insight into barriers and issues that have arisen during the establishment of design review processes in each of the three towns. The interviews will also provide useful information about community concerns that have evolved as a result of design review, as well as provide professional insight into the successes and importance of the design review process.
IV. Literature Review

**History of Design Review**

Design review is a broad term that is used to describe the various strategies and procedures utilized by municipalities to ensure that new development and redevelopment are compatible with stated community goals. The practice of design review has its roots in preservation and evolved from the use of preservation standards applied to properties in designated historic districts. (Tobin, 2004) The process of design review, which includes numerous techniques and tools, has proved worthy in the preservation arena and has begun to be employed, beyond historic district boundaries, in the field of comprehensive town planning.

**Definition of Design Review**

Because the term is used to cover a broad span of concepts and techniques, the definition of design review can be elusive. For instance, Brenda Case Lightner defines design review as, “…the local government practice of scrutinizing private and public projects for their design, aesthetic or urban design quality, or fitness.” (Lightner 1993) Carol Tobin expounds on this definition and adds, “Design review focuses on the appearance of new construction, site planning, and such concerns as landscaping, signage, and other aesthetic issues.” (Tobin 2004) By these definitions, design review policies are primarily aimed at addressing the aesthetic conditions of new construction and redevelopment and as well as district or neighborhood compatibility. However, Mark Schuster provides a definition of design review that emphasizes the process rather than the outcome. “Design review is the process whereby decisions for proposed developments are presented for and receive independent, third-party public interest scrutiny by an officially recognized and designated design review board.” (Schuster 2005) Indeed, design review is most commonly administered by an appointed board of citizen-volunteers, of which the members often have related skill sets such as a background in architecture, landscape architecture, development, or urban design. Some of the advantages of board administered design review include increased credibility among the general public, a larger degree of visibility for design review in the community, and a broader scope of viewpoint and input during the review process. (Tobin 2004) Yet, some municipalities have instituted design review procedures whereby planning staff administers the process rather than an appointed board or commission. Administrative review can be more efficient and effective because staff, having specialized skill sets and neutral positions, are more apt to make fair and consistent determinations. Staff may be better suited to convey information, discuss options, and suggest changes so the project will better meet the requirements. (Hinshaw 1995)
Whether administrative or commission review is used, most design review processes look to standards or guidelines to establish consistency in the approval process. Mark Hinshaw provides a definition that describes both the motivation for establishing a design review process as well as introducing the integration of design guidelines, “Design review promotes or establishes community character by insuring that certain urban design and architectural principles are followed. Local governments adopt an ordinance describing the process along with design review guidelines that are applied to the review of projects.” (Hinshaw 2001) The use of guidelines has been widespread in the practice of historic preservation and is becoming equally important in the development approval process. However, it is essential that any design review process accurately interprets the difference between standards and guidelines and recognizes how each relates to the powers of the commission or the administrative review process. Listed below are descriptions of the documents fundamental to a design review process:

1. Local ordinance: the law that is based on state-enabling legislation that establishes the design review process which states the mission, purpose, powers, responsibilities, order, appeal process, and standards of design review

2. Standards: the general criteria against which work can be measured and which are included in the local ordinance so as to be legally binding

3. Design guidelines: the written tenants on which review decisions are based, guidelines are meant to provide specific instructions on how to meet the standards and should act as a guide for applicants as well as design review authorities, guidelines should never contradict the standards

It has been shown effective, in circumstances related to historic preservation, to supply additional documents to the public in order to clarify the role and jurisdiction of the review board. The documents, listed below, can also act as aids in situations where a board or commission is responsible for the review decision.

1. Commission By Laws: a document provided to the commission members that lays out the operations of the commission and includes provisions that ensure consistency, fair treatment, and establishes practices to build a defensible record
2. Policies and Procedures: a version of the Commission By Laws intended for the general public which is explanatory and informational in nature but is not legally binding (Wilkinson 2003)

The structural components, missions, and jurisdictions of design review vary widely between towns. Some towns choose to implement Appearance Commissions, which are primarily concerned with the maintenance and upkeep of structures and streetscapes in both the public and private realms as well as streetscape aesthetics. Other towns establish site plan review, most often carried out by the Board of Adjustment, which is aimed at reviewing the technical components of proposed developments with land use compatibility, and public safety in mind. Architectural Review Boards, which are given the task of reviewing the exterior design of buildings for compatibility of form, massing, and style with the surrounding structures or district character, are also often utilized. Each of these review processes, in some way, relates to the broader concept of design review but take a slightly different approach on the theme. However, design review should not be confused with any of these particular review procedures.

Design review is a broader tool and can be tailored to suit the needs of a specific municipality. The review process may include some or all of the components previously mentioned or it may be structured to regulate various elements of proposed development in overlay or special use districts. It is the state enabling legislation that dictates whether the process can be established as advisory or quasi-judicial as well as the powers, duties, and jurisdiction of design review boards in each municipality. For the purposes of this paper design review will be defined as a process enacted by a municipality whereby development proposals are scrutinized according to stated urban design standards that are specifically designed to ensure compatibility with community character and comprehensive planning goals.

**Reasons for Design Review**

Much has been written regarding the rational behind and the benefits of design review. The incentives and motivations for such a process are numerous and frequently depend upon the unique development trends in a specific town. Some of the most recurrent reasons given in defense of design review include; ensuring the compatibility of new development and redevelopment with the existing character of a town, enhancing desirable pedestrian characteristics and aesthetic qualities of the streetscape, avoiding monotony in new construction,
and creating identity in a particular area or district. “Design review is a tool that can do what conventional zoning, by itself, cannot do: produce quality in new development or redevelopment.” (Hinshaw 1993)

Design review can also provide a mechanism for a municipality to realize certain goals identified in the comprehensive plan. According to Punter, additional benefits of a design review process may include fostering economic regeneration and community well being by promoting high quality development and the retention of a sense of place. Punter attributes the need for design review to the occurrence of such social and physical conditions as loss of local landmarks, reduced access to the natural world, declining environmental quality, and erosion of the urban fabric by auto-centric models. In order to develop a successful design review process the following key issues should be addressed: politics, public participation, the review process, policy hierarchy and generation, the levels of prescription, implementation, and comprehensive coordination. (Punter 1999)

Depending upon the structure of the process, design review may also act as an educational process for the public. For instance, access to design guidelines and review decisions may help citizens to incorporate urban design principles such as livability and walkability into their perceptions of community design. The effect may be a general public that is more informed about planning goals, better able to voice public interests, and more suited to take an active role in both community building and the local political process.

**Benefits of Design Review**

An organized and effective design review process can have broad ranging benefits for a town. Traditional zoning regulations govern such design components as setbacks, bulk, and use, but design review can add dimension to the regulations with the inclusion of design criteria for height, style, building orientation, and the pedestrian environment, among others. Mark Hinshaw writes, “Regardless of the type of community, design review can be used to significantly improve the quality of development, the nature of the pedestrian setting, and neighborhood character.” (Hinshaw 2001) Design review allows a town to incorporate quality of life into the built environment and acts as a tool to bring to light the goals and objectives of comprehensive planning. Good, orderly design can be an economic resource for a town while also promoting a sense of community. Design review should seek to encourage diversity and individual expression as well as an attractive environment. (Daniels, Keller, Lapping 1995) Hamid Shirvani accounts
the manifold results of a well-conceived review process by explaining that design review can enhance economic development, ensure safe traffic patterns, reduce visual clutter, and lead to the compatibility of form and architectural harmony. (Shirvani 1983)

Design review is becoming an accepted component of the approval process. In fact, MIT undertook research where architects in Massachusetts were surveyed about their personal opinions regarding the institution of design review. The results of the research showed that design review had permeated the practice of architecture more than anticipated. The architects had accepted design review and predominantly felt that design review had generally improved the quality of building in Massachusetts. Thus, the research showed that architects were ‘favorable disposed’ toward design review. (Schuster 1990 and 1997)

**Criticisms of Design Review**

Design review is often criticized for the burden it creates for the developer during the development approval process. Depending on how the process is laid out, it can be time consuming and expensive for both the town and the developer. Lack of efficiency and effectiveness are some of the most frequently cited problems with design review. Carol Tobin argues that, “One of the development community's major concerns about design review is the issue of timeliness. The time involved in the review process can have a huge effect on a project's schedule and the profitability. When design review can increase certainty and be accomplished within a reasonable time period, it is much easier to sell the idea to developers and builders. With design review, sometimes a developer and architect will need to spend more time in the early phase of a project to meet design requirements, but they may save time in the long run because a project that is subject to design review is more likely to be acceptable to the larger community and may cause fewer legal appeals.” (Tobin 2004) The design review process relies on the competence of planners, politicians, and board members as well as their ability to act justly and reasonably toward all applicants. The potential for abuse of power is strong and issues regarding unfair and subjective rulings are common.

Design review, when it is applied to private property, especially along aesthetic lines, can also raise issues related to freedom of expression and cultural identity. (Punter 1999) Scheer and Preiser put forward a list of key criticisms, reporting that the most common concerns are that the design review process can be:
1. Time consuming and expensive
2. Easy to manipulate through persuasion, pretty pictures, and politics
3. Performed by overworked and inexperienced staff
4. Not an efficient mechanism for improving the quality of the built environment
5. The only field where lay people are allowed to rule over professionals directly in their area of expertise
6. Grounded in personal not public interests
7. A violation of 1st amendment right to free speech
8. Rewards ordinary performance and discourages extraordinary performance
9. Arbitrary and vague
10. Judgments are not limited
11. Lacks due process
12. Difficult to protest on aesthetic grounds
13. Reluctant to accept that there are no rules to create beauty
14. Principles tend to be abstract and universal, not specific, site related, or meaningful at the community scale
15. Encourages mimicry and the dilution of the authenticity of place
16. A poor cousin of urban design
17. A superficial process

(Scheer and Prieser 1994)

Though the criticisms of design review are often justified, the structure of the review may be designed in such a way as to dispel public concerns by assuring equal and fair treatment to applicants and ensuring consistency in the review process. Many of the key complaints can be addressed by establishing clear requirements, authority, and standards along with solid accountability and a direct process for appeals.

Design review may also pose legal threats to a municipality in much of the same way as review in historic districts does. However, Christopher Duerkson notes that, “Assuming, a locality has been granted sufficient power by state statute, home rule, or other authority to regulate design of projects outside historic areas, the key legal issues raised by design regulations revolve around the standards and procedures for review.” He argues that, “careful planning and legal craftsmanship coupled with a strong commitment to common-sense implementation and consistent administration can do much to make design review work.” Duerkson continues, “As
design review becomes more commonplace, local governments will need to take all possible steps to anticipate criticism that design review procedures are overly burdensome and that the entire process is inherently subjective.” (Duerkson 1986)

**The Design Review Process**

There are existing methods that can be applied to improve the process and to make design review legally defensible. For instance, design review practices should be developed as a product of community-based efforts aimed at identifying the unique characteristics of a town as well as the elements that are worth preserving. Design review should be integrated into the existing planning process and should be in alignment with stated community goals. Also, qualified staff or citizens should conduct design review, and consistency should be the primary objective. Design standards should be adopted into the local ordinance and supplemented with design guidelines that include visual aids, in order to reduce uncertainty about design criteria for applicants and board members. Design guidelines should be compatible and consistent with a community’s land use code while allowing flexibility to accommodate good design through the use of consistent standards. (Tobin 2004)

The inclusion of key elements and documents can make the design review process more efficient and effective. Hinshaw recommends a comprehensive list of necessary design review components including:

1. Published materials where clear and consistent standards and guidelines are included,
2. Pre-application meeting where Applicants are informed at the outset of the jurisdiction’s expectations,
3. Public notice of design review applications and hearings where multiple ways of informing the public, such as mail notices and signs, are used,
4. Staff analysis of the proposal where a uniform format is used including checklists, site plans, elevations, and renderings, as well as a summary of public comments on the proposal,
5. Communication, cooperation, collaboration, and negotiation between the applicant and administration where flexibility is enhanced and the intent for a smooth and expedient approval process is communicated,
6. Binding decisions where any conditions applied to the application should be tied to subsequent action,
7. An appeal process where the developer, interested citizens, or neighborhood associations, may argue the review decision,

8. Enforcement process where results can be monitored and financial penalties applied if the project is non-conforming.

(Hinshaw 1995)

**The Application of Design Review**

Design review is rarely applied to all properties or districts in a municipality. In fact, within a single town there may be different design review procedures for the various neighborhoods or zoning districts. Some towns choose to apply intensive design review only to the commercial core, entranceways, or main transportation corridors. Other towns choose to review only developments of a certain size. Still others use design review in economic development of redevelopment zones. It is rare to see design review applied to single-family housing, except in historic districts. The decision of how and where to establish design review procedures must be developed in regards to the special interests and characteristics of a town and should include extensive public participation.

**Design Guidelines**

Design guidelines have long been used as supporting documents to interpret design criteria in regards to historic districts and special use overlay zones. Guidelines are meant to act as clarifiers to zoning ordinance standards. Design guidelines are usually descriptive and suggestive while standards and zoning codes are prescriptive and specific. This allows flexibility and interpretation by the design review administrators so as not to stifle creativity and innovation. “Ideally, guidelines make the development process operate more smoothly making the expectations known to all parties involved.” (Hinshaw 1993) When guidelines are used as intended they provide a basis for making fair decisions, establish consistency in the review process, create incentives for investment, act as a tool for the protection of property values, and can be educational to the general public. However, the way in which guidelines are written, distributed, and utilized greatly affects their success as aids in the design review process. Guidelines should be unbiased and uniform and provide practical guidance to the applicant. Design quality should be addressed in the guidelines as well as adaptability, livability, and environmental and economic benefits. Ultimately, design guidelines should help tailor new development without restricting creativity. They should offer parameters that help retain and enhance the community without squelching ingenuity. (Lewis 2001) In order for design
guidelines to be binding, they should be adopted, as regulation, by the legislative body or supporting policies should be added to the municipality’s adopted code. (Hinshaw 1995)

Design guidelines may be customized to suit the needs of a particular design review process. Common elements addressed in design guidelines include:

- Setbacks, basic ratios and lot coverage
- Bulk, massing, and form
- Paving and impervious surfaces
- Parking
- Pedestrian amenities
- Roof style
- Building style, color, and materials
- Sign controls
- Lighting controls
- Demolition controls
- Renovation and new construction controls
- Landscaping controls
- Open space requirements

Competing opinions exist with the planning community regarding the amount of detail to be regulated by standards and guidelines. Hinshaw believes that guidelines should not dwell on superficial aspects of architectural design, such as materials and colors. Rather, he thinks that guidelines should aim to restructure the overall pattern of development by addressing broader issues such as site layout, landscaping, building orientation and form, signage, and public spaces. He argues that guidelines should set forth only the most critical of design issues, and recommends that guidelines should be crafted only after the community engages in a thorough evaluation of setting and character. User studies and visual preference surveys are tools that can help a town define its character and patterns of use.

Kevin Lynch identifies five general design criteria that determine how a space is perceived and valued. Comfort, diversity, identity, legibility, and meaningfulness should be taken as the broad concepts that govern “good” urban design. (Lynch 1968) Lynch’s design criteria can help inform the results of user studies and can help direct the formulation of guidelines.
Carol Tobin recommends that guidelines address site planning and layout, including such issues as streetscape compatibility, relationship to adjacent sites, parking location and access, and location of open space, specific architectural elements of building design, such as architectural concept, building form, massing and bulk, building articulation and modulation, consistency, human scale, and exterior building materials, pedestrian features, safety, crime prevention through environmental design, and landscaping, as well as scale issues and transitions for projects abutting less intensive development, such as single-family zoning adjacent to a mixed-use commercial and multifamily zone. (Tobin 2004)

Some cities develop sets of guidelines, each tailored to the special character of a neighborhood or district. District guidelines work especially well in areas that have an established design character, such as a neighborhood commercial district. Other towns have developed guidelines that specifically address recent trends such as big box retail development and the advent of “McMansions” or mega-houses. When applied to residential zones, communities often choose to address specific situations rather than all single-family development including transitional areas, intensive uses, or other special circumstances. (Tobin 2004)

In order for guidelines to be legally defensible state law must permit the desired level of local regulation. Blaesser recommends basing any additional controls on specific studies of locality, avoiding overly prescriptive guidelines, explaining the weight and rational of each guideline, and articulating desired, not mandatory, outcomes. (Blaesser 1994) Regardless of the particular use, the design review process can be greatly enhanced by establishing guidelines that address context and the goals of the community. Standards are often unspecific and hard for the public to comprehend. Guidelines should serve to translate the jargon of design standards into an accessible format. The use of visual aids such as photographs, graphics, diagrams, and sketches further increase the legibility of design guidelines.

**Synthesis of Literature Review**

J. Mark Schuster researched government interventions in development planning and found that design review represents a viable alternative to standard regulations and is a justified activity, from a public policy standpoint, when the following three questions can be answered affirmatively:

1. Is there a public interest in the design of the built environment?
2. Absent regulation, will the public interest be taken care of in the design marketplace?
3. Would a government intervention be likely to correct for the difference between the public interest and the private sector?

Schuster asserts that the effectiveness of government intervention in development should be weighed against the costs of the intervention in order to ascertain if the intervention provides a public benefit. If the design review process provides a social benefit then the structure of the process must be decided and a system of evaluation imposed. Schuster identifies several possible roles of design review that should be kept in mind while establishing a process appropriate for a particular jurisdiction. He claims that the process may function as facilitator, jury, peer panel, inspector, mediator, consultant, or educator. He contends that design review serves as an intervention based on information and expertise. (Schuster 2005)

The usefulness and legitimacy of design review must be established in regards to the general public. Once reasoning is determined, every attempt to integrate design review into existing planning procedures should be taken and specific protocol must be developed. Gary Hack provides recommendations for establishing design review and specifies that the process should ask how to develop rather than what or whether to develop. He asserts that the design review process should begin with an inventory of the community in order to establish a clear definition of character. He recommends that the process be limited and focus only on critical aspects, proposes that design standards should be precise and well defined, and recommends that the requirements be easily accessible by the public and development community. Hack argues that value judgments are unavoidable but that the process should minimize subjectivity. He recommends building community support of the process by including the public. He cautions that review boards should be prepared to be flexible and break the rules from time to time. Hack encourages that the design review process incorporate diversity and not be overly preoccupied with beautification. (Hack)

Incorporating design regulation into town planning procedures can be an elusive and problematic. However, if design review is formulated to deal with the patterns and systems of a place it is more likely to be functional and applicable. Kevin Lynch argues that city design is the core process of city planning and that the best design language should express the relevant aspects of a place, not be preoccupied with aesthetics. Rather, he declares that design language should leave open room for interpretation while specifying form in general ways such as locating major paths, and the rhythm of views, centers, barriers, landmarks, open spaces and districts. He believes that
the key to “good” design is to, “promote a better understanding of how sensuous form affects us and our communities.” (Lynch 1968) These are elegant concepts to keep in mind when developing review protocol.

Yet, the process employed must be fair and consistent. Mark Hinshaw tackles the most common misconceptions related to design review, “Design review is not the imposition of one person’s or one committee’s personal tastes upon developers or upon the community as a whole. It is not something that concerns superficial, frivolous aspects of a building’s appearance. It is not a way of enforcing a “theme” along a street or within a business district.” He goes on to argue that design review should not add significant costs to development projects and that the process can be legally defensible depending on its structure. (Hinshaw 1993) Whatever the mechanism for regulation, a city must be well prepared to monitor its success and failures through frequent evaluations and reformation of ordinances that prove unsuitable or inconsistent.

Instituting design review must be handled professionally and with care. The process must be sculpted and tailored to suit the individual needs of a town or community. Carol Tobin emphasizes that, “Design review is a delicate balancing act, looking at community aesthetic issues in light of the public interest, while encouraging good design. Design review is more of an art than a science, but it must be based on sound, clearly articulated design principles and on a process that is fair and open.” (Tobin 2004)
VI. Case Study: Beaufort, SC

History
The City of Beaufort, South Carolina has a rich cultural and historical heritage. Archaeological evidence has shown that Native Americans tribes lived in the territory as early as 4000 BC. Spanish explorers discovered the area in 1514 and found the region inhabited by numerous tribes, the largest of which was Cherokee. Beaufort is located at the head of a natural harbor and the early settlers were drawn to the area for its accessible waterway and port conditions. However, for the following two centuries, the Spanish, French, English, and Indians struggled for control of the lands in Beaufort. Scores of battles between the settlers and neighboring tribes lead to multiple withdrawals from the area by the Colonials. Ultimately, the British prevailed and over time trade between the Indians and the Colonials replaced hostility. (History of Beaufort)

In 1710 the Carolinas were divided and the town of Beaufort was established the following year. Both the County and the town were named after the Duke of Beaufort, who was one of the Lords Proprietors in the Carolinas. An agricultural economy grew in the region as slaves were brought to the colony in droves, and by 1720 Africans formed the majority of the population in Beaufort. The reliance on slave labor by the plantation owners made the region a hot seat for the Confederacy during the Civil War. It was in Beaufort that the original Ordinance of Secession was drafted.

After the war, lumber, fishing, and agriculture formed the basis for the economy in the region well into the 20th century. In 1950, the area began to see modern development as resorts flourished on the nearby Hilton Head Island. Plantation lands were subdivided to make way for residential and commercial development. (Beaufort Area History) Today, Beaufort is home to a successful tourist industry based on its proximity to the ocean and its historic resources.

Growth Patterns and Demographics
In the past decade, over 25 percent of the population growth for all of South Carolina occurred in eight coastal counties, including Beaufort. The population in Beaufort County increased 9.9 percent between 2000 and 2003, according to US Census estimates. The city of Beaufort had a total population of 12,950 in 2000 and a median household income of $36,532, while 11.5 percent of the population lived below the poverty level. In 2000, the racial makeup in Beaufort consisted of 69.4 percent white, 25.1 percent black, and 5.5 percent other. (US Census 2000) There has been much residential and commercial development in the past decade, especially
along the region’s main transportation corridors. Some of the most aggressive commercial growth has occurred along U.S. 278 between S.C. 170 and Hilton Head Island, adjacent to the City of Beaufort.

**Municipal Planning Process and Design Review**

The Department of Planning and Development Services administers all planning related matters in Beaufort. The City has four boards related to development review including: the Historic Review Board, HRB, the Design Review Board, DRB, the Zoning Board of Appeals, and the Joint Municipal Planning Board. However, it is the DRB that is ultimately responsible for the approval of commercial and multi-family residential development outside the historic district. The DRB is comprised of five Beaufort citizens who have special knowledge in fields such as architecture and civil engineering. The members are appointed by the City Council for two-year terms. DRB meetings are open to the public. The DRB is responsible for reviewing all applications for development within the designated Development Design Districts. The DRB also reviews and approves master sign plans for new development. The creation, membership, and jurisdiction of the DRB are made legitimate in Article 2.8 of the City of Beaufort Unified Development Ordinance. Design standards, meant to direct the DRB in the decision-making process, are also written into the UDO.

Criteria for development within the design districts include regulations for site design and layout, access, setbacks, site coverage, and parking. Projects in the design districts are also subject to architectural design criteria including: building scale, harmony of design, building orientation, building façade, materials, roof design, window and door fenestration, exterior colors, fences, and lighting requirements. (Unified Development Ordinance, Article 6) The sign ordinance and landscaping regulations in Beaufort apply to all zoning districts in Beaufort. (See Appendix B, Figure 2.1) (Unified Development Ordinance, Article 7)

The City of Beaufort has nine Development Design Districts. (See Appendix C, Item 3.1) The City has stated that the purpose of establishing these districts is to, “…protect and promote the appearance, character and economic value of development...and better articulate positive visual experiences along the City's major roads and to assure respect for the character, integrity and quality of the built and natural environments in the City.” (Unified Development Ordinance) Development regulations for each of the districts have been designed to encourage high quality development and to promote pedestrian and vehicular safety. The UDO states that the regulations
are not meant to stifle creativity and innovation but, rather, should enhance Beaufort’s unique character and promote harmony between development and the natural environment.

**Beaufort Design Review Process**

All applications for commercial and multi-family residential development within the development design districts are subject to review. First, every applicant with a development proposal has to attend a mandatory pre-application conference with the Technical Review Committee, TRC. The TRC is comprised of staff from the Planning, Public Works, and Building Codes departments as well as representatives from the local utility companies. The TRC meets weekly to review applications and concept plans for new construction and redevelopment. It is recommended, by the City, that every applicant meet with the TRC prior to submitting a building permit application. The pre-application meeting is designed to assist applicants in the early design stages, educate the applicant as to the associated requirements and regulations, and to identify potential conflicts and issues that may arise during the formal review process.

The review path is determined by the location of the property. Once the TRC has granted approval of the proposal, the application is sent to either the Historic District Review Board or the Design Review Board. The DRB reviews proposals for compliance with the standards and guidelines listed in the City’s Unified Development Ordinance. Regulations for each of the Development Design Districts are specified in the ordinance. Some of the criteria for single-family residential districts include specifications for setbacks, access, density, lot size, building separations, buffers, open space, and group parking facilities. Multi-family residential districts also have design standards including criteria for wall finishes, orientation, window and door fenestration, roofing materials, lighting, and neighborhood compatibility. Non-residential districts are subject to regulations including lot size, impervious surface ratios, maximum height requirements, and setbacks. (Unified Development Ordinance, Article 6)

All proposals typically require two review sessions with the DRB. The first meeting includes a preliminary review and any recommended modifications by the Board. Once the modifications have been made to the site plan, the proposal is again reviewed by the DRB for final approval. After final approval is granted by the DRB, the application package is submitted for building permitting. At this point, the City’s Plans Review Staff evaluates the proposal to ensure that all local, state, and federal codes are met. This part of the process can require multiple revisions. While staff review is underway, applicants can seek approval from agencies other than the City of
Beaufort, such as necessary State and County agencies as well as local utility companies. Once, all approvals have been granted the building process may begin. (Planning)

**Technical Requirements**

Applicants must submit the following items for review by the DRB; photographs of the general area of the project including street views and adjacent properties, scaled site plans, floor plans and elevation drawings, and material specifications. There are no fees associated with design review in Beaufort.

**Regulatory Context**

In 1975, the State of South Carolina adopted Home Rule, which gives local governments the power to adopt land use regulation. Home Rule enables a town to enact development regulation without having explicit authority mandated by the state. However, design review has also been expressly granted by the State of South Carolina in Section 6-29-870, which allows a local government to enact special provisions for the preservation and protection of historic and architecturally valuable districts and neighborhoods, significant or natural scenic areas, and defined districts, corridors, or development areas by means of restriction and conditions governing the right to erect, demolish, remove in whole or in part, or alter the exterior appearance of all buildings or structures within the areas. The statute grants local governments the ability to establish Architectural Review Boards to accomplish these goals in accordance with local zoning ordinances. (South Carolina Code of Laws)

**Interview with Planning Staff**

On February 2, 2006 an in-depth interview was conducted with Bradd Stuart, who is Project Development Planner for the City of Beaufort. Mr. Stuart is responsible for staffing the Design Review Board in Beaufort. The interview was designed to gain insight into the design review process in Beaufort and to identify conflicts and issues that have arisen due to the practice of design review. Components of success were also sought as well as recommendations based on his experiences in Beaufort for establishing a legally sound process in Hillsborough. The following section recounts the interview with Mr. Stuart.

First, Mr. Stuart explained that the Comprehensive Plan, which was updated in 2004, established necessity for design review in the City of Beaufort. He related that the Design Review Board and criteria were established in 1997 after a thorough study of the town was conducted in response to
citizen requests. An inventory was developed outlining district designations and design characteristics were identified through visual preference surveys. Once the Design Control Districts were defined, elements to be reviewed were distinguished including: site plans, height, mass, setbacks, architectural style, materials, pedestrian and vehicular access, signage, landscaping, parking layout, and screening and buffers. Design standards are listed in the Beaufort Unified Development Ordinance but no design guidelines have been developed for the City. Mr. Stuart noted that the lack of guidelines has caused discrepancies in the past and said that the revised Comprehensive Plan calls for the development of design guidelines to supplement the standards.

Mr. Stuart explained the process of design review in Beaufort. Applicants are required to have a completed application submitted one-month prior to review. During that month staff works with the applicant, through the Technical Review Committee pre-application process, to hammer out any major issues or areas of concern. Staff also prepares a report for the DRB hearing. The agenda for each DRB meeting is set on a first come first serve basis, but proposals that have been carried over from previous meetings are heard first. DRB meetings are advertised in the local newspaper and on the Town’s website because the meeting also serves as a public hearing and public comment is solicited.

At the meeting, the Chairman of DRB calls the board to order. For each application, the staff-report is read. Applicants are then given time to explain the proposal and board members may ask any pertinent questions. Board members then discuss the proposal and make a motion to approve or deny the application. Modifications may be attached to the motion if deemed necessary by the DRB. DRB approval is often made contingent on Planning Commission approval, which is sought as the third step in the review process. The Planning Commission is an advisory board to the DRB. The DRB does not look at uses, this is handled at the administrative level or in the Planning Commission and no use-variances are allowed in Beaufort.

If an application is denied, typically the DRB states the reasons for non-compliance and applicants voluntarily retract the application, make adjustments, and re-submit the following month. The design review process usually takes four months from the time of the first pre-application meeting. Applicants are told to expect two technical review meetings and two DRB hearings before being approved. Emergency meetings may be called for extenuating
circumstances at the discretion of Planning staff and the DRB but a fee is levied for such meetings.

Mr. Stuart explained that it is very rare for a proposal to be denied. In fact, he stated, most often applicants will make adjustments to the site plans and re-submit until approval is gained. However, he did note that one case did result in a court hearing. The case involved a driveway that the DRB approved to be closed. A neighbor sued the developer over an access easement that wasn’t taken into account. The case was settled out of court and the DRB was not involved in the negotiations but simply submitted minutes from the meeting as evidence. He also stated that the most contested cases often involve removal of specimen trees from development sites. Neighbors get angry when big trees are felled, he explained.

Perhaps, one of the most difficult issues related to design review is how to define the concepts of ‘appropriate’ and ‘compatible’. There is a lot of room for subjectivity in these terms, which can result in discrepancies and inconsistencies during review. Mr. Stuart was asked to comment on this issue and to explain how the DRB chooses to confront these terms in Beaufort. He responded that the DRB looks to the immediate area and adjacent properties to establish compatibility, as well as looking at the site and building itself. Proportions, scale, and massing are less elusive than style and character compatibility, he said. Ultimately, the decision rests on the expertise of the board members.

When asked to offer suggestions for municipalities that are just beginning to establish design review boards, Mr. Stuart responded that the most important issue was to make the process efficient. Having enough staff to administer and monitor the review process is key and he recommended the inclusion of an application fee. He also explained that flexibility in the design criteria is overrated. He believes applicants would rather know from the outset what the requirements are. He said it is better to have more rigid design guidelines, so everyone knows the goals. He noted, though, that creativity should be encouraged. “It is just as important to keep out the mundane”, he offered. Ultimately, the strength of the process is related to the strength of the board.

**Summary**

The City of Beaufort is currently experiencing unprecedented growth and much of the recent development is happening along major transportation routes and corridors. The design review
process is directed at creating high quality development within nine controlled districts, which comprise the major areas of expansion in the city. The design review process consists of both a staff and board review. At the pre-application meeting with planning staff, applicants have the opportunity to ask questions and make modifications to their plans before the formal review process gets underway. Once submitted to the Design Review Board, the application is weighed against design standards outlined in the Unified Development Ordinance. The DRB defines the vicinity in which compatibility of structures is measured as the district boundaries. The review process takes an average of four months and each applicant generally meets with the Technical Review Committee and the Design Review Board twice. The process could be made more efficient if additional staff were available to review applications and if design guidelines were developed to aid the DRB in the interpretation of the design standards. In all, the design review process has proved beneficial to the Beaufort community and has helped the city retain a sense of character even amidst rapid change.
VII. Case Study: Mill Creek, WA

History
The City of Mill Creek is located in Snohomish County, Washington along the Interstate 5 corridor, approximately 30 miles north of Seattle. Farmers and pioneers have been settled on the land occupied by Mill Creek for over a century, but the formation of the town didn’t begin until the 1930’s, when a single property owner purchased an 800-acre parcel, which now comprises the core of Mill Creek. In 1965 the core area, along with an additional 2000 acres, was chosen to be the site of a new planned community by the Northwestern Properties real estate firm. The site was assembled and a master plan, for a community to be called Olympus, was conceived. This plan formed the basis for subsequent plans, though the land use layout has been altered over time. In the late 1960’s an economic downtown threatened the project until, in 1973, interests in the planned community were again kindled, this time by Tokyu Land Development. Environmental and engineering studies were conducted and a new Master Plan, including a name change for the community to Mill Creek, was developed and submitted to Snohomish County in 1974. The new plan was a scaled down version of the previous plans with a total land area of 1,200 acres.

Over the course of the following decade plans were conceived for each section of the city, and by 1982 the entire plan was reviewed and adopted by the County. In 1983 the City of Mill Creek was incorporated. Since incorporation, there has been significant growth to the land area of Mill Creek through annexation. In fact, Mill Creek now occupies almost 2,500 acres and the majority of the land has either already been developed or is under construction. (About Mill Creek)

Growth Patterns and Demographics
The master plan for Mill Creek included 4,600 dwelling units for a planned population of 12,000. The 2000 Census recorded a total population of 11,525 and 4,769 total housing units. Over 97 percent of the housing units in Mill Creek are occupied. The median family income in 1999 was $69,702 and only 3 percent of families live below the poverty level. According to the Census count, the racial makeup of Mill Creek consisted of 85.1 percent white, 1.4 percent black, and 13.5 percent other. The largest minority population is Asian, which, in 2000, consisted of 12.6 percent of the total population. (US Census 2000)
**Municipal Planning Process**

The Mill Creek Department of Community Development administers all planning and development-related matters in the City and is divided into two related divisions: Planning and Building. The Planning Division administers both long-range and operational planning activities. Long-range planning includes the development of the City’s Comprehensive Plan, implementation of all mandated requirements of the State of Washington Growth Management Act, and coordination of regional planning efforts. Operational planning deals with the implementation of the Comprehensive Plan through the preparation of mandated land use development regulations; park acquisition, design and development; and review of development applications. The Building Division of the Department of Community Development is responsible for permitting and inspections of construction for compliance with Local, State and Federal regulations. (Community Development Department)

Design Review has been integral to the planning process in Mill Creek since the City’s inception. The City established a Design Review Board at the time of incorporation, and in fact, principles related to design review were employed well before the establishment of Mill Creek, during the master planning process.

The purpose, powers, and authority of the Design Review Board, DRB, are specified in the Mill Creek Municipal Code. The DRB reviews all applications for development requiring building permits except single-family residences as well as landscaping plans, site design, and sign permit applications. There are five appointed members of the DRB, each of which must have professional experience or expertise in the fields of architecture, landscape architecture, urban design, graphic design, or other related disciplines. The DRB meets monthly and all meetings are open to the public. (Mill Creek Municipal Code, Chapter 2.24)

**Mill Creek Design Review Process**

The purposes of the design review procedures are outlined in Chapter 17.34 of the MCMC and include:

a. Providing design objectives to be used by the design review board, planning commission, and planning director during evaluation

b. Implementing the comprehensive plan policies through promoting high quality design

c. Encouraging public health, safety, and welfare
d. Promoting originality, flexibility, and innovation in site planning and development, including architecture, landscaping, and site design for proposed developments

e. Encouraging compatibility between new and existing structures with specific attention to exterior appearances of signs and structures

f. Promoting livability and pleasant environments

g. Stimulating economic development and investment potential

h. Maintaining and protecting property values and tax base

i. Providing unique visual character and identity for the city and its neighborhoods

j. Ensuring maintenance and attractiveness of landscape elements

k. Reducing erosion and storm water runoff

l. Preserving existing significant vegetation when practical

(Mill Creek Municipal Code, Chapter 17.34)

The approval process in Mill Creek involves a series of reviews by various boards of which approval by the Design Review Board represents the final step in the process. Development proposals are submitted first to the planning department. A staff review is conducted and an informal pre-application meeting is scheduled. At the pre-application meeting initial complications and issues are detailed and the applicant is informed of all associated requirements. A second staff review meeting is scheduled that serves as the formal pre-application meeting. At this time, the staff prepares a notice of completeness for the application, which must be approved by the planning director. When the application is complete it is submitted to the Technical Review Committee, TRC, which is made up of city staff from various departments.

The TRC reviews the application and, if called for, conducts an Environmental Review for compliance with State Environmental Protection Agency, SEPA, requirements. Following this approval, a public notice sent out to advertise the public hearing aspect of the review by the Planning Commission. The staff prepares a report on the proposal for the public hearing. The Planning Commission, then, hears the case and is responsible for making a recommendation for action to the City Council. Next, the application is reviewed by the City Council. At this point, if the proposal is accepted, a condition is attached that the final site plan meets DRB standards and guidelines. The proposal is then added to the DRB agenda for review by the board and the public
is again given the opportunity to comment at the DRB meeting. Once, the project gains DRB approval, the review process is complete and the applicant can begin the permitting process.

No construction may begin nor building permits issued in Mill Creek until the proposal for development has been reviewed and approved by the planning director, planning commission, and design review board. All applications must be consistent with stated design objectives outlined in MCMC 17.34.040. Design objectives are specified for site design layout, preservation of trees, drainage of storm water, parking lot screening, vehicular entrances, pedestrian facilities, public open space, screening of utilities and service areas, and architectural design and materials. Criteria for building design include transition elements, ground level details and transparency, roof form, signage requirements, as well as lighting and landscaping.

**Technical Requirements**

Submittals to the DRB must include a completed application accompanied by the following: a one-page narrative project description of the project, and a 1”-20” or 1”-50” scaled site plan that includes the location of all existing and proposed structures, location of building setback lines, proposed pedestrian and vehicular circulation routes, parking lot and loading area layout and design, public improvements including sidewalk systems, existing trees and vegetation to be retained, and building materials and color chips. Floor plan and sections drawn at the appropriate architectural scale, roof plans, building elevations, a landscape plan, a lighting plan, and a signage plan are also required. (Design Review Board Submittal Requirements)

**Regulatory Context**

Washington is a Home Rule state and therefore local governments have the power to enact development regulations without state enabling legislation. However, the legitimacy of design and development review ordinances in Washington were challenged in the 1993 case of Anderson v. Issaquah, 70 Wn. App. 64, 82. The resulting ruling stated that the Town of Issaquah's design review regulations were invalid due to vagueness. It found the guidelines deficient because they did not give meaningful guidance to the applicant or the design review board. However, the court affirmed the legitimacy of design review by stating that aesthetic standards are an appropriate component of land use governance. This case set a precedent for the use of development and design regulations by municipalities but required clarity and consistency to legitimize the process. (Anderson versus Issaquah)
Interview with Planning Staff

On February 8, 2006, an interview was conducted with William Trimm, who is the Community Development Director for the City of Mill Creek. Mr. Trimm is responsible for managing the Department of Planning and Community Development. He was asked a variety of questions pertaining to the practice of design review in Mill Creek, and offered professional advice that could be beneficial to Hillsborough during the development of a design review process.

First, Mr. Trimm explained that design review is essential part of town planning in Mill Creek. Design review has been utilized since the incorporation of the town and the power to use design review is legislated by the Mill Creek Municipal Code. The review process is mandatory for all properties except single-family residences and it represents the final stage in the approval process as a condition to acquiring a zoning permit. The Design Review Board is a quasi-judicial body, which he highly recommended for other towns. He also explained that the design criteria are applied equally to all districts within the town limits but that special requirements have been employed for the Town Center district.

The DRB reviews site plans, building form, massing, and height, materials, colors, as well as landscaping and signage plans. The board also reviews access and streetscape plans, he reiterated. Applicants submit a packet to the DRB that includes an application form, site plans that show abutting properties, architectural plans showing existing and proposed structures. Plans must include pedestrian and vehicular circulation, parking and loading zone layouts, public improvements, topography, infrastructure, and utilities. The DRB also requires a roof plan, building elevations, and a narrative project summary, he explained.

Mr. Trimm spoke about the use of design guidelines in Mill Creek. He stated that the design guidelines take the form of objectives and are available to the public on the Town’s website. Applicants are also given a copy of the guidelines. The guidelines are not meant to be standards, he expressed. The design review process in Mill Creek is meant to allow for the flow of creative juices. The purpose of the guidelines is to allow for a free-flowing relationship between the public and private sector and should facilitate high quality design without hindering ingenuity. The design guidelines are written into the Mill Creek Municipal Code, and changes to the guidelines can only be enacted by the City Council.
The Department of Planning and Community Development staffs the monthly DRB meetings. Mr. Trimm explained the structure of the DRB meetings. For each applicant, staff gives a presentation of the proposal and offers a recommendation for action that is based on the pre-application meetings. There is no formal public hearing related to design review but public comments are allowed following the staff report. The DRB then deliberates upon the proposal and staff recommendation and has the opportunity to ask the applicant questions. The board makes a motion to approve or deny the application and the final decision is recorded in the minutes. Staff prepares a formal letter for the applicant that explains the final decision and lists any modifications or conditions that have been attached to the approval. The decisions are binding but may be appealed to the City Council.

Mr. Trimm could remember only one time in seventeen years that a DRB decision was appealed. The DRB often refuses elements of a proposal but rarely denies an entire application. The board must be very specific about any modifications that are attached. Usually, the applicant will continue to attend meetings until the project passes, he stated.

When asked about the treatment of terms such as ‘appropriate’ and ‘compatible’, Mr. Trimm spoke about the Anderson vs. Issaquah court case. He noted that the State of Washington had ruled that design review was a legitimate power of local governments but that the process must be designed in such a way as to minimize objectivity, which has been incorporated in Mill Creek by removing such terms from the ordinance.

Mr. Trimm identified the most common conflicts related to design review as those issues raised when new construction is proposed in historic areas of town. He said the position of the Town is to stimulate the development of a vibrant and interesting community and that sometimes conflict arises in how to treat new buildings architecturally.

When asked to offer professional recommendations for towns that are embarking on the establishment of design review, Mr. Trimm suggested applying a two-tiered approach that incorporates both administrative and board review. He said, “The devil is in the details, it’s the little things that are tricky.” He recommended that staff is more apt to exercise expertise and professionalism in conflict scenarios and added that the development community appreciates the technical review by staff in Mill Creek.
Summary

Mill Creek is a planned community that has utilized design review as an integral part of the planning process since incorporation. All development in the city is reviewed against the same design objectives except single-family residential, which is exempt from review. The design objectives are laid out in the Mill Creek Municipal Code and no other design guidelines have been instituted.

The design review process includes both administrative and board review components. Applications for development are reviewed first at the staff level in a series of informal reviews. The Technical Review Committee, comprised of departmental staff and utilities representatives, then reviews the proposal. Afterwards, staff prepares a report for the Planning Commission, which is responsible for making a recommendation for action to the City Council. The final step in the review process includes approval by the City Council under which a condition is attached that the proposal must gain support of the Design Review Board. The DRB weighs the application against specific design objectives that are listed in the MCMC. If a developer wishes to appeal a DRB decision, they may do so to the City Council. The design objectives are general and leave room for interpretation. The intent of this strategy was to encourage ingenuity and creativity on the part of architects and developers. However, the objectives are indistinct and problems have arisen especially in regards to the treatment of new construction. The design review process could be made more efficient if supplemental guidelines were developed.

The path of review in Mill Creek is complex but offers many chances for applicants to modify their plans based on the advice of departmental staff. It has been noted by the Community Development Director that developers tend to appreciate technical review as a preliminary step in the approval process. Ultimately, design review has proved a fundamental aspect of community planning in Mill Creek and continues to be a vital tool for establishing high quality design and a livable environment.
VIII. Case Study: Montpelier, VT

History

Montpelier, Vermont has been the site of settlement for over 6000 years. Archeological evidence indicates that by 1200 AD there were extensive Native American settlements and trading routes in the area. European settlers arrived in the early 18th century and developed towns throughout the region, dispersing the Native inhabitants and replacing native communities with colonial towns and villages. Montpelier was first chartered in 1781 as a land grant to settlers emigrating from Massachusetts. By the early 1800’s, the population in the village had grown to 1200, and the economy was largely based on the processing of flour in gristmills. Montpelier was chosen to be the state capital of Vermont in 1805 because of its central location in the state. The railroads arrived in mid 1800’s and further secured the economy by spurring industrial growth. A gridiron street pattern was laid out in 1858, with the major transportation corridors paralleling the Winooski River.

The City of Montpelier was incorporated in 1895 and after annexing lands to the south in 1898 took on the form it keeps today. Due in a large part to the extensive out-migration of residents toward the Western United States in the late 19th century, the population of Montpelier has grown slowly. Yet, as a government seat and industrial anchor, Montpelier has grown steadily. Over the course of the 20th century Montpelier has become known as a regional center for commerce with much of it’s local economy based on insurance and financial services. Significant architectural resources from the 18th, 19th, and 20th centuries are well preserved in the historic district as well as the Vermont and Woodbury college campuses, and the colonial street pattern is still largely intact. (History)

Growth Patterns and Demographics

The total land area in the City of Montpelier represents 10.2 square miles, which encompasses 6,528 acres. The population of Montpelier dropped between 1990 and 2000 by 2.5 percent, according to the US Census but over the same decade, the number of housing units increased by 3.3 percent. In 2000 the total population was 8,035, and the median household income was $37,513. Only 7.2 percent of families were living below the poverty level. In 2000, the racial makeup in Montpelier consisted of 96.6 percent white, .6 percent black, and 2.8 percent other. The largest minority population is Asian. (US Census 2000)
**Municipal Planning Process**

In Montpelier, the Department of Planning and Community Development, DPCD, handles all planning and zoning matters. The DPCD has a variety of stated objectives including: to protect and improve Montpelier's natural and built environment; to strengthen the local economy and tax base; to meet the housing needs of low moderate income residents; to engage the community in short and long term planning initiatives; and to provide public information. The department administers the City’s development approval process, which includes zoning, subdivision, and design review. Departmental staff is responsible for managing the Planning Commission, Design Review Committee, Development Review Board, and Historic Preservation Commission. (Planning and Community Development)

The Planning Commission until recently was responsible for administering the development approval process but, with the creation of a Development Review Board in 2002, is now focused on updating the Montpelier Master Plan. The update will include significant changes to the City’s land use, parking, and open space policies, as well as renewed sign regulations. The Planning Commission also works in collaboration with the Department of Community and Economic Development to study and promote mechanisms for the creation of affordable and work force housing. (Planning Commission) The Planning Commission meets twice a month and all meetings are open to the public. Membership to the commission includes seven appointed volunteers who have special knowledge or interest in city planning.

The Development Review Board, DRB, was established in 2002 by the City Council to combine the development review functions of the Planning Commission and Zoning Board of Adjustment into a single body. The DRB hears and decides upon the appropriateness of development proposals measured against standards and procedures outlined in the Montpelier Zoning and Subdivision Regulations. Specific duties of the DRB include: ruling on appeals for decisions of the Zoning Administrator, adjudicating appeals for variances, consideration of applications for conditional uses and subdivisions, site plan and design review approval, floodplain development site selection, and interpretation of the provisions of the Zoning and Subdivision Regulations. (Development Review Board) The DRB is comprised of nine volunteer appointees who meet twice a month. All meetings are open to the public. The DRB also accepts recommendations from the Design Review Committee and Historic Preservation Commission. The DRB is governed by rules of procedure, which lay out the protocol and authority of the board.
The Design Review Committee, DRC, consists of five appointed volunteers who have explicit knowledge and interest in urban design, architecture, landscape architecture, or a related field. The jurisdiction of the DRC is the Design Control District, which is an overlay zone in Montpelier. All proposed exterior alterations to structures, new construction, and land development within the controlled district is subject to review by the DRC. As an advisory board, the committee hears and reviews plans and makes recommendations for action to the DRB.

The design review criteria are listed in the Montpelier Zoning and Subdivision Regulations and include: harmony and compatibility of exterior design, material compatibility, landscaping compatibility, location and appearance of utilities, vista and view protection, and preservation of appropriate architectural styles for properties in the historic district. (Zoning and Subdivision Requirements, Section 505F) The City also published design guidelines, Cityscape I and II, for use by the DRC and property owners in interpreting the design criteria. The DRC serves the public function of offering early design guidance to property owners and developers. Applicants may choose to take part in design consultations with the DRC in order to gain insight into design requirements and characteristics of compliant projects. This process can prove financially beneficial to applicants and shorten the overall length of the approval process.

The Design Control Overlay District consists of the Central Business District, the Capitol Complex area, the Memorial Drive gateway, the Vermont College and Woodbury College campuses, office park districts, and other designated areas where historic preservation and design considerations have been determined as necessary. (See Appendix B, Figure 2.2) (Design Review Committee)

**Montpelier Design Review Process**

The development and design review procedures represent the first step in obtaining a zoning permit, which must be issued prior to any site work or construction. Applicants approach the Department of Planning and Community Development and if the project falls within the boundaries of the Design Control District are given the choice of attending an early design conference with the Design Review Committee. If the proposed development is beyond the control district limits, the application is reviewed for completeness by planning staff and sent directly to the Development Review Board. For development proposals within the control district applicants may choose to take part in a formal but advisory review by the DRC. Once approval is gained the application is added to the agenda for the following DRB meeting along with a
recommendation by the DRC in support of the project. The DRB then reviews the application and site plan and measures the proposal against stated zoning and subdivision standards, pertaining primarily to permitted land uses and public safety. All projects must gain approval from the DRB before being issued a zoning permit.

**Technical Requirements**

All applications for development in design control districts must include the following submittal requirements; scaled architectural elevations including existing and proposed structures, material specifications, color chips for exterior elements, a landscaping plan that includes a plant material list, photographs of the site and adjacent sites, and a lighting plan. The DRC or DRB may require additional information including models, or other three-dimensional analysis when necessary for review.

**Regulatory Context**

Vermont is a Home Rule state and therefore local governments need not refer to expressly granted powers from the State when adopting land development regulations. However, the DRB adheres to the policies and provisions of all applicable state statutes, the Montpelier Zoning and Subdivision Regulations, and the Rules of Procedure. The Rules of Procedure were adopted by the City Council in 2001 in accordance with state statute 24 VSA 4462, which lays out the framework, powers, and duties for Boards of Adjustment. (Development Review Board Rules of Procedure)

**Interview with Planning Staff**

On January 20, 2006 Stephanie Smith, who is the Administrative Officer in the Department of Planning and Community Development answered interview questions about the design review process in Montpelier. Ms. Smith staffs the Design Review Committee for the City.

First, Ms. Smith explained that the process of design review is incorporated into the Montpelier Master Plan in a section that pertains to historic resources and the built environment. The Montpelier Zoning and Subdivision regulations incorporate the Design Control Overlay District and establish the Design Review Committee to provide recommendations on proposed development within the district. The design control district was established in 1970, and the Design Review Committee was formed in order to advise the Development Review Board. She added that design review is used to protect the visual qualities of the town and the built
environment, because civic, commercial, and residential architecture contribute to the overall character of Montpelier. The DRC is responsible for reviewing signage, exterior alterations to existing structures including material and color changes, as well as new construction and demolition. The committee also reviews landscaping plans, she reported.

Ms. Smith further explained that the design review process is mandatory for properties with the control district but that DRC decisions are structured as recommendations for action by the Development Review Board, which has quasi-judicial standing. The DRB hears and makes the final decision for approval.

Design standards are included in the Section 505 of the Montpelier Zoning Ordinance. The standard review criteria are taken directly from state enabling legislation but the Town has also developed additional criteria with input from the public and the DRC. Ms. Smith noted that the criteria is somewhat general and leaves much room for interpretation. She expressed that the DRC tries to be consistent in their interpretation of the criteria but that the potential for subjectivity has created problems in the past.

In order to provide additional guidance to applicants and the committee, the City published two workbooks, entitled Cityscape I and II. These publications serve as visual aids to the general concepts laid out in the standards. The Cityscape books provide details on architectural styles, fenestration, roofs, colors, material compatibility, cornices, and appropriate storefronts among others. She noted that the workbooks have been helpful to some extent and that the City has seen some projects completed as suggested in the documents.

When asked to explain how the design review process is worked into permitting, Ms. Smith responded that design review is a pre-requisite to the issuance of zoning and building permits for properties in the controlled district, unless it can be determined that the proposal is exempt from the review process. If an application does not gain approval from the Development Review Board, then it cannot be built. The applicant has to reapply to the DRC with a modified plan. Most often, applicants explore options with the DRC before requesting a motion form the DRB. Applicants would rather gain acceptance early in the process than re-apply, she suggested. However, if an applicant wished to appeal a decision of the DRB they can file with the Environmental Courts. If an applicant does not comply with the DRB decision then the
Administrative Officer may enforce it through the levying of fees. She added that the entire process generally takes two months.

When asked to describe the treatment of objective terms such as ‘appropriate’ and ‘compatible’ she clarified that the Design Review Committee looks to the neighborhood or district zone to establish defining characteristics. The criteria found in Section 505 of the zoning ordinance leaves room for interpretation by the committee.

Ms. Smith suggested that municipalities considering establishing design review processes should make sure to have quality design standards. She argued that it is instrumental to solicit public involvement in the process of developing design criteria and added, ”The clearer the regulation, the less subjective the process.” She recommended using explicit terms especially in regards to acceptable materials. She also proposed allowing new construction to be a product of its time but with respect to the existing environment in terms of size, fenestration, roof shape, and height. She advised developing standards that encourage creativity in order to avoid monotonous repetition of architecture. In a final note she added that the appointments to the commission are very important and should not be taken lightly. She suggested employing an application process for those wishing to serve.

Ms. Smith forwarded contact information for the Chair of the Design Review Committee, Margot George, and suggested that she also be interviewed to gain insight into the successes and failures of the process from the standpoint of a committee member.

On January 26, 2006 Margot George was interviewed. Ms. George explained the use of standards and guidelines in Montpelier. The Cityscape books are not adopted guidelines and are therefore not legally binding. She said that this treatment of guidelines leads to subjective decisions on the part of the committee members. She expressed that gaining consistency in the interpretation of the design standards is difficult without legally binding guidelines.

When asked to offer recommendations for towns that would like to institute design review, she added that it is important to keep applications from being decided upon based on personal opinions. The rules must be very clear and apply to every applicant. She reiterated that the design review process in Montpelier is advisory and that applicants have the choice of asking for a vote from the DRC or resubmitting a modified application. She believed that this type of
flexibility was essential. She also suggested that having solid lines of communication between the various boards involved in the development approval process is critical.

**Summary**

Compatibility of development is essential in Montpelier because the city has a well-preserved historic core and street layout. Growth has happened slowly but steadily over the course of the 20th century, which has allowed the City to develop review procedures that are tailored to the needs and objectives of the community. Until recently, the Zoning Board of Adjustment and the Planning Commission handled different aspects of development review.

In 2002, the City established the Development Review Board in order to consolidate the review process, and created the Design Review Committee as an advisory board to review development proposals for properties within the Design Control District. Review by the DRC is mandatory but decisions are structured as recommendations to the DRB, which is the body responsible for issuing formal approval. Applicants may choose to receive early design guidance for the DRC in order to expedite the approval process. The advisory structure of the DRC has proved beneficial in Montpelier by convincing applicants that the primary roles of the committee are to provide design guidance without hindering ingenuity and educating the general public in regards to architectural compatibility. The DRC process is set up as a public service. However, attaining consistency and objectivity in the rulings of the committee has proven difficult due to the lack of detail provided in the design objectives. Also, the objectives are applied to all properties within the overlay district but on a case-by-case basis the committee must establish how to define the vicinity for each property in regards to neighborhood compatibility. The review process could be made more effective and less subjective if the districts or neighborhoods were formally defined.
IX. Key Findings

The following section outlines key findings and components of successful design review processes based on the analysis of related literature and the case study comparisons of Beaufort, Mill Creek, and Montpelier. The elements described below may be combined and synthesized in various ways depending upon the objectives of certain municipalities.

First, in order to gain community support the municipality must begin by establishing that the additional development regulations are based on providing a public service that is not otherwise served by existing procedures. Design review should be founded in public interests and should be alignment with stated community goals. Developing consensus through high levels of public participation and neighborhood input has proved beneficial in many communities. (Schuster 2005)

To accomplish this mission, municipalities that are considering instituting design review should conduct visual preference surveys aimed at defining community character and identifying traits of the built environment that the public would like to see preserved. Public workshops and hearings have proved to be successful means of incorporating public opinion into the policy–making process. It is important to create a common vision of ‘good’ urban design through democratic means. The surveys and community input sessions should inform the goals and objectives of the design review protocol.

While, conducting visual preference studies, communities should keep in mind the fundamental aspects of functional urban environments including human scale, ecological health, community identity and character, accessibility, diversity, mixed-uses, public gathering spaces, aesthetic streetscapes, comprehensible networks, as well as legibility, order and the hierarchy of places. (Nelessen 1994)

Before embarking on the establishment of a design review process, a community should attempt to better understand the biography of its past by identifying traditional settlement patterns, land uses, walking routes, and architectural styles. (Nelesson 1994) Analyzing problems and successes of the past can better inform the future and can educate the public about the character defining features of a town. It may prove helpful to conduct an inventory of local resources based on such features as unique and sensitive natural areas, vistas and view-sheds, major corridors and entryways, parks and open spaces, landmarks and historic structures, edges, nodes, and districts,
neighborhood characteristics, blighted areas, and scenic roads. These features can be mapped and referred to during the policy-making sessions. The inventory should be composed by town planning staff but with significant public input.

It is equally important that the design review process gain legitimacy in the eyes of the development community as well as the general public. Reducing subjectivity through the institution of a comprehensible procedure with strict timetables and an appeal process are the best means of establishing legitimacy. Design policies should consist of principles that are directly linked to stated design objectives and should be flexible to provide for creativity and innovation on the part of developers and architects. (Punter 1999)

Design standards should be specific in order to provide the board a basis for making decisions. Standards should be clear and comprehensive and should be adopted into the zoning ordinance. Design vocabulary should be well defined and applied consistently. It is often necessary for a city to publish design guidelines as supplemental documents to the design criteria. If guidelines are used, they too should be adopted into the zoning ordinance in order to be legally binding, which further reduces subjectivity in interpretation of the standards. Guidelines are enhanced by the addition of graphics and photographs to illustrate the characteristics of the desired urban form. The design review ordinance should be based on an adopted visual plan for the town and should be integrated as a part of the comprehensive planning system.

Once the necessity of design review policies has been established, the protocol should be designed in a way that consistency and fairness are ensured. Design review should follow a step-by-step process that is easily managed by the town. Staff must be secured and resources appropriated in order to assure optimal management of the process.

Review may be accomplished administratively or by an appointed board or by a combination of the two. It may be necessary to provide design control district overlays where the design criteria can be applied equally. It is precarious for design review boards to have powers of regulation based on their own judgment and which may be applied selectively. (Lynch 1968) The decisions of review boards should be based solely on defined principles as laid out by the design criteria. If board review is instituted, then board members should receive proper and frequent training. If administrative design review is employed, a suitable amount of staff should be assigned to make the process efficient and effective for applicants.
Review should be mandatory for properties within selected control districts, though some municipalities choose to exempt single-family residential development. The decisions may be either advisory or compulsory. If advisory, the decisions should take the form of recommendations to the board or body that issues zoning permits for the town. If compulsory, an appeal process should be instituted. It has been shown that design review can be effective as either early guidance or as the final step in the development approval process.

Perhaps, the single most important aspect of establishing a design review process for a municipality is ensuring that the process selected is legally defensible and based on state-enabling legislation. Legal experts should be involved throughout the process of establishing design criteria, review protocol, and the amendment of the zoning ordinance.
V. Hillsborough, NC: An Overview

History

The town of Hillsborough has a long history. Architectural resources have shown that the land in Hillsborough has been inhabited for a thousand years, beginning with three successive Native American villages spanning from AD 1000 to 1710. Hillsborough is situated in the center of Orange County, North Carolina and serves to this day as the county seat. Orange County was founded in 1752, and in 1754 William Churton laid out the town, then called Orange, on 400 acres. The town was situated at the crossing of the Great Indian Trading Path and the Eno River.

An early plan for the town called for public squares at each intersection of the main streets, however this plan was never built. Instead, the town developed based on a standard grid-like street pattern, despite its hilly topography. The town was renamed in 1766 in honor of William Hill, Earl of Hillsborough, who was the Secretary of State for the Colonies. Throughout its early history, Hillsborough served as a center of politics, economics, and culture. Hillsborough was the Colonial Capital of North Carolina and was a center for political activity during the Colonial and Revolutionary periods. The rebellion of the Regulators, an organized group of reformists during the Revolutionary period, was initiated in Hillsborough. Also, the Town hosted the third Provincial Congress in 1775, was the site of the Constitutional Convention in 1778, and was the birthplace of several elected governors. Hillsborough remained an important political center into the nineteenth century. It was from temporary headquarters near the town that General Joseph E. Johnston rode out to surrender the largest of the Confederate armies to General Sherman in 1865. (Town History)

The preservation of Hillsborough’s historic resources has been a priority for the Town and more than 100 late 18th and early 19th century structures have been preserved in Hillsborough’s historic district.

Growth Patterns

Hillsborough has experienced sporadic periods of population growth throughout the 20th-century. The US census reports that the total population for Hillsborough was 857 persons in 1910. Between 1910 and 1920 the town population grew by 27.4 percent, but the following four decades saw a much lower rate of growth. Between 1920 and 1960 the population grew by only 11.2 percent. In fact, the population of Hillsborough experienced no increase between 1950 and 1960. However, since 1960, the growth rate has increased each decade, though not steadily.
From 1960 to 1970 the population grew 8 percent and from 1970 to 1980 the population leapt 52.2 percent. It was during this decade that Hillsborough saw its largest population expansion. In the decades following, the growth rate has slowed. From 1980 to 1990 the growth rate was 29.2 percent and from 1990 to 2000 the rate slowed to 21.7 percent. However, the population, between 1990 and 2000, increased by 1183 persons, which is 21.7 percent of the total population. (See Appendix A, Figure 1.1) (Log Into North Carolina)

Over time, the total land area of Hillsborough has increased by way of multiple annexations. When the town was founded, the original land area was .63 square miles. This area now constitutes the central portion of the town and commercial district. The designated historic district, which now includes the residential neighborhoods adjacent to the central business district, now constitutes 1.98 square miles. In 1980, the total land area of Hillsborough included the historic district, the West Hillsborough neighborhoods, and the commercial corridor south of the Eno River along South Churton Street. The total land area in 1980 was 2.2 square miles. However, during the following decade, Hillsborough annexed another 1.4 square acres, increasing the total land area by 39.2 percent. Expansion continued into the 1990’s as the Town annexed additional land, increasing the total land area to 4.6 square miles by 2000. In short, the town remained close to its original size, in terms of land area, for much of the 18th, 19th, and 20th-centuries. It has only been in the last 25 years that Hillsborough has more than doubled in size. Population density in Hillsborough decreased by 16.4 percent between 1980 and 1990 much likely due to the annexation of new territory. The density diminished only slightly between 1990 and 2000. The US Census records indicate that the population density in Hillsborough was 1189 persons per square mile in 2000. (Log Into North Carolina)

**Demographics**

The median income of households in Hillsborough has increased in the last 25 years. In 1980 the median household income was $11,806 but in 1990 the figure had risen to $22,074. By 2000 the median household income had increased to $40,111, yet 11 percent of the total population lives below the poverty level. The racial makeup of Hillsborough in 2000 consisted of 60.3 percent white, 34.8 percent black, and 4.9 percent other. These percentages are similar to those recorded for 1980, though the category of white persons has decreased by almost 9 percent while black and other have each increased by over 4 percent. (US Census)
Municipal Government Structure

The following sectioned outlines in detail the structure of the municipal government in Hillsborough and the powers and duties of local boards and commissions associated with design review and planning.

The Town Charter and all municipal legislation for Hillsborough are documented in the Town Code. The Town Code includes 17 Chapters, one of which is the Zoning Ordinance. The Zoning Ordinance governs all Planning activities and development regulation within the town limits and extra-territorial jurisdiction.

The Town of Hillsborough operates under the Council-Manager form of government. The Board of Commissioners consists of the Mayor and five elected Commissioners. The Town Board is responsible for hiring the Town Manager, who is given the duty of overseeing the daily operations of the town. Other responsibilities of the Town Board include; hearing and deciding on applications to amend the text, schedules, and maps of the Zoning Ordinance, establishing rules of procedure for the conduct of hearings and proceedings before the Town Board, making appointments to the Planning Board, Board of Adjustment, and Historic District Commission, and providing by appropriation, funds for the administration of the Zoning Ordinance. The Town Board meets monthly and also holds monthly work-sessions. Town Board meetings are open to the public. (Zoning Ordinance, Chapter 16)

The Hillsborough Planning Board is a 10-member volunteer board appointed by the Town Board to review planning issues in the Town’s zoning jurisdiction. Three of the members are appointed by the Orange County Commissioners to represent residents of the Extraterritorial Jurisdiction, ETJ, an area just outside the city limits where the Town of Hillsborough has zoning jurisdiction. The Planning Board holds monthly meetings that are open to the public. The Planning Board is responsible for making recommendations to the Town Board on issues related to re-zonings, subdivisions, and ordinance amendments. The Planning Board also reviews site plans for development in the Entranceway Special Use District. The general powers and duties include; making studies of Hillsborough and surrounding areas, and making recommendations to the Town Board for development of planning policies and procedures in Hillsborough. (Zoning Ordinance, Section 21.2.9)
The Board of Adjustment, BOA, consists of five members and two alternates, who are appointed by the Town Board for three-year terms. One of the regular members is appointed from the Planning Board. The Board of Adjustment reviews any order, decision, or determination deemed appropriate by the Zoning Officer, including site plan review of new developments and redevelopment. Contested issues from the other boards are heard and decided upon by the BOA, as are appeals for variances and conditional uses. The BOA holds monthly meetings, which are open to the public and often have a public hearing element. All appeals for BOA decisions are heard by the Superior Court. (Zoning Ordinance, Section 21.1)

The Town Council established the Historic District Commission, HDC, in 1973. The mission of the board is to identify, protect, and preserve Hillsborough’s historic architectural resources and to educate the public about those resources and historic preservation in general. The HDC is comprised of 7 appointed members, who must be Hillsborough citizens and whom have demonstrated special knowledge or interest in preservation. The HDC serves as both an advisory body to the Town Board and as a quasi-judicial body that makes decisions about proposals for exterior changes and demolition of properties as well as new construction within Hillsborough’s historic district. The HDC reviews the proposed changes to determine if they are consistent with the character of Hillsborough’s historic district based on standards enumerated in Section 21.6.3 of the Zoning Ordinance. The commission holds monthly meetings that are open to the public. Proposals for work on structures within the historic district must be granted a Certificate of Appropriateness by the HDC or deemed exempt before work begins. (Hillsborough Historic District Design Guidelines)

The Town Board established the Tourism Board in 1994, in order to promote travel, tourism, and visitor services, to preserve, and enhance the historic built and natural environment, and to sponsor programs and activities designed to improve Hillsborough's attraction to visitors. The Tourism Board consists of 9 members, appointed by the Town Board, including one Commissioner from the Town Board, one member of the Hillsborough Area Chamber of Commerce, one member of the Alliance for Historic Hillsborough, four Hillsborough business owners, and two citizen volunteers. The Tourism Board has been instrumental in planning policies and activities related to the main commercial areas in Hillsborough, especially in regards to Churton Street. (Churton Street Background)
Other boards in Hillsborough include the Parks and Recreation Board, the Tree Board, and the Margaret Lane Cemetery Board.

**Planning in Hillsborough**

Planning in Hillsborough is administered by the Planning Department, which consists of a Director, one full-time Planner, and a Code Enforcement Officer. The Planning Department is responsible for staffing the Boards and Commissions, enforcing land development regulations and ordinances, and implementing the Vision 2010 Plan. These duties are accomplished through plan and permit review, facilitating public interaction through public hearings and one-on-one communication, representing Hillsborough on regional planning committees, and maintaining the records of the advisory boards. Planning staff issues Zoning Compliance Permits for new construction and redevelopment within town limits. Building and Inspection Permits are issued at the county level.

**The Comprehensive Plan: Vision 2010**

In 1990 the Hillsborough Town Board appointed a Vision 2010 Plan Committee, who were responsible for studying existing conditions in Hillsborough including land use, public infrastructure, environmental resources, and tax base. The committee prepared a plan and in 1991 the plan was adopted. In 1998, the Town Board appointed a task force to suggest revisions to the plan. The task force examined the progress made toward implementing the original plan. Public opinion and input was solicited through a series of three public workshops. The scope of the Vision 2010 Plan was extended beyond the town limits to incorporate areas where development was likely to occur with town services. The Vision 2010 Plan and the revision present goals, objectives, policies, and guidelines for Town Officials and staff to use in planning activities. (Zoning Ordinance, Section 21.2.11)

The mission of the revised Vision 2010 Comprehensive Plan is to, “…maintain, protect, and improve the elements that are unique to Hillsborough: its historic built and natural environment, and the diversity of its people, and its small town qualities; and to create within those elements as economic vitality dedicated to and consistent with those elements.” (Revised Vision 2010) It is in the Vision 2010 document that the Town outlines objectives and policies to institute a design review process. The first goal of the comprehensive plan is to manage growth in a way that enhances and complements Hillsborough. Under this goal the Town has stated that one of its objectives is to ensure that new development and redevelopment maintains and enhances the
special character of Hillsborough. The Vision 2010 Plan calls for the establishment of a Design Review Board defined as, “A volunteer board appointed by the elected officials that reviews new development and redevelopment and recommends design changes to make proposals more appropriate to the neighborhood” (Vision 2010)

The plan also recommends that design guidelines be developed as aids in the design review process. The Vision 2010 Plan explains that design guidelines should:

- Establish a grid street pattern, walkability, and streetscape characteristics of downtown as the model to follow.
- Discourage strip shopping center pattern.
- Minimize parking in front of buildings; encourage it along the non-street sides and rear.
- Promote pedestrian-friendly neighborhood and community scale retail opportunities.
- Establish appropriate design standards with respect to materials, style or theme, and surrounding neighborhood unique to each site.
- Promote creative options to the large discount retail and franchise options most often presented.
- Promote landscaping patterns that provide meaningful shade and softening of the built environment.
- Review and refine existing sign ordinance. (Revised Vision 2010)

The revised plan also establishes a system of prioritizing the goals and objectives, and assigns the responsibility of carrying out each objective to the various boards and commissions. The Implementation Plan outlines four categories for implementation purposes: Immediate Priority, Secondary Priority, Third Priority, and On-going. Many of the objectives and policies related to design review are listed in the Implementation Plan under the Immediate and Second Priority categories. For instance, establishing an Entrance Overlay Zone along major transportation corridors and creating small area plans to address the individual needs of neighborhoods are listed as Immediate Priorities and are assigned as responsibilities of the Town Board, Planning Board, and Design Review Board. Establishing a Design Review Board, developing and adopting design guidelines, preparing small area plans for commercial areas along major transportation corridors, and establishing connectivity and a healthy pedestrian environment are listed as secondary priorities. Each of these objectives is directly related to the establishment of design review policies in Hillsborough. The responsibility for the implementation of each objective is assigned to the Town Board, Planning Board, or Design Review Board accordingly.
As a component of the revised Vision 2010 document, a Future Land Use Map was developed in order to show how the goals and objectives of the comprehensive plan would spatially affect general land uses in Hillsborough. (See Appendix, Figure 2.4) Two categories for Future Land Use are particularly associated with design review. These categories include Transportation Nodes and Transportation Overlay, which are meant to address the concerns of managing congestion and providing for aesthetic development along major transportation routes in Hillsborough. The Vision 2010 Plan outlines critical Transportation Nodes and specifies that detailed site-specific design and access plans should be created in conjunction with any development in these areas. The critical Transportation Nodes as identified by the revised 2010 Plan include:

- All intersections with I-40 or I-85
- Churton Street and Orange Grove Road
- US 70 Bypass and Churton Street
- NC 57 and NC 86
- US 70 and Revere Road
- US 70, NC 86, and Elizabeth Brady Road
- Corbin Street and Churton Street
- Churton Street, US 70 A and NC 86
- Churton Street and Oakdale Drive
- St. Mary’s Road and US 70 Bypass (Vision 2010 revision)

The Vision 2010 Plan also calls for a category to be added to the Zoning Ordinance called an Entranceway Overlay Zone that can be applied to properties along the major routes into town. The Overlay Zone contains access management measures, sign height limitations, and use limitations aimed at improving the safety and appearance of the commercial development along the primary transportation corridors. (Vision 2010) The most effective way to influence the design of private development in the Transportation Nodes and Entranceway Overlay Zone is through the mechanism of a design review.

To this date, Hillsborough has not yet established a Design Review Board, though the Town has addressed some of the objectives related to design review from the comprehensive plan via others devices. The following section outlines the work of several committees and initiatives that have been undertaken to tackle issues related to development in Hillsborough and Orange County.
**Strategic Growth Plan**

Hillsborough and Orange County established a task force in June 2004 that was meant to, “improve the coordination of land use decisions through enhanced cooperation between Orange County and the Town of Hillsborough in the development of a planned growth pattern for urban and rural areas defined by their associated services and environmental assets”. (Orange County/Town of Hillsborough) The task force includes members from both Orange County and the Town of Hillsborough.

In February 2005, the Urban Transition Area Task Force delivered a draft report to the County and Town Commissioners that outlined products, recommendations, and implementation strategies for pertinent planning issues. One of the products recommended by the task force was a Joint Strategic Growth Plan, which would consist of a jointly funded study carried out by a hired consulting firm. The Urban Transition Area Task Force Report was adopted and the two jurisdictions released a Request for Proposals, RFP. Clarion Associates, a consulting firm based in Chapel Hill, responded to the RFP and was selected based on the strategy outlined, which included a, “focus on the edges, on establishing a growth boundary, evaluating impacts of growth, looking at transportation systems, and making distinctions between urban land and rural land.” (Clarion Associates)

Clarion’s work is currently ongoing but the Strategic Growth Plan will be finished by September 2007. This document will have direct effects on the purpose and procedures of design review in Hillsborough, especially along major transportation corridors and at the fringes of the town. Hillsborough and Orange County have established a Strategic Growth Plan Steering Committee to oversee the process and to direct the consultants as the Strategic Growth Plan is developed.

**Churton Street Corridor Strategic Plan**

Discussions of improving Hillsborough’s visual appeal along Churton Street began in 1997 with the development, by the Tourism Board, of the Downtown Hillsborough Appearance Improvements Plan. In this plan, specific and conceptual components to enhance the functionality and appearance of the downtown area were enumerated. In August 2003, the Hillsborough Tourism Board invited regional university planning, urban design, and landscape architecture students to submit entries for a competition to develop a new design for Churton Street. Submissions were presented and judged in January 2004. The current strategic planning process
for the Churton Street corridor is built upon the resulting ideas generated through the competition. (Churton Street Background)

The Churton Street Strategic Planning Committee was established in November 2004 to carry forward with the development of a strategic plan for the Churton Street corridor. The planning area encompasses all parcels of land that front onto or have access to Churton Street from the I-40 interchange to the Highway 57/86 split, 4.25 miles to the north. (See Appendix B, Figure 2.5) Over the course of 2005, a series of public workshops were held and a consultant team was hired to compile results and develop the strategic plan. The result of the public workshops was a list of key issues to be addressed in the plan. Some of the major concerns noted include walkability and pedestrian safety, traffic flow and congestion, sign clutter, the incompatibility of building design and architecture, lack of landscaping, and aesthetics along the corridor. (Churton Street Strategic Planning Committee) To date, the Churton Street Corridor Strategic Plan is not complete but a draft of the plan has been submitted to the Town for review and the Town expects the final document in June 2006.

An initial report identifies the mission of the Churton Street Strategic Planning Committee as to:

• Improve the appearance and economic vitality of the Churton Street Corridor
• To protect and celebrate the diverse historic and cultural identity of the town
• To promote environmental stewardship, and
• To encourage and support and active lifestyle.

The report also includes recommendations in the form of objectives including the following:

• Foster the development of an urban environment along Churton Street that compliments the historic character of downtown Hillsborough, welcomes visitors, and is a desirable destination in which to live and work,
• Identify and plan for districts within Churton Street Corridor that display a common character or types of land uses,
• Develop community entrances that convey a sense of arrival and reflect the character of Hillsborough,
• Improve the appearance of Churton Street and the properties adjacent to Churton Street,
• Encourage investment along the corridor,
• Improve mobility and access for users of the corridor, including automobiles, pedestrians and bicyclists, and
• Improve the appearance of signage throughout the corridor.

(Churton Street Strategic Planning Committee)

Many of the issues raised by Churton Street study can be attributed to lack of design regulations along the main transportation routes. The final plan will identify goals and objectives for the corridor but until an implementation system is in place to regulate such design-related matters as signage, architectural styles, pedestrian facilities, and landscape requirements, the plan will be incomplete. The establishment of a design review process and the development of design review guidelines could be instrumental for the Town of Hillsborough toward realizing the goals and objectives of the strategic plan for the corridor.

**Zoning Districts with Design-Based Regulations**

Besides the Historic District, the Town of Hillsborough has introduced three zoning districts that are subject to development regulations beyond the common requirements of permitted uses, setbacks, buffers, height restrictions, and dimensional constraints. These districts are the Economic Development District, the Entranceway Special Use District, and the Entranceway Overlay Zone. The Economic Development District is an overlay district on the Official Zoning Map of Hillsborough. (See Appendix B, Figure 2.3) The following section outlines the regulated districts.

**Economic Development District**

In 1994, the Orange County Board of Commissioners adopted design criteria for three economic development districts. The districts are located along major transportation corridors in the county, and one of the districts is partly within Hillsborough town limits. Performance standards and design criteria are laid out in the Economic Development District Design Manual, which was developed by both the Orange County Planning and Inspections Department and the Economic Development Commission, and which now represents Article 6.29.3 of the Orange County Zoning Ordinance.

The Town of Hillsborough accepted the Economic Development District, EDD, designation for the area within town’s jurisdiction, and rezoned the associated properties, which are located along Old NC 86 near the intersection of I-40. (See Appendix B, Figure 2.6) The intent of establishing this district was to provide locations for a wide range of industrial, distribution, flex space, office,
service, retail, and residential uses. (Zoning Ordinance, Section 2.14) The EDD zone is subject to special design criteria and development regulations.

The performance standards for the EDD include permitted uses, minimum site volume ratios for the various land uses, and maximum impervious surface ratios. Design criteria include architectural standards such as compatibility of style and materials, similar proportions, scale, and massing, and unifying design concept. The standards also regulate setbacks, buffers, landscaping design, fencing and screening, and circulation and parking layout. Signage and lighting requirements are also listed.

The design criteria and performance standards are extensive for the EDD. The review process for development proposals located in the ED District begins with a staff review to make sure site volume ratios, setbacks, and buffer requirements are met. The application then follows the ordinary path of review in Hillsborough. There is no formal process in place for development proposals to be measured against the design criteria as listed in the design manual.

Entranceway Special Use District

The Entranceway Special Use, ESU, District was created in order to provide for the development of planned mixed-use projects and has been employed on a project basis along the primary entrance corridors into town. In order for a property to be rezoned as ESU it must be adjacent to and have street frontage along a road that is classified as an arterial or higher and which leads into Hillsborough. The property must also be serviceable with City sewer and water.

When an ESU rezoning is submitted it must be accompanied by either a special use permit application or an application for approval of a master plan for a planned or mixed-use development of at least 20 acres in size. The master plan must show proposed structures, uses, impervious surfaces, building orientation, parking areas, recreation facilities, open space, access and circulation routes for vehicles and pedestrians. The plans must also show how the development will employ architecture and design control, as well as storm water, landscaping, and lighting plans. (Zoning Ordinance, Section 2.17)

The master plan is judged on how well adverse impacts have been mitigated in regards to adjacent properties. The Planning Board is responsible for reviewing the master plan or special use permit application at the same time it reviews the rezoning request. The Planning Board may
request modifications to the plan and the applicant may make changes to the plan anytime before it is submitted to the Board of Commissioners for final review. After reviewing the proposal, the Planning Board submits a recommendation to the Town Board.

The Town Board is ultimately responsible for hearing and deciding upon the appropriateness of the project and judges the plans in accordance with the existing standards applicable to other zoning amendments or special use permits.

The ESU zoning designation has been utilized numerous times in recent years namely for large-scale mixed-use development proposals along Old 86 and 70 Business.

**Entranceway Overlay District**

The purpose of the Entranceway Overlay District is to protect the visual attractiveness of the transportation corridors leading into Hillsborough. The standards for this district are meant to improve and unify design, reduce impacts on neighborhoods and streets, and restrict high traffic uses. *(Zoning Ordinance, Section 2.18)* This district designation may be applied to any property that is within three hundred feet of the right-of-way for a street that is classified as a collector or greater that is also considered an entrance road into Hillsborough. The property must also be eligible of being zoned for non-residential use.

Beyond the regular development regulations there are additional requirements that apply only to non-residential uses in overlay districts. Certain uses are prohibited and access via primary roads is restricted. The front setbacks and landscaping requirements are stricter than the underlying zoning districts. Additional sign requirements have also been put into place for the overlay districts.

The following uses in the overlay zone require site plan approval by the Board of Adjustment: multi-family development, new construction and additions for non-residential uses. The Board of Adjustment hears and decides upon site plans for the overlay district based on stated standards of evaluation listed in the zoning ordinance. The BOA inspects lot areas, parking, access, and open space, as well as utilities, lighting, and landscaping plans. The Orange County Soil and Erosion Control Officer must also approve grading, storm water, and soil erosion plans. For multi-family developments the number of dwelling units, recreational facilities, and buffers are also evaluated.
(Zoning Ordinance, Section 5) As of yet, the Entranceway Overlay District has never been applied to a property in Hillsborough.

**State Enabling Legislation**

North Carolina is a Dillon’s Rule state, which means that the North Carolina General Assembly interprets the powers of local governments, as granted by the United States Constitution, to include only those powers granted in express words as well as those implied by expressly granted powers. Dillon’s Rule declares that if any reasonable doubt exists to the legitimacy of a power then the power is not conferred to the local government. (National League of Cities) The effect of this interpretation is that legislation must exist at the state level in order for a local government to enact and claim powers related to land use regulation.

In North Carolina, design review procedures are not expressly granted but are implied under certain general statutes. For instance, G.S. 160A-381, which pertains to zoning, states that “…for the purpose of promoting health, safety, morals, or the general welfare of the community, any city may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes and to provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.” (North Carolina General Statute: 160A-381) This statute enables a town to regulate development by the use of zoning and assigns the power of that regulation to a Board of Adjustment. It also provides that the Board of Adjustment or the city council may issue special use permits or conditional use permits in accordance with the principles, conditions, safeguards, and procedures specified and may impose reasonable and appropriate conditions and safeguards upon these permits. G.S.160A-382 provides for regulation within zoning districts and allows that, “…the city may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this Part; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land.” This statute expressly grants the power of a municipality to institute regulations in special use and conditional use districts as well as traditional zones.

Local governments have also been given the authority to establish Community Appearance Commissions by G.S. 160A-451 and have been provided with a list of the intended powers of
such a commission by G.S. 160A-452. It states, “The commission, upon its appointment, shall make careful study of the visual problems and needs of the municipality or county within its area of zoning jurisdiction, and shall make any plans and carry out any programs that will, in accordance with the powers herein granted, enhance and improve the visual quality and aesthetic characteristics of the municipality or county.” The statute declares that Community Appearance Commissions may review plans for compliance with local ordinances for public projects. It also gives power to the commission to seek voluntary adherence to the standards and policies of its plans for private development. This statute also notes that Community Appearance Commissions may “... formulate and recommend to the appropriate municipal planning or governing board the adoption or amendment of ordinances (including the zoning ordinance, subdivision regulations, and other local ordinances regulating the use of property) that will, in the opinion of the commission, serve to enhance the appearance of the municipality and its surrounding areas.” (North Carolina General Statute 160A-451, 452)

It is these statutes that govern local design review processes in North Carolina. Any locality may institute design review as long as the process complies with the state-enabling legislation.

**Interview with Planning Director**

The following section recounts an interview with the Town of Hillsborough Planning Director, Margaret Hauth, which was held on February 15, 2006. The interview questions were structured around gaining insight into the implementation of the Vision 2010 comprehensive plan, the recent growth and development trends in Hillsborough, and conflict or barriers related to the development approval process.

Ms. Hauth was first asked to describe the development approval process currently used in Hillsborough. She explained that site plans and applications for conditional-use permits are reviewed by the Board of Adjustment, while applications for special-use permits, re-zonings, and subdivisions are reviewed by the Planning Board, which then makes a recommendation to the Town Board for formal approval or denial of the proposal. Variance requests are heard and decided by the Planning Board.

The development approval process in Hillsborough has only a limited type of design review and only in the specified districts. When asked to explain the use of design standards in Hillsborough, Ms. Hauth expressed that the only projects subject to design review are those located within the
historic and economic development districts and that all other work need only meet the requirements laid out in the permitted use table and dimensional requirements found in the zoning ordinance. However, she added that there were some specifications for developments within the special use district located along the main transportation route into town. She expects that some type of design criteria will need to be written into the South Churton Street Corridor Master Plan. Ms. Hauth believes that in order for the implementation strategies for South Churton Street redevelopment to be solidified, design criteria and regulations for the area will have to be incorporated into the zoning ordinance.

Next, Ms. Hauth was asked to describe current growth and development trends in Hillsborough from a planner’s perspective. She accounted for 24 development projects that are currently under review. She added that over 50 percent of those projects are residential. In the fifteen years that she has worked in the Planning Department, she has noticed a significant change in the type of growth happening in Hillsborough. She noted that development seems to be happening more along transportation corridors and at the interstate interchanges. Ms. Hauth communicated that the extent and scale of development projects has also increased greatly. She said there were not as many local builders anymore but instead large-scale mega-developers and subdivisions seemed to be the norm.

Finally, Ms. Hauth was asked to speak to the implementation efforts for the Vision 2010 Plan and to express her opinions on the legitimacy and helpfulness of establishing a design review process in Hillsborough. She explained that the Town Board had decided to embark on the development of a Strategic Growth Plan because the Vision 2010 had become somewhat out-of-date. Previously, the Planning Department annual budget work-plan had included items from the Vision 2010 each year, but many of the objectives had not been met. She said that the focus had now shifted toward strategic growth in Hillsborough, and that the new plan would incorporate elements of the Vision 2010. Ms. Hauth added that the concept of design review had become a hot topic in the last few months and that she expected it to become an implementation element of the Strategic Growth Plan. She noted that from time to time board members had expressed interest in the establishment of a design review process but that she had heard few such requests from the general public.

Design review, Ms. Hauth commented, could be beneficial for dealing with aesthetics and form but she cautioned against instituting design regulations for private residences. She added that the
best course of action for establishing design review should utilize the existing boards and commissions rather than creating a new regulatory body. Design review could be handled administratively if the design criteria were clearly laid out and if the number of staff in the Planning Department was augmented to provide for a greater workload.

When asked about potential conflicts and barriers to establishing a design review process, Ms. Hauth responded that making sure the procedure was legally defensible would be a primary goal. Figuring out what types of development to review would be difficult and should involve the public. She explained that receiving public acceptance of the standards and guidelines would be important to gaining legitimacy of the process, and suggested that public hearings or work sessions during the development of design criteria should be employed. “There are a wide variety of opinions to deal with in Hillsborough,” she added. Public opinion and support may be the single most important facet of initiating a review process in Hillsborough.

**Summary**

Hillsborough is in a time of transition. The current trend of growth and development is unprecedented in and around the town. The comprehensive plan is out-of-date and is being replaced by a new strategic growth plan. The Town of Hillsborough has dedicated vast resources toward maintaining a high quality of life for its residents through planning and community development. To this end, plans have been formulated and goals and objectives enumerated, yet implementation techniques have not been formalized. The establishment of a design review process may be instrumental in attaining the ultimate vision for the town as stated in the comprehensive planning documents and initiatives, specifically in regards to the urban transition area, entrance overlay zones, transportation nodes, and the Churton Street corridor. The current system of development review in Hillsborough does not offer a concise system or a set of comprehensive tools to regulate the form of development in these areas. If establishing a design review process is still a primary objective for the Town, now is the time to begin.
X. Recommendations for the Town of Hillsborough

As the Town of Hillsborough embarks upon the process of developing a Strategic Growth Plan, design review should be considered as a means to encourage compatibility between new development and the existing environment. Establishing a concise and comprehensive system for evaluating development proposals should continue to be a primary goal for the town and could prove instrumental in near future for maintaining the unique qualities of Hillsborough as rapid growth and development continue. Design review is an apt mechanism for evaluating certain components of development not regulated by traditional zoning such as connectivity, the pedestrian environment, and community character. Establishing a sound design review process could also prove beneficial by making the development approval process in Hillsborough more concise and comprehensible. As the Strategic Growth Plan continues to develop, design review could prove a valuable implementation technique and should be thoroughly assessed by the Strategic Growth Plan Steering Committee.

Establishing a Design Control Overlay District

Deciding where and how to implement design review is the first step. Recent development trends in Hillsborough indicate that the areas most affected by growth are properties adjacent to the major transportation corridors leading into town and properties located near highway intersections. (See Appendix B Figure 2.9) Design review is most immediately necessary in these areas. Hillsborough has already established entranceway districts that have additional design-based requirements. These districts, as well as Churton Street, and other major transportation corridors should be incorporated into a Design Control Overlay District. (See Appendix B, Figures 2.7 and 2.8)

The institution of a Design Control Overlay District would allow the Town to evaluate development proposals based on criteria that encourages community character such as material compatibility, architectural form and massing, the location and layout of parking, and landscaping and signage requirements. The Design Control Overlay District regulations could be designed so as to absorb the existing Entranceway Overlay, Economic Development, and Special Use districts thereby making the process of development approval more comprehensive, effective, and efficient. However, it may be beneficial to establish neighborhood districts within the Overlay Zone that have detailed criteria and special requirements. This amendment to the current process would necessitate an alteration to the duties of the BOA and Planning Board. The BOA would no longer be the body that reviews site plans for development in the Entranceway Overlay District.
The BOA would still be responsible for reviewing site plans for projects not within the Design Control District. Depending upon the review path chosen, the duties of the Planning Board will also need to be amended.

The adoption of a new overlay district should be based on community input and strategic planning. Upon determining municipal desire for such a district, the Town should employ extensive public research aimed at defining the formal qualities that comprise the character of Hillsborough in the public mind. The use of visual preference surveys, public workshops, and design charrettes have proved worthy mechanisms for soliciting public opinion. It may be necessary for the Town to host an information session for the general public to clarify the goals of design review. There is much misinformation about the objectives design review, and the Town would be wise to confront any community apprehensions and trepidations related to the increased regulation of private land. The process will be made more legitimate if public values regarding land regulation have been thoroughly assessed and integrated into the objectives. Community support is the key ingredient for a sound design review process.

The Town will also need to resolve what land uses will be subject to design review within the control districts. Most frequently, design regulations are applied to commercial and multi-family residential development. The decision on how to treat single-family development should be based on community input and the stated objectives of the Strategic Growth Plan. It has been observed that regulating the design attributes of properties zoned single-family residential can pose a legal risk if no specific state-enabling legislation exists for such a process.

Once, the Town of Hillsborough decides where and how to institute design requirements, the next step is to compose a process that is legally sound and well integrated into the existing development approval procedures. Based on advice gathered from the Town of Hillsborough Planning Director and recommendations from the planning staff for the cities compared in the case studies, three potential review paths have been developed and are presented below.

**Integrating Design Review into the Planning Process**

Currently, responsibilities for reviewing new development and redevelopment proposals in Hillsborough are divvied up between the Planning Board and the Board of Adjustment. The Planning Board makes recommendations to the Town Board on applications for special use permits, annexation, re-zonings, subdivisions, and master plans for the Entranceway Special Use
District. The BOA hears and decides upon conditional uses, appeals from the other boards, and carries out site plan review of projects not within the special use district. There have been cases where jurisdictional lines have been crossed during deliberations by the various boards and cases where applicants were subject to extended review due to the fact that the existing process involves multiple boards.

It can be confusing and inefficient to have several boards involved in the review of development applications but any change to the current system may have political implications. Depending on the course chosen by the Town, the powers and duties of the Planning Board and Board of Adjustment should be revised. It could prove beneficial to condense the current review system into one where the approval process path is easier to comprehend by the development community and the general public. However, any adjustments to the process currently in use should gain the support of the existing boards and commissions before being implemented. The potential paths for design review, listed below, assume that the Town of Hillsborough will implement a Design Control District that will absorb the Entranceway Special Use, Entranceway Overlay, and Economic Development Districts and that design criteria and guidelines will be written into the zoning ordinance for the control district.

Additionally, the new process must be designed in accord with expressly granted powers by the State, and any amendments to the zoning ordinance should be comprehensive and consistent with existing legislation.

**Administrative Review**

It is advised that regardless of the review path chosen, the process begin with formal administrative review. Applicants should attend a pre-application meeting with planning staff at which time all associated requirements should be conveyed. In Beaufort, each applicant is assigned one staff member who is particularly responsible for overseeing the application through the entire review process. This technique has proved valuable to the planning department and has helped to establish support for design review by the development community. The pre-application meeting serves as an informal administrative review of the concept plans, and is a session where applicants can ask questions and receive early design guidance and advice based on the expertise of planning staff. The planning department should develop a series of documents in the format of checklists for each district, which list the associated design requirements for various
permitted uses. Applicants should be given the checklist and any other pertinent information regarding development regulation at the pre-application conference.

Once preliminary site plans have been developed formal administrative review should take place. During this stage of the process, planning staff should evaluate the proposal based on criteria and standards outlined in the zoning ordinance that apply to the property in question. Administrative review serves to identify, early in the process, any overt design flaws and expose potential issues with the site plan. During the staff review, applicants should be given the opportunity to make modifications to the site plan based on administrative findings. Once the issues have been addressed, the staff should write a formal report that includes the checklist of requirements met and recommendations for action to be submitted along with the application for board review.

**Board Review**
The following section outlines three potential paths for incorporating design regulations through board review into the development approval process Hillsborough. Each path is assumed to begin with the administrative review component previously described.

**Design Review Path A**
The first option for Hillsborough includes the creation of an advisory Design Review Board. After the pre-application meeting and formal staff review, the application would be sent, along with the staff report, to the DRB. Like the existing boards, the DRB would be comprised of volunteer appointees but DRB members should have special knowledge or expertise in fields related to architecture, landscape architecture, or planning. The DRB would evaluate proposals based on standards and guidelines tailored to the various design control districts. The DRB would be responsible for making a recommendation to the Planning Board based on compliance with the design criteria. After the DRB reviews the proposal, the application would be submitted as a special use permit application to the Planning Board and would follow the existing approval path from that time. Planning Board would review the application for compatibility with strategic growth plans and would make a recommendation to the Town Board. This path utilizes design review as early design guidance and relies on the existing boards for formal approval. An appeal process is not necessary for this path because DRB decisions would be advisory.
Design Review Path B

The second option also involves the creation of a new Design Review Board but makes the DRB decisions binding rather than advisory. This path again begins with administrative review and a formal staff report, which would be submitted to the Planning Board for review as a special use permit application. The Planning Board would review the site plan for compliance with the permitted use table and basic dimensional requirements associated with the special use district. The Planning Board would issue a recommendation for action by the Town Board, who would be responsible for issuing final approval of the project. However, the Town Board would attach a condition to the approval for all projects within the Design Control District. The condition would stipulate that the project must gain approval from the Design Review Board. The proposal would then be reviewed by the DRB and measured against design criteria laid out in the zoning ordinance. The DRB would be comprised of volunteer appointees who have special knowledge or background in a field related to architecture, development, or planning. This path includes an
appeal to the Board of Adjustment for DRB decisions. The BOA would be responsible for hearing and deciding on the appeal for any contested issues related to projects in the Design Control District.

Diagram: Path B

Design Review Path C

The final option for Hillsborough does not include the creation of a new board. Instead, the Design Control District would be developed as a special use district and any development proposals within this district would need to obtain a special use permit. Administrative review would be conducted as the first step and a formal staff report developed. The Planning Board would be responsible for reviewing projects in the control district and the process would be conducted in much the same way as special use permit applications are handled currently. If this path is chosen, further investigation should be conducted by the Town into expansion of the general responsibilities of the Planning Board. This path would significantly increase the duties of the Planning Board and modifications to the schedule and responsibilities of the board may be necessary. For instance, the Planning Board may need to double the number meetings per month,
in order to process the exaggerated workload. It may prove beneficial to establish the Planning Board as a site plan review board for all property in the Hillsborough planning jurisdiction, and may be necessary to change the name of the board to Planning and Site Plan Review Board. The powers and duties of the board should be amended in the zoning ordinance. Planning Board decisions would continue to take the form as recommendations to the Town Board and appeals would continue to be heard and decided upon by the BOA. If this path is chosen the Town should also consider requiring Planning Board members to have some professional or academic background in a field related to planning, architecture, engineering, or landscape architecture. Expertise in a related field will greatly increase the efficiency of the process and the legitimacy of decisions.

Diagram: Path C

Additional Components of Design Review
Besides developing an appropriate process, the Town of Hillsborough should also carefully consider what elements of development would be subject to regulation. As demonstrated in the review of related literature, there are numerous ways to apply design criteria. The Town should
conduct further research and should solicit public input to decide how best to tailor design regulations. Ultimately, the Town should seek to integrate design review requirements with the objectives developed in the Strategic Growth Plan. Based on objectives laid out in the Vision 2010 Plan the following elements should be integrated into design criteria; street connectivity, pedestrian and bicycle access and amenities, streetscape characteristics, parking location and layout, site layout and setbacks, building scale, massing, and form, architectural style and materials, landscaping, open space, and signage requirements. Whatever elements are selected, design standards and guidelines are essential to establishing a fair and consistent process. The adoption of design criteria into the zoning ordinance will increase legitimacy for the design review process and is strongly advised.

Finally, the Town of Hillsborough would be wise to implement an evaluation method for the design review process, especially in the initial period of application. Evaluation of the process by planning staff, applicants, and board members would produce valuable feedback and could aid in establishing a long-term design review process that suits the needs of the entire community.
XII. Conclusion

Design Review has proved an indispensable tool in the field of city planning for regulating components of development that are not otherwise controlled by common zoning requirements. The design review process allows municipalities to inspect and evaluate development proposals based on design criteria, which are aimed at preserving a high quality of life in the locality and establishing ‘good’ urban form. In order for design review to be justified, public input must be sought throughout the process and design standards must be developed that are clear and can be applied consistently. It is important that design review be integrated into the approval process without adding significant delays for developers. If implemented according to principles and techniques outlined in this research, design review can make the approval process more efficient and effective while also contributing to the comprehensive planning process. Design review should be tailored to the needs of individual municipalities and the process should be designed so as to encourage creativity and innovation in the development community. A high level of public and private cooperation is the essential ingredient to establishing a design review process that will be legally sound and publicly supported.

The objective of this research has been to identify an appropriate path for the establishment of design review in Hillsborough, North Carolina. To this end, a case study analysis of three well-established design review systems and a thorough evaluation of design review literature have been conducted. Key findings are presented regarding the development of design criteria as well as specific techniques used to integrate design review into the comprehensive planning process. The result of the research is a recommendations package that includes three potential design review paths applicable to the Town of Hillsborough. The research shows that design review may be an instrumental resource for the Town of Hillsborough for implementing strategic growth objectives in the future. As the Town moves forward in developing the Strategic Growth Plan, design review should be considered as an implementation technique for achieving the goals and objectives of the Hillsborough community. Further research and extensive public input should be sought regarding the elements to be reviewed and the establishment of a Design Control Overlay district.
Appendix A

Figure 1.1: Hillsborough Population Growth Charts

Population Growth in Hillsborough, NC

Percent of Population Growth in Hillsborough, NC
Appendix B

Figure 2.1: Beaufort Land Use Map

Source: City of Beaufort Planning Department
Figure 2.2: Montpelier Design Control Districts

Source: City of Montpelier Planning, Zoning, and Community Development Department
Figure 2.3: Hillsborough Official Zoning Map

OFFICIAL ZONING MAP
May 13, 2005
Scale: 1" = 1100' 

Source: Town of Hillsborough Planning Department
Figure 2.4: Hillsborough Future Land Use Map

Source: Town of Hillsborough Planning Department
Figure 2.6: Hillsborough Economic Development District Map

Economic Development District

Source: Orange County
By: Stephanie Anderson
4/2006
Figure 2.8 Districts with the Proposed Design Control District

Sub-districts within Design Control District

Source: Orange County
By: Stephanie Anderson
4/2006
Appendix C

Item 3.1: Beaufort Design Control Districts (Source: City of Beaufort Planning Department)

U.S. Highway 21 District: The area between the right-of-way and a line measured 500 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of U.S. Highway 21 from the Beaufort city limits east to the west side of Ribaut Road on the south and to the west side of Sycamore Street on the north.

S.C. Highway 170 District: The area between the right-of-way and a line measured 500 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of S.C. Highway 170 from the Beaufort city limits northeast to U.S. Highway 21.

Ribaut Road District: The area between the right-of-way and a line measured 300 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of Ribaut Road from the Beaufort city limits north to U.S. Highway 21 not including any parcels included in the U.S. Highway 21 or Boundary Street District.

Boundary Street District: The area between the right-of-way and a line measured 300 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of Boundary Street from the east side of Ribaut Road on the south and from the east side of Sycamore Street on the north, east to Carteret Street.

Lady’s Island Village Center District: The area between the right-of-way and a line measured 300 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of U.S. Highway 21 Business from the Woods Memorial Bridge to Cougar Drive at Lady’s Island Middle School.

Lady’s Island Drive District: The area between the right-of-way and a line measured 500 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of S.C. Highway 802 from the McTee Bridge to U.S. Highway 21 Business, except for those parcels which are located in the “Lady’s Island Village Center District” as defined in this section.

S. C. Highway 280 District: The area between the right-of-way and a line measured 500 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of S.C. Highway 280.

Broad River Boulevard District: The area between the right-of-way and a line measured 300 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of Broad River Boulevard.

Area-wide Commercial District: Any lot zoned for commercial, office or multifamily development which is not located in the Historic District or a Design District as defined in this section.

Sam’s Point Road District: The area between the right-of-way and a line measured 300 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of Sam’s Point Road, except for those parcels which are located in the “Lady’s Island Village Center District” as defined in this section.
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