Aesthetics, Design, and New Urbanism

Urban Design

There is a physical and psychological relationship between people and the built environment which can be improved.

- Physical Structures…
  - can add to the quality/character of communities.
  - can be catalysts for growth and change.
  - can have significant visual impacts.
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Is it legal?

- "Aesthetic considerations are a matter of luxury and indulgence rather than necessity, and it is necessity alone which justifies the exercise of the police powers…"
- City of Passaic v. Paterson Bill Posting (1905)
- Courts struggle with aesthetic considerations. Developed an "aesthetic plus" standard
- Allow the adoption of regulations that protected aesthetic concerns as long as some secondary public purpose was also furthered

Aesthetics, Design, and New Urbanism
Berman v. Parker (1956)

- An eminent domain case
- Also, first U.S. Supreme Court case on aesthetics
- Allowed the use of police power for purely aesthetic reason.
  - "The concept of public welfare is broad and inclusive.... The value it represents are spiritual as well as physical, aesthetic as well as monetary."

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Historic Preservation

- Antiquities Act of 1906
  - Allowed designation of National Monuments
  - Broadened in 1935 to sites, buildings and monuments
- National Historic Preservation Act (1966)
  - Implemented National Register of Historic Places
  - Federal projects must attempt to preserve sites

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National Historic Preservation Act

- State plays a leading role
- Develops an inventory and a State Historic Preservation Plan
- Administer federal grant programs
  - Tax incentives, grants, and subsidies
- Local cooperation plays a big part
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Connecticut Historic Districts

- Authority for municipalities to establish local historic districts
- Protects architectural character of district
- District established through a referendum of property owners.
  - Must be approved by 2/3's of owners.
- The Historic District Commission reviews substantial physical alterations visible from the public right-of-way and new development
- Approved projects get a Certificate of Appropriateness

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Sign Regulations

- Billboards
  - Metromedia v. City of San Diego
    - San Diego adopted regulation banning billboards
    - U.S. Supreme Court ruled that a total ban on commercial and noncommercial signs violated free speech
    - However, could regulate commercial billboards to promote aesthetics
- Commercial speech can be regulated
- Content-free regulations

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Architectural Design Review

- Difficult to specify what is and is not good design. “Beauty in the eye of the beholder”
- Yet, in order for land use decision not to be arbitrary, standards must be set for applicants
- In some municipalities, an Architectural Design Board can be set up to advise the local planning and zoning board
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New Urbanism

- American design movement beginning in the 1980s
- Also known as Neotraditional design and traditional neighborhood design
- Council for New Urbanism formed in the early 1990s
- Key players:
  - Andres Duany
  - Elizabeth Plater-Zyberk
  - Peter Calthorpe
  - Peter Katz

New Urbanism Goals

- A reaction against “sprawl” and suburban development
- Goal: create walkable, vibrant neighborhoods
- Recreating the village experience

New Urbanism Critique of Zoning

- Antiquated idea of society
- Promotes a social hierarchy based on 1920s (modernist movement)
- Segregation of densities
- Segregation of uses
- Does not allow the “evolution” of other uses
- Lack of a regional perspective

New Urbanism Design Principals

1. All planning should be in the form of complete and integrated communities
2. Community size should be designed so housing, jobs, and daily needs, and activities are within easy walking distance
3. Activities should be located near transit stops
4. Diversity of housing types
5. Businesses should be located within communities to provide range of jobs
6. Location of community should be part of a regional transportation framework
7. Community should have a central focus
8. Open space, parks, and greens
9. Communities should protect wildlife and agricultural areas
10. Protect natural resources
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New Urbanism Zoning Principals

1. Basic building blocks should be the neighborhood
2. Apply New Urbanist design and building principles
3. Encourage Transportation Oriented Design (TOD) in areas with existing or planned transit
4. Require essential design elements
5. Integrate standards for streets, blocks, and buildings
6. Use graphics

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New Urbanism – Form Based Zoning

- A design (form) approach to zoning
- Conventional Euclidian zoning is use (function) based
- Form based codes are often associated with “New Urbanism”, village-style development, or neo-traditional planning.
- Form based codes are more concerned with the arrangement and form of buildings than the use that goes on inside them.
- Proponents believe form based codes are ‘better’ and address ‘undesirable urban sprawl.’

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New Urbanism – Duany’s Smart Code/Urban-to-Rural Transects

It is a classification system that delineates zones at various stages through the continuum of rural to urban landscapes.
- Each category has its own specific characteristics.
- The Transect is used to develop unique FBCs for each zone within a community.
- It simplifies the permitting process for encouraging traditional neighborhood developments across 6 main landscape zones.

Source: Duany's Smart Code
Critics of New Urbanism

- Many projects build on greenfields
- Elevates aesthetics over practicality
- Grounded in nostalgia for a period that never existed
- Encourage a retrograde vision
- Nothing more than sprawl with a pretty face
- Not truly sustainable or diverse
- Design as solution to complex market issues
- Form before function

Connecticut Village Districts

- Passed by CT General Assembly in 1998
- First CT Statute directly addressing aesthetics
- Goal: to help communities protect and preserve their community character and historic development patterns
- Village districts must have a distinctive character, landscape or historic
- Within these areas, municipality may regulate design and placement of buildings, maintenance of public views, preservation of structures

Connecticut Village Districts - Creation

- Community Vision statement included into Plan of Conservation and Development
- Village District created by consensus
- Design Guidelines created from visual preferences survey

Historic District vs. Village District

- Historic District laws are narrower than scope: focus on architecture
- Village District focus is on the overall character of the areas, including scenic and natural resources
- Historic District administered by the Historic District Commission
- Village District administered by Zoning Commission
- Village District requires the review of an architectural consultant to provide professional oversight
New Urbanism and Form Based Codes

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The Designer’s Perspective

- Physical Structures
  - should be Functional
  - should be Humane
  - should be Organized
  - should reflect accepted standards of Form

- THESE CAN & DO CONFLICT
  "Beauty is in the eye of the beholder"

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Seven Urban Design Themes

- Location - Placement within community
- Form - Size/Height/Bulk
- Scale - Fit or proportion
- Use - Activities
- Time - Timing of Use
- Movement - Modes/Routes of...
- Signature - Identifiers & unique items

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Urban Design Stakeholders

- Government Officials
- Neighbors
- Users
- Builders
- Architects/Designers
- Property Owners
Aesthetics, Design, and New Urbanism
How Urban Design is Done

- Regulatory Controls
  - Review Boards/Public input
  - Building Codes
  - Special Districts/Overlay Zoning/Bonus Zoning
  - Historic Preservation
  - Performance Standards

- Incentives
  - Monetary
  - Administrative & Technical Support

Aesthetics, Design, and New Urbanism
What is Traditional Neighborhood (Design) Development

- Also called New Urbanism, village-style development, or neo-traditional planning;
- Mixes residential, commercial and civic uses in a compact area;
- Balances public and private space to enhance identity and value;
- Builds community, promotes walkability, and increases affordability.

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Conventional Development Patterns

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What Traditional Neighborhood Development Looks Like
Aesthetics, Design, and New Urbanism
What Traditional Neighborhood Development Looks Like

![Before](source: www.urban-advantage.com)

International Blvd, Oakland CA

Source: www.urban-advantage.com

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The Arguments for Traditional Neighborhood Development

- TND is cost-effective;
  - Uses existing infrastructure
  - Reduces auto ownership
- TND is time-saving;
  - Reduces vehicle trips and commute times
- TND promotes health and safety;
  - Walkable communities → less obesity
  - Knowing neighbors increases security

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Overview of Traditional Neighborhood Development Principles

- Principle 1: Town Center and Edges
- Principle 2: Connectivity
- Principle 3: Walkability
- Principle 4: Mixed Uses
- Principle 5: Mixed Housing
- Principle 6: Compatible Architecture
- Principle 7: Community-Oriented Design
- Principle 8: Vibrant Neighborhood Districts

Aesthetics, Design, and New Urbanism
TND Principle 1. Town Center and Edges
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TND Principle 2. Connectivity

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TND Principle 3. Walkability

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TND Principle 4. Mixed Uses

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TND Principle 5. Mixed Housing
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TND Principle 6. Compatible Architecture

local forms

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TND Principle 7. Community Oriented Design

front porches

period streetlights

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TND Principle 8. Vibrant Neighborhood Districts