ARCHITECTURAL CONTROL

The "city beautiful" movement reputedly gave much impetus to the growth of city planning in this country. The improved appearance of the city is still a focal point for public interest in planning and also a goal of planning practice. There are, of course, many elements that constitute the appearance of a city, including site, weather, amount of open space, density of buildings, persons and vehicles, municipal housekeeping services, the relationships between different types of buildings and facilities, the width and layout of streets, the age of the city and the architecture of the buildings within it. Whether the architecture of the private individual building should be controlled at all, and if so, in what manner, and who is competent to judge, have been controversial subjects for many years. The advantages and disadvantages of exercising control of the architecture of the private building are discussed editorially and through letters in the Architectural Forum beginning in the May 1947 issue and carrying through the October issue.

This report deals with the practice of architectural control - not only where there are legal provisions for the control of architecture, but also where such control has been enforced. To what extent have standards been evolved for the judging of the attractiveness of a building? To what degree is the professional competence of the judges deemed important? Where have special funds been provided for the exercise of architectural control? What means have been used to enforce the control?

A questionnaire to determine the degree to which architectural control is now practiced, was sent to approximately 40 municipalities, reported to have some type of architectural control. Architectural control, for the purposes of this report, is used to mean control over the design and appearance of buildings. In some communities, however, sign and billboard control is considered "architectural." In other communities, minimum building size regulations are used to achieve a degree of architectural control. (Control over the size or the cost of buildings indirectly controls the appearance of a building in that, for example, it is not likely that large "shacks" would be built.) In other communities, architectural control only involves preservation of buildings or sites of historical interest. While questions were asked pertaining to all of these various methods of control, only those responses pertaining to control of the appearance of buildings and preservation control of buildings or sites of historical interest are summarized here. Bulletins on sign and billboard control and on control of the size and cost of buildings will be published at a subsequent date. Also, architectural control as practiced in foreign countries has not been included in this report, nor has information on private deed and other regulations; court interpretation of architectural control has not been included except as incidental to the survey. If Planning Advisory
Service members indicate interest in these aspects of architectural control, supplementary reports will be published at a later date.

The first section of this report summarizes the questionnaire responses from Cleveland Heights, Ohio; Miami, Florida; Philadelphia, Pennsylvania; Shaker Heights, Ohio; Wauwatosa, Wisconsin; and Kern County, Marin County, Monterey County, Orange County, Sacramento, San Mateo County, Santa Barbara, Santa Clara County, and Solano County, California. In addition, Charleston, South Carolina, Danville, Illinois; and Whitefish Bay, Wisconsin, were included in the tabulation; the information for these cities was obtained from copies of their ordinances and therefore is not complete.

Section II is devoted to a description of control as practiced in New Orleans, Louisiana and San Diego, California; information for these cities did not lend itself to tabular presentation.

Section III contains excerpts from ordinances governing architectural control in Bellingham, Washington; Coral Gables, Florida; Dade County, Florida; Loudoun County, Virginia; Pasco, Washington; Riverside, California; St. Clair, Michigan; Stockbridge, Massachusetts; Tucson, Arizona; and Warwick, Virginia. The proposed ordinance for Winston-Salem, North Carolina, the Detroit executive order affecting architectural control of municipal buildings, a statement on the regulation of architecture in Oak Ridge, Tennessee, and excerpts from ASPO's previous compilation of architectural control for St. Louis, Missouri and Washington, D.C., are also included.

Not all replies had been received by the time this report was ready for publication. Cleveland, Rockey River and University Heights, Ohio; Allen Park, Michigan; and Gilroy, Santa Rosa and Redondo Beach, California, are reported to have architectural control.

SECTION I

General Conclusions and Summary of Survey

(1) Architectural Control is almost always exercised under zoning authority. As exceptions, Danville, Illinois, amended its building code to provide for architectural control, and Santa Barbara, California, Cleveland Heights and Shaker Heights, Ohio, adopted special architectural control ordinances; Philadelphia, Pennsylvania, has a number of ordinances relating to architectural control. The remainder of the municipalities practice control under provisions in zoning ordinances.

(2) Special funds have been reported for architectural control in Cleveland Heights, Ohio, where $4500 was a year's appropriation; also, $6250 was appropriated to the Art Jury in Philadelphia, Pennsylvania, in 1947. In Cleveland Heights and Shaker Heights, Ohio, the ordinances provide that each member of the Architectural Board of Review shall receive a fee of $25 for each meeting, but not more than $1500 a year.

(3) Standards have not been uniformly developed for the judging of prospective buildings. The wording of the ordinances varies in specificity and inclusiveness of the factors that should be taken into the consideration of the prospective building.
(4) Architectural control may be enforced by means of penalties in all localities except in Sacramento, California, where the Planning Commission's recommendations are advisory only.

(5) The most usual method of enforcing control is that of withholding the building permit sought by the person wishing to erect or alter a structure. In Marin County and San Mateo, California, in addition to withholding the building permits, municipal services such as light and power may also be withheld; in Santa Barbara, California, the threat of bad publicity is also reported as effective. Several communities mention cooperation as being a useful device, but none except Sacramento, California, rely on that method exclusively.

(6) All municipalities report that the controls are enforced - with the exception of Orange County, California, where owners of not less than 66\% of the property of a district must petition for the establishment of an architectural control district. No such district has yet been formed. Kern County, California, adds that the controls are enforced "with difficulties."

(7) None of the municipalities reported that architectural controls had been tested in the higher courts. (Monterey County, California, in 1938, however, had its ordinance upheld in a lower court, in the case of County of Monterey vs. William Thomas Basset et al., the judge stating that he hoped the courts were sufficiently advanced to sanction such regulations).

(8) In California, the planning commissions are charged with the responsibility of reviewing architecture, except in Santa Barbara, which established an Architectural Board of Review. In Monterey County, a Board of Architects assists the planning commission; in Orange County, there is provision for an Architectural Advisory Committee. In Miami, Florida, the zoning division of the planning commission is empowered to review proposals. Charleston, South Carolina, has a Board of Architectural Review for the Old and Historic Charleston District, and the Board of Adjustment deals with the control of the Entrance Districts (on the city's outskirts). In Philadelphia, Pennsylvania, the main agency exercising control is the Art Jury. Shaker Heights, Ohio, has a separate board, as does Cleveland Heights, Ohio, Danville, Illinois, Wauwatosa and Whitefish Bay, Wisconsin. In Tucson, Arizona, the Board of Adjustment is used.

(9) In most cases, control is exercised for only certain sections of the municipality - for example, along certain specified highways, in entrance districts, commercial districts, etc. In Danville, Illinois, Miami, Florida; Cleveland Heights, and Shaker Heights, Ohio, the controls affect all areas.

(10) Controls usually apply to alterations of buildings as well as to new construction; almost uniformly the alterations which are covered are those which affect the external appearance of the building, some even being limited to the front external section.

(11) In some communities, the members of the control agency are required to be architects; in several places, the members must be residents of the district in which the control is being exercised. Various other qualifications have been established. In many cases the members of the planning commission or its staff members exercise this function.

(12) Procedurally, rapid judgement of the proposed plans is emphasized. Within a specified period of time (sometimes as short as 15 days) the control agency must act or be deemed to have given its approval to the application. However, in
the case of Charleston, South Carolina, if no action has been taken with a set number of days, disapproval is deemed to have been given.

(13) In a number of municipalities there is no agency to which appeals may be made if the individual applicant for a building permit disagrees with the ruling of the control agency; in a number of others, the legislative body - the city council or the county board of supervisors - is the body to which appeals may be made.

(14) Public hearings are held in only a few municipalities, and this occurs usually either prior to establishing the district in which control is to be exercised, as in Sacramento, California, or when appeals are made, as in Kern County, California.

(15) Planning Commissions where they existed were usually instrumental in obtaining architectural control. There is no report to indicate whether the planning commission in Santa Barbara, California, was instrumental in the passing of the first architectural control ordinance in 1925.

(16) A certain type of public support of architectural control is evidenced by the report from Miami, Florida, where most of the complaints "have come from persons who have felt in certain instances that we have not been tough enough." In California: "The citizens of Santa Clara County have also accepted this type zoning in a favorable manner. Requests have been made to the Commission by both private citizens and service groups to combine a type of zoning that would give the commission the power to control the architectural design of structures in a number of commercial districts throughout the County so that a pleasing and uniform appearance could be maintained therein."
<table>
<thead>
<tr>
<th>Municipality &amp; Legislative Authority</th>
<th>Control Agency</th>
<th>Appeal Agency</th>
<th>Special Funds Available</th>
</tr>
</thead>
</table>
| Charleston, South Carolina, Z.O. (1947) | a) Board of Architectural Review.  
b) Board of Adjustment. | a) ............ | ..... |
| Cleveland Heights, Ohio  
Ordinance No. 146 (1947) | Architectural Board of Review. | None | Yes. $4,500 per year. |
| Danville, Illinois,  
Amendment to Ordinance  
| Kern County, California,  
| Marin County, California,  
| Miami, Florida,  
| Monterey County, California,  
| Orange County, California,  
Land Use Ordinance (Z.O.) (1948) | Architectural Advisory Committee, County Planning Commission. | None but in cases of Planning Commission's disapproval, Board of Supervisors also passes on plans. | No. |
| Philadelphia, Pennsylvania,  
Art Jury provided in Article II, Section 11 of the City Charter (a state law) control of buildings along Benjamin Franklin Parkway by ordinance of March 21, 1917, as amended in 1917 and 1923, etc. | Art Jury. | None. | $6,250 appropriation in 1947 for Art Jury. |
<table>
<thead>
<tr>
<th>Municipality &amp; Legislative Authority</th>
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<th>Appeal Agency</th>
<th>Special Funds Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Mateo County, California, Z.O. (Which is now being revised)</td>
<td>City Planning Commission Staff.</td>
<td>City Planning Commission.</td>
<td>No.</td>
</tr>
<tr>
<td>Santa Barbara, California, Architectural Control Ordinance No. 2228 (1949)</td>
<td>Architectural Board of Review.</td>
<td>If applicant refuses to make recommended changes, application for permit and report of Architectural Board of Review forwarded to City Council; public hearings held.</td>
<td>No.</td>
</tr>
<tr>
<td>Shaker Heights, Ohio, Ordinance No. 5032 (1945)</td>
<td>Architectural Board of Review.</td>
<td>None.</td>
<td>No.</td>
</tr>
<tr>
<td>Whitefish Bay, Wisconsin, (1945)</td>
<td>Application for building permit first to Building Inspector and Village Commissioner; if they disapprove, sent to Building Board.</td>
<td>If Building Board disapproves of plans, no appeal agency.</td>
<td>...</td>
</tr>
</tbody>
</table>
## Architectural Control in 17 Municipalities

<table>
<thead>
<tr>
<th>Municipality</th>
<th>District Covered</th>
<th>Types of Buildings Covered</th>
<th>Applicable to Alterations of Buildings</th>
<th>Alterations Subject to Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charleston, South Carolina.</td>
<td>a) Old and historic Charleston districts.&lt;br&gt;b) Entrance districts.</td>
<td>a) All buildings in old and historic Charleston district where exterior can be seen from public street or way.&lt;br&gt;b) All buildings in entrance districts which can be seen from public street or way.</td>
<td>Yes Yes</td>
<td>Exterior architectural features.</td>
</tr>
<tr>
<td>Cleveland Heights, Ohio.</td>
<td>Entire city.</td>
<td>All types of buildings except public buildings.</td>
<td>No Yes</td>
<td>External appearance and floor area.</td>
</tr>
<tr>
<td>Kern County, California.</td>
<td>U.S. Highway No. 99.</td>
<td>No Yes</td>
<td></td>
<td>In zoned area, alteration defined by cost, volume and conformance to zoning regulations.</td>
</tr>
<tr>
<td>Marin County, California.</td>
<td>Districts which are combined with &quot;H&quot; highway frontage regulations or within 500 feet of Main U.S. 101.</td>
<td>Commercial</td>
<td>Yes</td>
<td>External appearance.</td>
</tr>
<tr>
<td>Miami, Florida.</td>
<td>Entire area (not limited to specified sections).</td>
<td>No No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monterey County, California.</td>
<td>Have been enforced for only certain sections.</td>
<td>Commercial, residential.</td>
<td>Yes</td>
<td>External appearance.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Municipality</th>
<th>District Covered</th>
<th>Types of Buildings Covered</th>
<th>Applicable to Alterations of Buildings Public/Private</th>
<th>Alterations Subject to Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orange County, California</td>
<td>Any district wherein not less than owners of 66% of property by area sign favorable petition.</td>
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<td>.....</td>
</tr>
<tr>
<td>Philadelphia, Pennsylvania</td>
<td>Along Benjamin Franklin Parkway, and any work of art required by city.</td>
<td>All public works of art, all buildings within the Parkway, or 200 feet therefrom (Parkway is 1 1/2 miles long).</td>
<td>Yes Yes</td>
<td>By external appearance.</td>
</tr>
<tr>
<td>Sacramento, California</td>
<td>Civic Improvement District.</td>
<td>A Civic Improvement District has been established for the State building, Sutter's Fort and for property on a 250 foot radius of the exterior boundaries of it. There are at least 50 other potential civic improvement districts, Capital Park being the next under consideration.</td>
<td>By ordinance they apply to alterations, but not in actuality.</td>
<td>Remodeling of front exterior.</td>
</tr>
<tr>
<td>San Mateo Cty. California</td>
<td>Highway and local business districts.</td>
<td>.....</td>
<td>No Yes</td>
<td>.....</td>
</tr>
<tr>
<td>Santa Barbara, California</td>
<td>Business district and multiple family zone. (One and two family dwellings excepted)</td>
<td>Public buildings and structures; commercial structures; multiple dwellings in R-1 Multiple Family Zone.</td>
<td>Yes Yes</td>
<td>External appearance.</td>
</tr>
<tr>
<td>Santa Clara County, California</td>
<td>Highway business zones and manufacturing areas.</td>
<td>Commercial industrial buildings and structures having an aggregate value in excess of $25.00.</td>
<td>Yes</td>
<td>Structural alterations which change appearance of building or increase the cubical volume.</td>
</tr>
<tr>
<td>Municipality</td>
<td>District Covered</td>
<td>Types of Buildings Covered</td>
<td>Applicable to Alterations of Buildings Public/Private</td>
<td>Alterations Subject to Control</td>
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</tr>
<tr>
<td>Solano County, California.</td>
<td>Commercial and industrial districts.</td>
<td>.....</td>
<td>No No</td>
<td></td>
</tr>
<tr>
<td>Wauwatosa, Wisconsin.</td>
<td>One and two family residences.</td>
<td>Residential.</td>
<td>No Yes</td>
<td>By appearance.</td>
</tr>
<tr>
<td>Whitefish Bay, Wisconsin.</td>
<td>Districts 1, 2, 3, and 5.</td>
<td>All buildings for which permits required.</td>
<td>.. ..</td>
<td>Exterior design and appearance.</td>
</tr>
</tbody>
</table>
### TABLE C

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Is Control Enforced?</th>
<th>Means of Enforcement</th>
<th>Control Tested in Courts?</th>
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</thead>
<tbody>
<tr>
<td>Charleston, South Carolina</td>
<td>.. ..</td>
<td>......</td>
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</tr>
<tr>
<td>Cleveland Heights, Ohio</td>
<td>Yes</td>
<td>Withholding building permit.</td>
<td>No</td>
</tr>
<tr>
<td>Danville, Illinois</td>
<td>..</td>
<td>Withholding building permit.</td>
<td>..</td>
</tr>
<tr>
<td>Kern County, California</td>
<td>With difficulties. Withholding building permit and cooperation.</td>
<td>No</td>
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</table>

#### Ordinance Provisions for Judging Proposed Construction or Alteration

The Board shall consider "among other things, the general design, arrangement, texture, material and color of the building or structure in question and the relation of such factors to similar features of buildings in the immediate surroundings." It shall not consider "design; relative size of buildings in plan; interior arrangement; or building features not subject to public view."

"The purposes of the Architectural Board of Review are to protect property on which buildings are constructed or altered, to maintain the high character of community development, and to protect real estate within this city from impairment or destruction of value, by regulating according to proper architectural principles the design, use of materials, finished grade lines and orientation of all new buildings, hereafter erected, and the moving, alteration, improvement, repair, adding to or razing in whole or in part of all existing buildings."

"The Architectural Control Board shall have the following power: (1) To determine the suitability of a structure to its existing or proposed surroundings. This judgement to be based upon consideration of the character, appearance, size and cost of the building in relation to the existing and desired type structure in the immediate location or affected area of the proposed construction. The objective being to maintain the most suitable type of structures for and within related units of the area of urban developments."

"...such buildings, structures, and other improvements shall be so designed and constructed that they will not be of unsightly, undesirable or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the county, impair the desirability of residence, investment or occupation in the county as appearing to travelers passing through or traveling in the county, limit the opportunity to attain the optimum use and value of land and if "overt-
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<tbody>
<tr>
<td>Kern County, California</td>
<td>Yes</td>
<td>Withholding building permit, withholding services and cooperation.</td>
<td>No</td>
<td>&quot;ments, impair the desirability of living conditions in the same or adjacent agricultural or residential areas, and/or otherwise adversely affect the general prosperity and welfare.&quot;</td>
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<tr>
<td>(Continued)</td>
<td></td>
<td></td>
<td></td>
<td>Similar provisions as those of Kern County, California.</td>
</tr>
<tr>
<td>Miami, Florida</td>
<td>Yes</td>
<td>Withholding building permit and cooperation.</td>
<td>No</td>
<td>&quot;The character and appearance of existing buildings, or structures, shall be considered, but in every instance the completed appearance of every new building, or structure must equal the adjacent buildings, or structures, in appearance and value.&quot;</td>
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<td>&quot;.No building, or structure, may be erected or maintained on any lot facing a public street which does not compare favorably as to appearance with other buildings, or structures, within 375 feet therefrom or conform with other neighborhood improvements and the property intended and planned appearance throughout any street.&quot;</td>
</tr>
<tr>
<td>Monterey County, California</td>
<td>Yes</td>
<td>Withholding building permit.</td>
<td>Yes</td>
<td>&quot;The intent...is to protect...property values, or...scenic roads...or the general welfare...by insuring buildings in good taste, proper proportion and in harmony with their surroundings.&quot;</td>
</tr>
<tr>
<td>Orange County, California</td>
<td>No</td>
<td>Withholding building permit.</td>
<td>No</td>
<td>The Planning Commission &quot;shall adopt certain general rules and specifications and such illustrative architectural drawings showing desirable standards and types of design, materials, colors and styles of signs and lettering as will provide a basis and guide for the approval of plans for proposed buildings in each A C District.&quot; (Architectural Control Districts are set up by petition of the property owners of 66% of the property in an area; such districts have not yet been established.)</td>
</tr>
<tr>
<td>Philadelphia, Pennsylvania</td>
<td>Yes</td>
<td>Withholding building permit.</td>
<td>No</td>
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</tr>
<tr>
<td>Sacramento, California</td>
<td>Yes</td>
<td>Cooperation.</td>
<td>No</td>
<td>...the design of new buildings and grounds or remodeling the front or street side exteriors of existing buildings within the district, be subject to the following considerations:</td>
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<td>1. The type of architecture should harmonize with the Sutter's Fort structures.</td>
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<td>2. Additional space should be provided on owners property in front of buildings for landscaping wherever possible...</td>
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<td>3. The area between the curb and the sidewalk should be preserved as a planting strip with the exception of necessary crosswalks, each walk not to exceed 5 or 6 feet in width and not greater than 20% of the owner's frontage. A parallel walk next to the curb, not more than 2 feet wide may be provided for the use of motorists parking cars, provided it does not interfere with existing or proposed trees.</td>
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<td></td>
<td>4. Conformity to all city plans with reference to Street Lighting, Street Name Signs, Street Tree Regulations, other general or district plans and ordinances.</td>
</tr>
<tr>
<td>San Mateo County, California</td>
<td>Yes</td>
<td>Withholding building permit, withholding light and power.</td>
<td>No</td>
<td>.....</td>
</tr>
<tr>
<td>Santa Barbara, California</td>
<td>Yes</td>
<td>Cooperation; threat of bad publicity; withholding of building permit.</td>
<td>No</td>
<td>.....</td>
</tr>
<tr>
<td>Santa Clara County, California</td>
<td>Yes</td>
<td>Withholding building permit; $300 fine or 3 months imprisonment if violate ordinance.</td>
<td>No</td>
<td>Similar provisions as those of Kern County California.</td>
</tr>
<tr>
<td>Shaker Heights, Ohio</td>
<td>Yes</td>
<td>Withholding building permit.</td>
<td>No</td>
<td>Identical provisions as those of Cleveland Heights, Ohio.</td>
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<td>-------------------------------------------</td>
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<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>Solano County, California</td>
<td>Yes</td>
<td>Withholding building permit; no cooperation.</td>
<td>No</td>
<td>Similar provisions as those of Kern County, California.</td>
</tr>
<tr>
<td>Wauwatosa, Wisconsin</td>
<td>Yes</td>
<td>Withholding building permit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whitefish Bay, Wisconsin</td>
<td>...</td>
<td>Withholding building permit.</td>
<td></td>
<td>&quot;Said plans and specifications will result in a building or structure of such design, material, and size, so as not to cause any depreciation to the property in the immediate or surrounding neighborhood.&quot;</td>
</tr>
</tbody>
</table>

"...that the exterior design and appearance of such structure is or is not so at variance with the exterior design and appearance of structures constructed or in course of construction in the neighborhood of said proposed structure which is in the same zoning district as the proposed structure as to cause material depreciation generally to property in said neighborhood."
## TABLE D

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Technical Qualifications of Control Agency Members</th>
<th>Planning Commission Instrumental in Obtaining Controls</th>
<th>Additional Comments or Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charleston, South Carolina</td>
<td>Five citizen members, one from each: the American Institute of Architects, the Carolina Art Association, the City Planning and Zoning Commission, the American Society of Civil Engineers, and the Real Estate Exchange.</td>
<td>..</td>
<td>In case of disapproval of proposed plans, the Board of Architectural Review shall state its reasons in a written statement to the applicant and may make recommendations in regard to appropriateness of design, arrangements, texture, material, etc. If the Board fails to take action within 45 days after the date of application, the case shall be deemed to be disapproved, except where mutual agreement has been made for an extension of the time limit. The Secretary of the City Planning and Zoning Commission shall act as Executive Secretary for the Secretary of the Architectural Board of Review. Each member of the Board shall receive a fee of $25 per meeting but not more than $1500 per year. No building permit shall be issued unless plans and specifications therefor shall have been approved in writing by the Architectural Board of Review. All data, drawings, reports and complaints shall be promptly reviewed and passed upon in the order filed under published rules and regulations consistent with the purpose of the Board and adopted by it.</td>
</tr>
<tr>
<td>Cleveland Heights, Ohio</td>
<td>Three members each of which shall be a registered architect who has practiced in Ohio for not less than 10 years prior to appointment to the Board.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Danville, Illinois</td>
<td>Four members; chairman of which must be an architect in active professional standing.</td>
<td>..</td>
<td></td>
</tr>
<tr>
<td>Kern County, California</td>
<td>Planning Commission acts as control agency.</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
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The Architectural Control Board shall be deemed to have given its approval if no action is taken by it for more than 20 days after filing of application for building permit. Building permits are required for all buildings or structures constructed, altered, repaired or moved. Building permits granted only after Planning Commission or Board of Supervisors approves. Drawings or sketches showing front, sides and rear elevations of the proposed
<table>
<thead>
<tr>
<th>Municipality</th>
<th>Technical Qualifications of Control Agency Members</th>
<th>Additional Comments or Information</th>
</tr>
</thead>
</table>
| Kern County, California          | Planning Commission Instrumental in Obtaining Controls | Building, structure or other improvement, or of these as they will appear after the work for which the permit is sought shall have been completed, must accompany application for permit. Planning Commission "shall suggest any changes in the plans of such proposed buildings, structures and other improvements which it may deem to be necessary to accomplish the purposes of this section, and shall not approve any such plans until it is satisfied that such purposes will be accomplished thereby. In case the applicant is not satisfied with the action of the Planning Commission, he may, within thirty (30) days after such action, appeal in writing to the Board of Supervisors. Said Board shall hold a hearing on said appeal and shall render its decision thereon within thirty (30) days after the filing thereof."
| Marin County, California         | Planning Commission acts as control agency.        | Have had many complaints, most of which "have come from persons who have felt in certain instances that we have not been tough enough."
| Monterey County, California      | Architects                                          | "In order to establish standards of good taste and proper proportion," drawings were adopted by the county— as guides, and "any plans which equal the taste and proportion illustrated thereby, will be approved."
<p>| Orange County, California        | The Architectural Advisory Committee shall consist of one member of the Planning Commission who shall be Chairman, and two or more property owners in the A.C. district. | The Planning Commission has recommended that to preserve the historic value of the San Juan Capistrano Mission, and to assist in its restoration, &quot;a boundary line a reasonable distance beyond Mission property be established as a 'Zone of Influence.' Within this area the future uses of property would be only those uses that would be desirable on account of the existence of the Mission, and would also be in keeping with the Mission architecturally. No land use permit would be issued within the 'Zone of Influence' unless the use met very definite specifications set up in advance of the issuing of the permit. |</p>
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<tr>
<th>Municipality</th>
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<th>Planning Commission Instrumental in Obtaining Controls</th>
<th>Additional Comments or Information</th>
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<tr>
<td>Orange County, California</td>
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<td>&quot;Beyond this boundary line of the 'Zone of Influence' certain uses of land would be permitted provided they are of a type that would not interfere with the general character of the community. For example, commercial enterprises would only be encouraged if they are of a type that could quietly take place in a reasonable location under careful supervision. A private girl's school properly located might fit into the picture. The careful and conservative development of the Ortega Hot Springs as a retreat or health resort might be developed as to be in keeping with the neighborhood. A School of Latin American Relations might locate in the vicinity provided it is carefully organized and maintained. A conservative project for Latin American arts and handicraft might be properly located and developed so as not to injure the major attractiveness of the community. The processing of very special Mexican foods might take place at a well located and properly developed point of interest...&quot;</td>
</tr>
<tr>
<td>Philadelphia, Pennsylvania</td>
<td>Mayor is ex-officio member; eight other members consist of a painter, a sculptor, an architect, a park commissioner not holding any other city office, and at least three members of the governing body or teaching force of an art or architectural school.</td>
<td>No</td>
<td></td>
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<tr>
<td>Sacramento, California</td>
<td>City Planning Commission and an advisory board of architects.</td>
<td>Yes</td>
<td>Public hearings must be held prior to establishing a Civic Improvement District; a precise plan for the District may be adopted by resolution of the Planning Commission and City Council; plans for new construction or remodeling in the District shall be submitted to the Planning Commission which shall render its opinion in 15 days, unless a longer period is agreed upon with the applicant; the Commission has authority only to make recommendations to the applicants.</td>
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TABLE D (Continued)

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<tr>
<td>San Mateo Cty., California</td>
<td>Planning Commission acts as control agency.</td>
<td>Yes</td>
<td>Zoning ordinance to be revised and improved in a new ordinance now being studied.</td>
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| Santa Barbara, California   | Building Inspector, Chairman of Planning Commission and Planning Engineer are ex-officio members, - also one member must have architectural or fine arts training. | No record of planning commission action for first architectural control ordinance of 1925. | "No public building or structure, fountain, monument, wall, arch or other structure shall be erected, placed on or upon or removed from or re-located or altered on or upon any public land or allowed to extend over or upon any street, avenue, square, park, recreation ground, beach or other public property unless plans for the same and the location thereof shall first have been submitted to the Architectural Board of Review for its approval."

Procedure: All applications for building permits made in triplicate and one copy delivered to Architectural Board of Review by the Building Inspector for a written report on the exterior architectural design thereof; if Board takes no action within 15 days after filing of application, the Board shall be deemed to have given approval. If Board does give approval, building permit shall be issued by the Building Inspector if other pertinent requirements have been met; if Board recommends changes, a conference is held with applicant. If applicant refuses to make or accept changes, the report of the Board and the application for hearing are forwarded to City Council and a public hearing held; if no decision is made by City Council within thirty-five days after the filing of the application, Council shall be deemed to have given its approval.

Similar procedural provisions as those of Kern County, California. "The architectural control of structures in the districts whereon the H-I or H zoning is imposed has proven to be quite successful as evidenced by the appearance of Bayshore Freeway, the northerly portion of the U.S. Highway 101, or El Camino Road, and various other highways in the county. The citizens of Santa Clara County..."
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| Santa Clara County, California (Continued)                                          |                                                                                                                      |                                                       | have also accepted this type zoning in a favorable manner. Requests have been made to the Commission by both private citizens and service groups to combine a type of zoning that would give the Commission the power to control the architectural design of structures in a number of commercial districts throughout the county so that a pleasing and uniform appearance could be maintained therein."
| Shaker Heights, Ohio          | Identical provisions as those of Cleveland Heights, Ohio.                                                              | No                                                    | Identical provisions as those of Cleveland Heights, Ohio.                                           |
| Solano County, California     | Planning Commission acts as control agency.                                                                             | "                                                      | Similar provisions to those of Kern County, California.                                             |
| Wauwatosa, Wisconsin          | None specified other than that fifteen citizens shall comprise the Board; each ward has three members appointed annually. | "                                                      | Building Inspector shall not issue building permit unless he receives a report from the Building Board approving same. The report shall be made within 20 days after submission of application to the Board, and if the Board does not act at the expiration of said 20 days, the Building Inspector may issue said permit. Building or structure will conform to the general development of the district within which said building is proposed to be erected. |
| Whitefish Bay, Wisconsin      | Building Board consists of five members; the village President who is ex-officio chairman of the Board; the chairman of the zoning, parks and building committee of the village board; the village commissioner who shall be ex-officio executive secretary of the Board; the assistant engineer; a practicing architect or other competent person residing in the village who shall be elected by the village board. Also District Citizen Committees shall be appointed, by the president with the approval of the village board, consisting of three citizen members residing in each of the four districts. |                                                       |                                                                                                    |
As early as 1918, Louisiana enacted enabling legislation permitting cities of more than 50,000 inhabitants to "have authority by ordinance to define and regulate the kind, style and manner of construction of buildings and other edifices which may be erected on certain designated streets and thoroughfares..." When a more detailed zoning enabling act was adopted in 1926, the provisions of the earlier act were specifically mentioned as still in force.

In 1925, the Vieux Carre Commission was established in New Orleans by ordinance "with the view and for the purpose of preserving those structures whose old, quaint, or unusual architecture or construction makes them objects of special interest." The Commission had advisory powers only. A unique state act (Act No. 139) passed in 1936, extended the area of the Vieux Carre section of the City of New Orleans, defined the membership composition of the commission, and among other provisions, stated:

"The Commission Council of the City of New Orleans is authorized to exempt such buildings and other structures, as may be designated by the said Vieux Carre Commission as having historical and architectural value, from municipal and parochial taxation for such period of years as said Commission Council may determine: provided, that the owners of the said buildings and structures, for themselves, their heirs and assigns, shall agree by formal contract, with the said Commission and the City of New Orleans, that the said buildings or other structures shall never be altered or demolished without the approval of the Vieux Carre Commission.

"The preservation of the buildings in the Vieux Carre Section of New Orleans having architectural and historic value is hereby declared to be a public purpose and the City of New Orleans is hereby authorized to acquire by purchase or expropriation or otherwise, such buildings and other structures in that section of the City of New Orleans, as the said Vieux Carre Commission may recommend to the Commission Council.

"Hereafter and for the public welfare and in order that the quaint and distinctive character of the Vieux Carre section of the City of New Orleans may not be injuriously affected, and in order that the value to the community of those buildings having architectural and historical worth may not be impaired, and in order that a reasonable degree of control may be exercised over the architecture of private and semi-private buildings erected on or abutting the public streets of said Vieux Carre section, whenever any application is made for a permit for the erection of any new building or whenever any application is made for a permit for alterations or additions to any existing building, any portion of which is to front on any public street in the Vieux Carre section, the plans therefor, so far as they relate to the appearance, color, texture of materials and architectural design of the exterior thereof shall be submitted, by the owner, to the Vieux Carre Commission and the said Commission shall report promptly to the Commission Council its recommendations, including such changes, if any, as in its judgement are necessary, and the said Commission
Council shall take such action as shall, in its judgment, effect reasonable compliance with such recommendation, or to prevent any violation thereof."

New Orleans adopted a new ordinance (No. 14,538 C.C.S.) in 1937 to embody many of the regulations authorized by the state act, and has since that time amended the ordinance governing the Vieux Carre Commission many times. The Vieux Carre Commission has authority to control the painting or repainting of an existing building, and the display of signs, and to review plans and specifications of proposed buildings or alteration or addition to existing buildings erected on or abutting the public streets or alleys of the Vieux Carre Section, "so far as they relate to the proposed appearance, color, texture or materials and architectural design of the exterior, including the front, sides, rear and roof, of the said building alterations or additions or any outbuilding, party wall, courtyard, fence or other dependency thereof....." The Commission is housed in headquarters used as an Historical Museum, is supported by an appropriation from the Commission Council (city council), and has the power either concurrently or independently of the City Engineer to prosecute violations of the governing ordinance.

The application and constitutionality of the ordinance and laws governing the Vieux Carre Section of New Orleans have been upheld in several court cases. In State ex rel. Felix H. Kuntz v. City of New Orleans, No. 230,552, Civil District Court for the Parish of Orleans, a mandamus to compel the issuance of a permit to demolish a building for the purpose of creating a parking lot with two small service buildings thereon was denied. A second case was that of City of New Orleans v. Joseph Impastato, 198 La. 206, 3 S. 2d, 559, in which the defendant violated the ordinance by erecting an appendage to the rear of a building fronting on a public street, and the Louisiana Supreme Court held that the constitutional amendment contemplates that the architectural integrity of all outer surfaces of buildings in the Vieux Carre Section are intended to be preserved by the terms of the law and ordinance. A third case was that of City of New Orleans v. Marcus N. Pergament, 5 S. 2d, 129, in which defendant protested that provisions governing signs erected on or next to a building having no architectural or historic value were unconstitutional and unreasonable. The Court stated: "The purpose of the ordinance is not only to preserve the old buildings themselves, but to preserve the antiquity of the whole French and Spanish quarter..... Presenting or prohibiting eyesores in such a locality is within the police power and within the scope of this municipal ordinance." In State ex rel. Civello v. City of New Orleans, 97 S. 440, the court held that aesthetic considerations fostering comfort, or fostering happiness and consequent values of the property in the neighborhood are matters of general welfare within the purvue of the police power.*

San Diego, California

Impetus to the establishment of architectural control in San Diego was given by a 1927 report of a nationwide committee of architects who had decried the general appearance of the homes and business structures in the city. In 1934 the building code was amended to require the City Planning Commission to pass upon the exterior appearance of proposed buildings for the property fronting upon the 17 miles of the principal highway of the city. An area of 626 acres was covered by the ordinance. In 1948, 26 districts comprising 20,559 acres or about one-third

*The September, 1949 issue of Zoning Digest, published by the American Society of Planning Officials, contains an editorial and summaries of decisions relating to aesthetics as a basis for zoning.
of the city's area, were affected by architectural control regulations, and in addition, the city charter authorized the City Planning Commission to review plans for buildings on 9,136 acres of property, including parks, tidelands, and miscellaneous property owned by the city.

Over 11,550 applications for building permits in architectural control areas have been reviewed by the Planning Commission since the controls have been in effect. The existing buildings in each area have been used as the basis for judging the acceptability of the proposed structure, rather than standards determined for all new structures. Thus, a building permit for a proposed building may be refused in one architectural district and granted in another district.

The amendment to the building code required that all "applications for building permits, plans, and specifications for buildings to be erected on any property within the following described area....shall be referred by the Building Inspector to the City Planning Commission for approval as to the exterior design. If the design is approved by the City Planning Commission, it shall recommend to the Building Inspector for issuance of a permit. If not approved, the City Planning Commission shall confer with the applicant and recommend changes in the exterior design of the structure.

"Should the applicant refuse to accept the recommendations of the City Planning Commission, the application, together with the comments of the City Planning Commission, shall be referred back to the Building Inspector, recommending the denial of the permit."

The Building Inspector and the Planning Commission have cooperated in the practice of architectural control; for 14 years after adoption of the control, in every case where the Planning Commission did not approve the design of the proposed building, the Building Inspector refused to issue a building permit.

SECTION III

Following are excerpts from municipal ordinances and other regulations pertaining to the exercise of architectural control.

The Bellingham, Washington zoning ordinance of 1947 specifies that in Public Reserve Area Districts:

".....no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

(1) Government buildings and uses, Federal, State, County, Municipal or other governmental subdivision.
(2) Hospitals and sanatoriums, public and private, except those for inebriates, insane, or mental diseases, subject to regulations of the Health Department.
(3) Institutions for education, philanthropic or eleemosynary uses.
(4) Libraries, art galleries, and museums.
(5) Parks, playgrounds, tennis courts, and like recreational uses.
(6) Private clubs, fraternities, and lodges.
(7) Professional Service Offices, such as for doctors, dentists, etc.
(8) Residential Hotels.
(9) Schools, public and private.
"This area is reserved for public and semi-public uses. All display of merchandise or products, all advertising devices and any manufacturing is prohibited. Buildings requiring services such as food, drugs, cigars, etc., usual to a public building, office building or hotel, may contain same within the interior. Entrances from street must not display advertising on same. Street deliveries are prohibited except for certain designated hours or building shall be so designed as to facilitate unloading fuel and merchandise from vehicle placed in alley; driveway or loading are on private property.

"All structures contemplated for this district must first have plans, specifications, and uses approved by the Planning Commission, and said plans and stated uses are to be filed with the permit. Planning Commission is charged with responsibility of ascertaining that the architectural design, the yard widths, the landscaping, etc., shall conform to the adjacent development to achieve a civic center for the City of Bellingham."

Coral Gables, Florida, adopted in 1937 a zoning ordinance unique in its specificity of architectural types, design and materials to be used. The following provisions are found under the section on general regulations:

"Architectural type. All buildings shall be of Spanish, Venetian, Italian or other Mediterranean or similar harmonious type architecture, except:
(1) In the Industrial Section, McFarlane Homestead and Golden Gate subdivisions;
(2) In the Biltmore Section and Biltmore Addition, where modernistic type houses are also permitted;
(3) Where otherwise required by the terms of presently existing restrictions in deeds conveying lots or lands, or specifically provided for herein.

"Exterior Walls. All exterior walls of buildings shall be constructed of concrete or glass block, poured concrete, stone, hollow tile, or coral rock, without wooden facings, and all exterior masonry surfaces shall be stuccoed and painted excepting those of coral rock, stone or glass. Clay brick may be used only for sills and trim. All exterior coloring shall be approved by the Supervising Architect and Building Inspector before being applied.

"Roofs. Excepting in C and M districts, in McFarlane Homestead and Golden Gate subdivisions, and in districts where modernistic type construction is permitted, no flat roofs shall be permitted on single family or two-family dwellings, except over rooms on the rear end of two-story dwellings on inside lots. All pitched roofs shall be of vitrified clay tile, or coral rock slabs laid shingle-fashion. Vitrified clay tile, only, shall be permitted; flat roofs shall be permitted on studio and garage apartment buildings in R4 districts, and on Apartment and Commercial or manufacturing buildings.

"Where flat roofs are used on modernistic type houses, they shall be of poured concrete."
"All parapet walls or copings on any single or two-family residence building or apartment building; and on the front and/or side, facing a street, of a private garage building, a studio or garage apartment building in an R4 district, or a commercial building in a C-1 or C-2 district, shall be finished with tile."

The zoning regulations for the unincorporated area of Dade County, Florida, adopted in 1938 include the provision, applying to all zones:

"All buildings hereafter constructed shall be of an architectural style and color which will harmonize with the premises and with other buildings on both sides of the same block and within two hundred feet (200') in all directions in the same neighborhood. All questions raised on this subject shall be referred to the Zoning Commission for recommendation in accordance with Section 38."

The Detroit, Michigan, Executive Order No. 50 issued by Mayor Edward J. Jeffries, Jr., on January 3, 1947, states:

"TO ALL DEPARTMENT HEADS, BOARDS AND COMMISSIONS:

"Our program for the betterment of Detroit can be effectively broadened if all buildings and structures erected for municipal purposes are as well designed and as pleasing and attractive in appearance as possible. In this way public improvements can make a maximum contribution toward the betterment and development of the city and become an inspiration and example for private builders and developers.

"It seems appropriate to establish a regular procedure for the attainment of this objective. To this end, therefore, I am assigning to the City Plan Commission the responsibility of reviewing and passing on the plans for all municipal buildings and structures from the standpoint of external appearance and visual effect.

"In performing this duty the Commission will examine architectural design, exterior surface treatment, and arrangement and placement on site, as these aspects of proposed buildings and structures may affect appearance. The Commission will determine whether in its judgment such buildings and structures will be as pleasing and attractive in appearance as may be necessary and possible under the circumstances. Consideration shall be given to use and function, harmony and consistency with surrounding private developments, both present and prospective, and the acceptability of the building and structure in its particular setting and location.

"In carrying out this procedure, all municipal agencies shall file sufficient plans and specifications for the new buildings and structures and additions and exterior alterations thereto with the Commission for this review. The Commission is required to review these plans expeditiously and to report promptly to the originating department its approval or recommendations for changes and alterations in architectural design, exterior treatment, or placement on site.

"Should any department be dissatisfied with the decision and requirements of the Commission in this connection, it shall have the right of appeal to this office."
"May I request the cooperation of all municipal agencies in carrying
our this procedure toward making Detroit a better city."

In Loudoun County, Virginia, the zoning ordinance of 1942 provides:

"No building or use of land other than a one-family dwelling or
an agricultural or forestry use or building shall hereafter be com-
enced unless and until a zoning permit therefor is obtained from
the County Clerk....the applicant for a zoning permit for any such
building in any R-1 or R-2 District shall submit in addition to the
information otherwise required herein, sketches showing the front,
side, and rear elevations of the proposed building and shall consult
with the county planning commission at their next regular meeting
after the date of application in an endeavor to provide that every
such building shall be so designed and constructed that it will be
in reasonable harmony with the desirable character of the neighbor-
hood, and so that no such building will be of unsightly or otherwise
undesirable appearance to the extent that it will hinder the orderly
and harmonious development of the neighborhood, or of the county,
or impair the scenic assets of the Commonwealth, or limit the oppor-
tunity to obtain the optimum use and value of land and improvements
in the neighborhood, or impair the desirability of living conditions
in adjacent residential areas, or otherwise adversely affect the
general prosperity and welfare, and the County Clerk shall issue no
zoning permit for any such building until he shall have received from
the planning commission written certification of the completion of
such consultation."

In Oak Ridge, Tennessee, the Atomic Energy Commission recently created an
Architectural Control Board consisting of three members, to review the design
of all buildings to be erected at Oak Ridge. Approval of this Board has been
made a prerequisite to the issuance of authority by the A.E.C. to private
builders for any building construction. The value of this Board has already
been demonstrated, as the design of several proposed structures has been
greatly improved by the suggestions and advice offered by the Board to the
builders. It has been recommended that if deed and lease restrictions are
utilized by the A.E.C. in connection with the sale or lease of land that
mandatory approval of architectural design by the Architectural Control Board
be included. Also, it has been recommended that approval of the Board be
required in connection with all public buildings erected at Oak Ridge for
which land has been dedicated for public use.

The following excerpt from the Pascoe, Washington, zoning ordinance of 1938
typifies provisions for the control of public service buildings in restricted re-
sidential zones:

In the R-1 Residential District:

"Telephone exchanges and similar uses of public service corpor-
ations may be permitted by special permit from the Commission,
provided such buildings shall conform to and harmonize with surround-
ing buildings as to type of architecture, setback and landscaping.
Complete plans showing elevations and location on the lot, together
with the location of adjoining residential buildings, must be sub-
mitted to the Commission with application for permit."

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The zoning ordinance for County of Riverside, California, effective in January 1949, provides that in C-P Zones (Restricted Commercial), before a building or structure may be erected, plans for the proposed construction must be submitted to the Planning Commission. Among other things, the building plans must:

"Provide that the architectural and general appearance of all buildings and grounds shall be in keeping with good architectural and landscaping practice and such as not to be detrimental to the general welfare of the community in which the development is located."

Also, in the general provisions of the ordinance, it is stated that:

"Every dwelling erected after the effective date of this ordinance in any R Zone, shall have a minimum ground floor area of not less than four hundred eighty (480) square feet, exclusive of unroofed porches and garages and shall provide indoor sanitary facilities; its architecture and general appearance shall be in keeping with the character of the neighborhood and such as not to be detrimental to the general welfare of the community in which it is located."

The zoning ordinance of St. Clair, Michigan, effective May 12, 1947 provides:

"The City Council may adopt Official Designs for any portion of any district or districts established by this ordinance. Such designs may include the location, floor area and height of structures; future width lines for streets; building lines, setback lines or front yard lines for structures; location, arrangement and required areas for yards and open spaces, including driveways, automobile parking spaces, walls, streets and roadways, alleys, utility lines and facilities, recreation and such other public and private uses, spaces and facilities as will contribute to the orderly and harmonious development of the area covered, with due regard to the character of the neighborhood, its particular suitability for any one or more of various uses, trends in building development and population, protection against traffic congestion and hazard, according to the land use plan and other plans of the City Council for future development of the area and for the City as a whole. Each official design will be a supplement to the District Map and will bear the title, 'District Map Supplement-Official Design' followed by an arabic numeral designating the number of such design. The adoption of an official design shall be by the same procedure as required herein for an amendment of the District Map. From and after the time of adoption of any official design, no structure shall be erected, reconstructed, structurally altered, enlarged, added to or moved, nor shall any land be used except in conformity with such official design."

Public Facilities Districts are among the districts established by the ordinance, so that architectural control of a "civic center" type of development is possible.

St. Louis, Missouri, according to Elizabeth Black in the February 1940 issue of Civic Affairs, has established an advisory control in the vicinity of public buildings and areas:

*Reprinted from an American Society of Planning Officials collection of references to and summaries of articles dealing with architectural control, 1941.
"In St. Louis, authority is vested in ordinances of 1936 and 1937, whereby the Art Commission exercises advisory control over the character and design of public, private, and semi-public buildings bordering upon, adjacent to, or within 300 feet of and when visible from public buildings, parks, and plazas. It passes upon the general exterior appearance, design, color, and texture of surface materials of exterior construction. This supervision is exercised through the submission by the Building Commission to the Art Commission of plans for such construction before issuance of building permits. The latter board is allowed twenty days in which to make recommendations if necessary to prevent impairment of public values applying to nearby structures. This period may be extended upon application to the Building Commission."

The Stockbridge, Massachusetts, by-law, effective January 24, 1942, provides in its section on "Non-conforming Uses" that:

"The Selectmen shall grant no such permit as would in their judgment adversely affect the scheme of growth laid down for the town or tend to impair the beauty of the town or the district most immediately affected."

Tucson, Arizona, in its zoning ordinance of 1944, includes in its regulations for "B-1" Business Districts, the provision that:

"In any "B-1" Business District, a building erected for other than dwelling or apartment house purposes shall conform architecturally to the prevailing type of dwelling or apartment house existing in the neighborhood. The owner must have the approval of the Board of Adjustment on plans, location on the lot, and side and front elevations before a permit shall be granted by the Building Inspector for the erection of such building."

The County of Warwick, Virginia, zoning ordinance adopted in October 1948, states that:

"Any building constructed, repaired or altered in any zone shall have such design and character as not to detract from the value of similar buildings already existing in the neighborhood in which the new building is to be erected."

Washington, D. C., as reported by Thomas Mackesey in The Planner's Journal, October-December, 1939, has both mandatory and advisory types of control:

"Under the Shipstead Act of 1930 permits for private and semi-public buildings in Washington, D. C., facing the principal government building groups must be passed on by the National Fine Arts Commission. Washington has also had for some years an effective voluntary board of review. Local members of the American Institute of Architects have served in rotation and without compensation on an Architects' Advisory Council. The Council has examined all plans filed with building permit applications and has called to the attention of the owner and the public ill-conceived and incongruous designs. The service of the Council is advisory only but it has

*Reprinted from an American Society of Planning Officials collection of references to and summaries of articles dealing with architectural control, 1941.
done much to arouse the public from its lethargy in matters of architectural design."

The Suggested Basic Building Code for (State of) Washington Cities contains a provision prohibiting the erection of a "structure of an architectural design which does not harmonize with or is inconsistent with existing standards of the general design and appearance of other buildings and structures in the district."

The proposed zoning ordinance for Winston-Salem, North Carolina, includes these sections:

"(a) AREA DEFINED:

"For the purposes of this Section, the "Old and Historic Salem District" shall be that area shown and bounded as such on the Revised Zoning Map for the City of Winston-Salem.

"(b) SPECIAL BUILDING AND OCCUPANCY CERTIFICATES REQUIRED:

"In order to promote general welfare through the preservation and protection of historic sites and buildings, all applications for permits to build or alter buildings or structures located in the Old and Historic Salem District, shall be subject to review, and issuance of certificates of approval, by the Board of Architectural Review hereinafter created. Evidence of such required approval shall be a Certificate of Appropriateness issued by said Board. Such certificate shall be a statement signed by the chairman of the Board stating that the exterior architectural features of the proposed construction, reconstruction, alteration or restoration for which application has been made are approved by the Board.

"(c) BOARD OF ARCHITECTURAL REVIEW, CREATION AND MEMBERSHIP.

"A Board of Architectural Review is hereby created, consisting of five members to be appointed by the Board of Aldermen, one of whom shall be a member of the American Institute of Architects, one a member of the Wachovia Historical Society, one a member of the Winston-Salem Garden Club Council, one a member of the City-County Planning Board, and one member at large who shall be a resident of the City or County. One but not more than two members of the Board shall reside in the Old Salem Area. Two of the initial members shall be appointed for three years, two for two years, and one for one year, and, subsequently, members shall be appointed for terms of three years as successive vacancies occur.

"(d) MEETINGS:

"The Board of Architectural Review shall meet within 10 days after notification by the Zoning Officer of the filing of an application for a building permit or an occupancy permit for a case which it is required to pass, and at such other times as the Board may determine or upon call of the Chairman.

"(e) POWERS AND DUTIES:

"It shall be the function of the Board of Architectural Review to pass upon the appropriateness of exterior architectural features of buildings and structures, including signs and other exterior fixtures, hereafter com-
structured, reconstructed, altered, or restored in the Old and Historic Salem District. The Board of Architectural Review shall also pass upon any requests for occupancy permits that may be referred to it.

"(f) REVIEW OF PLANS:

"All plans, elevations, and other information necessary to determine the appropriateness of the features to be passed upon, together with a copy of the application for a building or zoning permit or occupancy permit, shall be made available to the Board of Architectural Review by the Zoning Officer.

"The Board of Architectural review in passing upon cases, shall consider among other things, the general design, arrangement, texture, material and color of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. The Board shall not consider interior arrangement, nor shall it make requirements except for the purpose of preventing developments obviously incongruous to the old historic aspects of the surroundings.

"In case of disapproval, the Board of Architectural Review shall state the reasons therefor in a written statement to the applicant and make recommendations thereto in regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved.

"Notice of such disapproval and a copy of the written statement of reasons therefor shall also be transmitted to the Zoning Officer.

"(g) APPROVAL:

"Upon approval of the plans, the Board of Architectural Review shall forthwith transmit a report to the Zoning Officer stating the basis upon which such approval was made, and cause a Certificate of Appropriateness to be issued to the applicant. Upon failure of the Board to take final action upon any case within 45 days after the application for permit, the case shall be deemed to be approved, except when mutual agreement has been made for an extension of the time limit.

"When a Certificate of Appropriateness has been issued, a copy thereof shall be transmitted to the Zoning Officer, who shall from time to time inspect the construction or alteration approved by such certificate, and report to the Board any work not in accordance with such certificate.

"(h) APPEALS TO THE BOARD OF ADJUSTMENT:

"In the event of refusal of the Board of Architectural Review to issue a certificate of appropriateness, appeals from such action may be taken to the Board of Adjustment in the same manner as in the case of like action upon the part of the Zoning Officer.

"(i) OTHER OLD AND HISTORIC PLACES:

"All the foregoing provisions of this section shall also apply to all buildings and other structures to be erected or altered within the boundaries of "Other Old and Historic Places," within the zoning jurisdiction of the City of Winston-Salem and as shown on the Zoning Map of the City of Winston-Salem and Forsyth County."
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