

11-505: DESIGN REVIEW

- A. Authority. The City Council, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, may grant Design Review Permit approval; provided, however, that no such permit shall be granted unless such use or development complies with the regulations of the district in which it is located and all necessary certificates, permits and approvals for such use or development shall have been secured.
- B. Purpose. The Design Review Permit process is intended to provide a procedure for the review of plans to ensure that the use and development requiring design review approval will comply with standards established to preserve the integrity of areas and structures which have been determined to merit special protection.
- C. Parties Entitled to Seek Design Review Permits. An application for a Design Review Permit may be filed by the owner of, or any person having a contractual interest in, the subject property.
- D. Procedure.
1. Application. Applications for a Design Review Permits shall be filed in accordance with the requirements of Section 11-301 of this Code. Applications will be forwarded to the Planning and Zoning Commission for special use permit, variation and construction approvals.
 2. Other approvals required prior to approval. In any case where the proposed work requires the issuance of a special use permit, variation, or other approval, no Design Review Permit shall be granted unless and until such special use permit, variation, or other approval has been issued. The issuance of any such other approval shall not be deemed to establish any right to the issuance of a Design Review Permit.
 3. Public meeting. A public meeting shall be conducted by the Planning and Zoning Commission and the City Council.
 4. Action by Planning and Zoning Commission. Within 35 days following the conclusion of the public meeting provided in Subsection E3 of this Section, the Planning and Zoning Commission, shall, in writing, recommend to the City Council to grant the Design Review Permit without modification, grant the Design Review Permit with modifications or subject to conditions, or deny the Design Review Permit. In reaching its recommendation, the Planning and Zoning Commission, whichever is applicable, shall be guided by the particular standards and considerations set forth in Subsection E of this Section. The failure of the Planning and Zoning Commission, to act within 35 days, or such longer period of time as may be agreed to by the applicant, shall be deemed a recommendation to deny the Design Review Permit.
 5. Action by City Council. Within 35 days after receiving the recommendation of the Plan Planning and Zoning Commission, or if the Planning and Zoning Commission fails to act within 35 days following the conclusion of the public

meeting provided in Subsection E3 of this Section, within seventy (70) days following the conclusion of such public meeting, the City Council shall, by ordinance duly adopted, grant the Design Review Permit without modification, grant the Design Review Permit with modifications or subject to conditions, or deny the Design Review Permit. The failure of the City Council to act within the time limits set in this Subsection, or such longer period of time as may be agreed to by the applicant, shall be deemed a denial of the Design Review Permit. In reaching its decision, the City Council shall be guided by the particular standards and considerations set forth in Subsection E of this Section.

6. Issuance of certificate. If a Design Review Permit is granted pursuant to this Section, the Community Development Director, within seven days following the passage of the ordinance by the City Council pursuant to Subsection E5 of this Section, shall issue the Design Review Permit, noting thereon any modifications or conditions imposed by the City Council. Each Design Review Permit shall state on its face, in bold type, that:

**THIS PERMIT DOES NOT SIGNIFY ZONING, BUILDING CODE, OR
SUBDIVISION REVIEW OR APPROVAL AND HOLDER IS NOT
AUTHORIZED TO UNDERTAKE ANY WORK WITHOUT SUCH REVIEW
AND APPROVAL WHERE REQUIRED.**

- E. Standards and Considerations for Design Review Permit. In passing upon applications for Design Review Permits, the Planning and Zoning Commission and the City Council, as the case may be, shall consider and evaluate the property of issuing the Design Review Permit all in as expeditious as manner as possible. In addition, the Planning and Zoning Commission and the City Council, as the case may be, shall be guided by the following standards and considerations:

1. General Building Design and Relation to Street and Pedestrians: All building designs shall be evaluated under the following guidelines, as well as the way in which the design relates to the street on which the subject building is, or is proposed to be, located:
 - (a) Height, Bulk, Scale and Massing: Overall height and massing of proposed buildings and structures shall be modulated to reduce the appearance of height and bulk.
 - (b) Roof-lines: Roof-lines shall be designed to generate visual interest.
 - (c) Façade: Architectural details in building facades shall provide visual interest and be generally compatible with surrounding buildings and properties.
 - (d) Proportion of openings: The size and number of openings (windows, doors, etc.) shall be proportionate to the overall façade.

- (e) Rhythm of entrance porch and other projections: The scale of entrances and other projections shall be designed to relate proportionately to sidewalks and pedestrians.
 - (f) Open spaces. The quality and location of the open spaces between buildings and in setback spaces between the street and façade shall be suitably located in relation to the street, other open spaces and pedestrian ways.
2. Visual compatibility. Visual compatibility shall be considered and reviewed in terms of the following guidelines.
- (a) Height. The height of proposed buildings and structures as it relates to adjacent buildings.
 - (b) Materials. The quality of materials and their relationship to those in existing adjacent structures.
 - (c) Proportion of front façade. The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
 - (d) Proportion of openings. The relationship of the width to the height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
 - (e) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
 - (f) Rhythm of spacing and buildings on streets. The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.
 - (g) Relationship of materials and texture. The relationship of the materials and texture of the façade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.
 - (h) Roof shapes. The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
 - (i) Walls of continuity. Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.

- (j) Scale of building. The size and mass of building and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.
- 3. Overall Site Design and Landscaping. The overall site design shall be reviewed in terms of the quality of the following elements:
 - (a) Landscaping and screening: Parking lots, unsightly equipment and service areas shall be screened from public view by means of landscaping, fencing, and/or other means of screening.
 - (b) Lighting: Exterior lighting shall be architecturally integrated with building style, material and color, and shall not be directed off site.
 - (c) Parking: Automobile access, servicing of the property, and impact on vehicular traffic patterns and conditions on-site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible shall also be reviewed.
- 4. Special considerations for existing buildings. For existing buildings, the Planning and Zoning Commission and the City Council shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.
- 5. Manuals and guidelines. The Planning and Zoning Commission may, from time to time, provide for specific manuals or guidelines for architectural styles or common-occurring buildings or site features and elements to assist applicants for Design Review Permits. Such manuals or guidelines shall be advisory only and shall bind neither the applicant nor the Planning and Zoning Commission or the City Council with respect to any specific case.
- F. Modifications and Conditions. In approving an application for a Design Review Permit, the City Council may, by resolution duly adopted, authorize the issuance of the Design Review Permit for plans as submitted, or on condition that specified modifications in such plans be made, or on any other condition deemed necessary to achieving the purposes and objectives of this Section. Such conditions and modifications shall be set forth in the resolution granting approval and in the Design Review Permit. The violation of any such condition or modification shall be a violation of this Code.
- G. Limitation on Permits. A Design Review Permit shall become null and void 12 months after the date on which it was issued unless, within such period, the work authorized by such permit is commenced. A Design Review Permit shall relate solely to the work shown on plans approved by the issuance of such permit and it shall be unlawful for any person to deviate from such plans without obtaining an amended permit in the same manner as herein provided for obtaining original permits.