

11-505: DESIGN REVIEW

- A. Authority. The Planning and Zoning Commission, in accordance with the procedures and criteria set out in this Section and by resolution duly adopted, may grant Major Design Review Permit approval. The Community Development Director, in accordance with the procedures and criteria set out in this Section, may grant Minor Design Review Permit approval. However, 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 Major and Minor Design Review Permit procedures are intended to provide for the review of plans to ensure that the use and development requiring said approval will comply with criteria established to preserve the integrity of areas and structures which have been determined to merit special protection.
- C. Major or Minor Design Review Permit Required. Unless a Major or Minor Design Review Permit shall have first been obtained pursuant to this Section, no person shall perform, cause, or permit any construction, alteration, remodeling, movement, or demolition of any building, structure or other improvement of or on any property used for non-residential or multiple family purposes, and no person shall be entitled to the issuance of a permit authorizing any such work.
- D. Exemptions.
1. No Major or Minor Design Review Permit shall be required for Improvement Work related directly to the repair of fire, storm, or other catastrophic damage; provided that the improvement work contemplates substantially the same material and configuration as existing prior to the fire, storm, or other catastrophic damage, and is otherwise in accordance with all applicable codes and ordinances.
 2. No Major or Minor Design Review Permit shall be required for Improvement Work that consists exclusively or primarily of ordinary and routine maintenance and repair activities that may require a building permit pursuant to the City's Building Code. Examples of such activity not requiring a Major or Minor Design Review Permit include, without limitation, the following: repainting a building exactly as the original, replacing a front door with one similar to the original; replacing light fixtures on the outside of a building with the same type of light fixture; or replacing a roof, door, or window with the same type of roof, door, or window. That no Design Review Permit shall be required for Improvement Work as described in this Paragraph 11-505 D shall not be interpreted to mean that the Improvement Work does not require a building permit.
- E. Minor Design Review.
1. Scope. Minor Design Review is for Improvement Work that does not otherwise constitute as a significant change to the architectural style or design of the building or site to which the Improvement Work is being done. This shall also include any Improvement Work that otherwise meets the applicable requirements of this Code, without requiring any form of zoning relief as granted pursuant to Article XI. Minor Design Review Permits shall be required for any Improvement Work that, as a result of its substance, detail, scope, and

complexity, otherwise requires a more comprehensive review than otherwise is considered exempt by Subsection D herein this Section, including, but not limited to, the following:

- (a) Replacement of a roof, door, or window with a different type of roof, door, or window.
- (b) Addition of an awning to a building.
- (c) Replacement of an awning with a different style or material.
- (d) Painting a building with a different color than the original.
- (e) Replacing the steps with a different type of step.
- (f) New construction of an accessory structure.
- (g) Addition to an existing principal structure that is less than one thousand square feet or less than ten percent of the area of the existing structure.
- (h) Replacement of building materials, other than the primary building material, on visible portions of the façade of an existing structure.
- (i) Minor site alterations, such as parking lot modifications of a limited scope, fencing, minor grading, or small landscaping areas.
- (j) Construction of an outdoor patio/seating area.
- (k) Installation of solar panels on roof or façade facing a public right-of-way.

2. Application. Applications for Minor Design Review Permits shall be filed in accordance with the requirements of Section 11-201 and of this Paragraph E2. Applications for Minor Design Review Permits shall consist of plans accurately depicting the Improvement Work and a written notification describing said plans, on a form as made available by the Community Development Director, prior to the commencement of the applicable Improvement Work. The Community Development Director may request any additional information he or she deems necessary prior to considering the application complete.

3. Action by the Community Development Director. Within 35 days upon the receipt of a complete application as described in this Subsection 11-505 E, the Community Development Director shall grant the Minor Design Review Permit without modification, grant the Minor Design Review Permit with modifications or subject to conditions, or deny the Minor Design Review Permit. In reaching his or her determination, the Community Development Director shall be guided by the design criteria set forth in Subsections 11-505 G, in addition to specific manuals or guidelines as identified in Subsection 11-505 I of this Section. The Community Development Director may waive fifty (50) percent of the criteria of Subparagraphs G1, G2, and G3 of this Section, as deemed unreasonable and causing undue burden to buildings or properties to be used for industrial, institutional, and open space purposes. Of those criteria deemed applicable to a Minor Design Review Permit by

the Community Development Director, a cumulative majority must be found as met or the Community Development Director shall deny the Minor Design Review Permit.

The failure of the Community Development Director to act within 35 days, or such longer period of time as may be agreed to by the applicant, shall also be deemed a denial of the Minor Design Review Permit. The determination of the Community Development Director shall be final unless an application for appeal is filed to the Planning and Zoning Commission, in accordance with Section 11-402 of this Code.

F. Major Design Review.

1. Scope. Major Design Review is for Improvement Work that consists of any and all Improvement Work that constitutes as a significant change to the architectural style or design of the building or site to which the Improvement Work is being done. All Improvement Work shall otherwise meet the applicable requirements of this code, without requiring any form of zoning relief as granted pursuant to Article XI. Major Design Review Permits shall be required for any Improvement Work that, as a result of its substance, detail, scope, and complexity, otherwise requires a more comprehensive review than that required for a Minor Design Review Permit, including, but not limited to, the following:
 - (a) New construction of a principal structure.
 - (b) Addition to an existing principal structure that is equal to or greater than one thousand square feet or ten percent of the area of the existing structure, whichever is less.
 - (c) Replacing the primary exterior building material on visible portions of the façade of an existing principal structure.
 - (d) Significant site alterations, including, but not limited to, berms, detention/retention areas, parking lot addition/removal, or significant landscaping features.
2. Application. Applications for Major Design Review Permits shall be filed in accordance with the requirements of Section 11-201 and of this Subsection 11-505 F of this Code. Applications for Major Design Review Permits shall consist of plans accurately depicting the Improvement Work and a written notification describing said plans, on a form as made available by the Community Development Director, prior to the commencement of the applicable Improvement Work. The Community Development Director may request any additional information he or she deems necessary prior to considering the application complete. The Community Development Director may waive fifty (50) percent of the criteria of Subparagraphs G1, G2, and G3 of this Section, as deemed unreasonable and causing undue burden to buildings or properties to be used for industrial, institutional, and open space purposes.

3. Public Meeting. Within 21 days of determining the application complete, the Community Development Director shall forward the application and related materials to the Planning and Zoning Commission, including a report stating which, if any, criteria listed in Subparagraphs G1, G2, and G3 are deemed unreasonable and causing undue burden to buildings or properties to be used for industrial, institutional, and open space purposes. The Planning and Zoning Commission shall then conduct public meeting in accordance with Section 11-203 of this Code.
4. Action by Planning and Zoning Commission. Within 35 days following the conclusion of the public meeting provided in Paragraph F3 of this Section, the Planning and Zoning Commission, shall, by resolution duly adopted, grant the Major Design Review Permit without modification, grant the Major Design Review Permit with modifications or subject to conditions, or deny the Major Design Review Permit. In reaching its recommendation, the Planning and Zoning Commission, whichever is applicable, shall be guided by the particular criteria and considerations set forth in Subsections G, H, and I of this Section. Of those criteria deemed applicable to a Major Design Review Permit by the Community Development Director, a cumulative majority must be found as met or the Planning and Zoning Commission shall deny the Major Design Review Permit.

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 denial of the Major Design Review Permit. The determination of the Planning and Zoning Commission shall be final unless a written appeal there from is filed with the City Council in accordance with Section 11-402, in which case the determination of the City Council shall be final.

5. Issuance of Certificate. If a Major or Minor Design Review Permit is granted pursuant to this Subsection 11-505 F, the Community Development Director, within seven days following the passage of the resolution by the Planning and Zoning Commission pursuant to Paragraph F4 of this Section, shall issue the Major Design Review Permit, noting thereon any modifications or conditions imposed by the Planning and Zoning Commission. Each Major 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.

- G. Design Criteria for Major and Minor Design Review Permits. In reviewing applications for Design Review Permits, the Community Development Director and the Planning and Zoning Commission, as the case may be, shall consider and evaluate the subject property of the requested Major or Minor Design Review Permit in as expeditious as manner as possible. In addition, the Community Development Director and the Planning and Zoning Commission, as the case may be, shall be guided by the following design criteria. These design criteria shall be applicable to all buildings or properties to be used for non-residential and multiple family purposes. All major exterior renovations, additions and façade changes shall be reviewed for conformance with the following criteria of design.

Note that in the event that a building or buildings adjacent or visually related to the subject building for which the Major or Minor Design Review Permit is being sought is found not to meet the intent of one or more of one of the following criteria, that the principle may not apply. The Planning and Zoning Commission, following a recommendation from the Community Development Director, may instead determine that the intent of that principle may be met by enforcing other design guidelines as he or she sees appropriate for a Major Design Review Permit. The Community Development Director may instead determine that the intent of that principle may be met by enforcing other design guidelines as he or she sees appropriate for a Minor Design Review Permit.

1. **Mass and Scale.** The following criteria shall be applied as set forth in this Section. Two shall be the number of design criteria defined as a majority for this Paragraph
 - (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) Height. The height of proposed buildings and structures as it relates to adjacent buildings.
 - (c) Scale of Building. The size and mass of buildings and structures shall be similar to buildings and relate to public ways and places within their immediate vicinity.

2. **Building Materials.** The following criteria shall be applied as set forth in this Section. Three shall be the number of design criteria defined as a majority for this Paragraph.
 - (a) Architecturally Harmonious. Building materials shall be selected for suitability in the context of the neighborhood. Buildings shall use materials which are architecturally harmonious for all building walls and other exterior components that are wholly or partially visible from public ways.
 - (b) Durable Materials. Brick, other masonry materials or other attractive and durable materials approved by the Planning and Zoning Commission shall be used for all sides of all non-residential development, multi-family, duplex, townhouse and other non-single family residential dwelling units, and shall be installed per city building code specifications. The use of stucco, e.i.f.s (i.e. Dryvit), wood, glazed tile or decorative concrete block shall be limited to accent the building.
 - (c) Color Schemes. Color schemes should consider the character and quality of structures in the area. Excessively bright colors should be used only for accent. Materials and colors should withstand the weather for a twenty-five (25) year period.
 - (d) 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.

- (e) Materials. The quality of materials and their relationship to those in existing adjacent structures, except for when materials of existing structures are not of a recommended material or are predominantly a discouraged material.
3. **Building Design and Features.** The following criteria shall be applied as set forth in this Section. Four shall be the number of design criteria defined as a majority for this Paragraph.
- (a) Building Components Consistency. Building components, such as windows, doors, eaves and parapets shall be consistent in proportion and style with the predominant style of the neighborhood.
 - (b) Façade. Architectural details in building facades shall provide visual interest through articulation, appropriate material changes, appropriate lighting features, and other best design practices.
 - (c) Proportion of Openings. The size and number of openings (windows, doors, etc.) shall be proportionate to the overall façade and relate directly to the primary use of the building.
 - (d) Rhythm of Entrance Porch and Other Projections. The scale of entrances and other projections shall be designed to relate proportionately to sidewalks and pedestrians.
 - (e) Proportion of Front Façade. The relationship of the width to the height of the front elevation shall be consistent in proportion with buildings, public ways, and places to which it is visually related.
 - (f) Proportion of Openings. The relationship of the width to the height of windows shall be consistent in proportion with buildings, public ways, and places to which the building is visually related.
4. **Building Roofs and Rooflines.** The following criteria shall be applied as set forth in this Section. Two shall be the number of design criteria defined as a majority for this Paragraph.
- (a) Flat Roofs and Mansard Roofs. Flat roofs and mansard roofs are discouraged except where such roofs are the predominant style in the neighborhood.
 - (b) Roof-lines. Roof-lines shall be designed to generate visual interest.
 - (c) Roof Shapes. The roof shape of a building shall be consistent with the buildings which are within the immediate block area.

5. **Lighting.** The following criteria shall be applied as set forth in this Section. Two shall be the number of design criteria defined as a majority for this Paragraph.
- (a) Harmonious Lighting. Exterior lighting should be a part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design.
 - (b) Architectural Integrated. Exterior lighting shall be architecturally integrated with building style, material, and color so as to enhance architectural features of the building, and shall not be directed off site.
6. **Open Space and Other Site Features.** The following standards shall be applied as set forth in this Section. Four shall be the number of design criteria defined as a majority for this Paragraph.
- (a) Rhythm of Spacing and Buildings on Streets. The rhythm of open space between buildings or structures shall be consistent and maintained at a block level wherever possible.
 - (b) 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.
 - (c) 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 to create a pedestrian and open space network.
 - (d) 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.
 - (e) Signs. Signs shall be part of the architectural concept and shall conform to the regulations set forth in this Article IX, Part I-C.
 - (f) 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.
- H. Special Considerations for Existing Buildings. For existing buildings, the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing shall be considered.
- I. 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,

Community Development Director nor the Planning and Zoning Commission with respect to any specific case.

- J. 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.