

§9-2 DESIGN REVIEW

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[See Commentary]

§9-2-1 TITLE

This Resolution [Ordinance] shall be known and may be cited as the “Architectural and Site Design Review Ordinance of the City of _____.”

§9-2-2 PURPOSE AND INTENT

Careful attention to the architectural design of buildings and the layout of development sites is in the best interests of the city, its citizens, and business owners. Attractive and integrated architectural and site design features tend to improve an area's image, raise overall property values, attract new businesses and residents, and improve the quality of life. Research and experience have shown that there is a positive return on investment for providing attractive design features, for both government and property owners and can provide similar enhancements to public safety, community health, and well being. This Resolution [Ordinance] establishes a design review board and requires review by the design review board of any new construction or material change in appearance to existing structures.

Promoting healthy, safe, spacious, and quiet residential neighborhoods by necessity also includes attention to the aesthetics of development. There are links between community appearance and property values, and aesthetic regulations have non-aesthetic purposes supporting such restrictions, such as the preservation of property values, the community's cultural setting, the economic interest in tourism, and intangible human values. It is in the public interest to direct and control the visual appearance of the community, to prevent patently offensive harm to the existing visual character of the community, because happiness, comfort, and general well-being of citizens result from an aesthetically pleasing environment.

The Governing Body finds that its citizens have widely shared human values related to the visual environment. The desire to protect certain features of the visual environment reflects a widespread pattern of community preference rather than simply the desires of a narrow few. That finding is supported by community visioning and character area delineation completed as a

part of the local government's comprehensive planning process. These regulations are therefore based on the visual sensibilities of the average person in the community. The Governing Body finds further that visual harm to a widespread pattern of community preference can occur without the imposition of the provisions of this ordinance, which places limitations on or prohibits altogether certain uses, structures, and practices that would be out of harmony or incongruent with the distinctive character or visual features of the surrounding area.

After careful study of specific existing features of the visual environment, the Governing Body finds that reasonable and intelligible standards can be established for implementation and administration to protect areas from associational dissonance – these include neutral and objective criteria such as (among others) height, bulk, scale, placement, topography and building materials. The regulations contained herein are reasonably related to legitimate public purposes and the minimum necessary to prevent substantial harm to existing features of the visual environment selected for protection.

§9-2-3 APPLICABILITY

This Resolution [Ordinance] shall apply to all non-residential development within the city limits of the City of _____. ***[See Commentary]***

§9-2-4 ESTABLISHMENT OF DESIGN REVIEW BOARD

A Design Review Board is hereby established. Said board shall consist of five voting members, who are residents and registered voters of the County [City], each of whom shall serve for terms of three years without compensation. The Design Review Board membership shall be composed of individuals with the following qualifications in addition to any other qualifications listed in this section:

- (a) At least one member shall be an architect with a current state registration;
- (b) At least one member shall be a landscape architect with current registration; and,
- (c) At least one member shall be a licensed commercial building contractor.

None of the members of the Design Review Board shall be a member of the Governing Body, but one member of the Planning Commission may serve on the Design Review Board. The board members shall be appointed by the Chairman of the Board of Commissioners [Mayor] with the approval of the Board of Commissioners [City Council]. In case any vacancy should occur in the membership of the board for any cause, the Chairman of the Board of Commissioners [Mayor] shall fill such vacancy by making an appointment for the unexpired term with the approval of the Board of Commissioners [City Council]. Any members of the board may be removed by the Chairman of the Board of Commissioners [Mayor] for due cause or upon expiration of term, subject to the approval of the Board of Commissioners [City Council].

[See Commentary]

§9-2-5 AUTHORITY OF THE DESIGN REVIEW BOARD

The Design Review Board is authorized to receive, consider, grant, grant with conditions, or deny applications for design review as required by this Resolution [Ordinance]. In granting a design review approval, the Board may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth herein, as may be deemed necessary for the protection of adjacent

properties and the public interest. Decisions of the Design Review Board shall be final unless an appeal to the Mayor and City Council is filed no later than 30 days of the decision of the Design Review Board.

[See Commentary]

§9-2-6 MEETINGS OF THE BOARD

The Design Review Board shall adopt rules of procedure as are necessary to carry out the purposes of its authority. The Board shall establish a regular meeting date and time for its meetings. However, meetings shall be held only on an as-needed basis. All meetings shall be open to the public. The Board shall appoint a secretary, who shall be the Land Use Officer or designated officer to record the minutes of its proceedings, showing the action of each board member upon each question. The Board shall keep records of its examinations and other official actions, all of which shall be filed with the County [City] Clerk and which shall be public records. The Land Use Officer or designated officer shall serve as the advisor to the Board, except in cases of an appeal from a decision of the Land Use Officer or designated officer.

§9-2-7 DEFINITIONS

[See Commentary]

Amenity: Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special landscaping, or attractive site design.

Appearance: The outward aspect that is visible to the public.

Appropriate: Fitting to the context of a site, neighborhood or community.

Architectural concept: The basic aesthetic idea of a structure, or group of structures, including the site, signs, buildings and landscape development that produces the architectural character.

Architectural features: Functional, ornamental or decorative features integral or attached to the exterior of a structure, including roof elements, cornices, eaves, gutters, belt courses, sills, lintels, windows, doors, transoms, fan lights, side lights, chimneys, and elements of exterior embellishment.

Architectural recesses: Portions of a building wall at street level which are set back from the street line so as to create articulation of the building wall and/or to provide space for windows or doors.

Architecture: The art and science of designing and constructing buildings adapted to their purposes, one of which is beauty.

Attractive: Having qualities that arouse satisfaction and pleasure in numerous, but not necessarily all, observers.

Awning: A hood or cover that forms a roof-like structure, often of fabric, metal, or glass, designed and intended for the protection from the weather or as a decorative embellishment,

and which projects from the wall or roof of a structure over a window, walk, door, or the like. Awnings may be retractable but are most often fixed with a rigid frame.

Awning, internally illuminated: A fixed awning covered with a translucent membrane that is, in whole or part, illuminated by light passing through the membrane from within the structure.

Balustrade: A railing consisting of a handrail or balusters.

Build-to line: An alignment established a certain distance from the curb or right-of-way line to a line along which a building or buildings shall be built.

Building bulk: The visual and physical mass of a building.

Built environment: The elements of the environment that are generally built or made by people as contrasted with natural processes.

Canopy: A roof-like structure, supported by a building and/or columns, poles, or braces extending from the ground, including an awning, that projects from the wall of a building over a sidewalk, driveway, entry, window, or similar area, or which may be freestanding.

Character: The nature of a building or site.

Cohesiveness: Unity of composition among elements of a structure or among structures, and their landscape development.

Common area: Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and yards and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development. Maintenance of such areas is the responsibility of a private association, not the public.

Compatibility: With regard to development, the characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict; with regard to buildings, harmony in appearance of architectural features in the same vicinity.

Continuity: The flow of elements or ideas in a non-interrupted manner.

Cornice: A horizontal element member, structural or nonstructural (i.e., molding), at the top of the exterior wall or projecting outward from an exterior wall at the roofline, including eaves and other roof overhang.

Design guideline: A standard of appropriate activity that will establish, preserve, or enhance the architectural character and site design and function of a building, structure, or development.

Detail: A small feature or element that gives character to a building.

Dormer: A window projecting from a roof.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Eave line: The extension of a roofline beyond the vertical wall of a building.

External design feature: The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs, and fixtures of portions which are open to the public view.

Façade: Typically the front of a building; however, any building square on view is considered a façade (see definitions below).

Façade, front: Any façade with a main public entrance that faces one of the primary streets.

Façade, rear: Any façade without a public entry that does not face a public road.

Façade, side: Any façade without a public entry but facing a public street.

Fenestration: The organization of windows on a building wall.

Footprint: The total square footage on the ground of all buildings and structures on a site, measured from the outside of all of the exterior walls and supporting columns. It may include attached or detached garages, covered carports, roofed or unroofed porches and decks, and accessory structures, if such are defined within the design ordinance as contributing to footprint calculations.

Gable: The triangular upper portion of an end wall, underneath a peaked roof.

Grade, natural: The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling, or excavating.

Habitat: The physical location or type of environment, in which an organism or biological population lives or occurs.

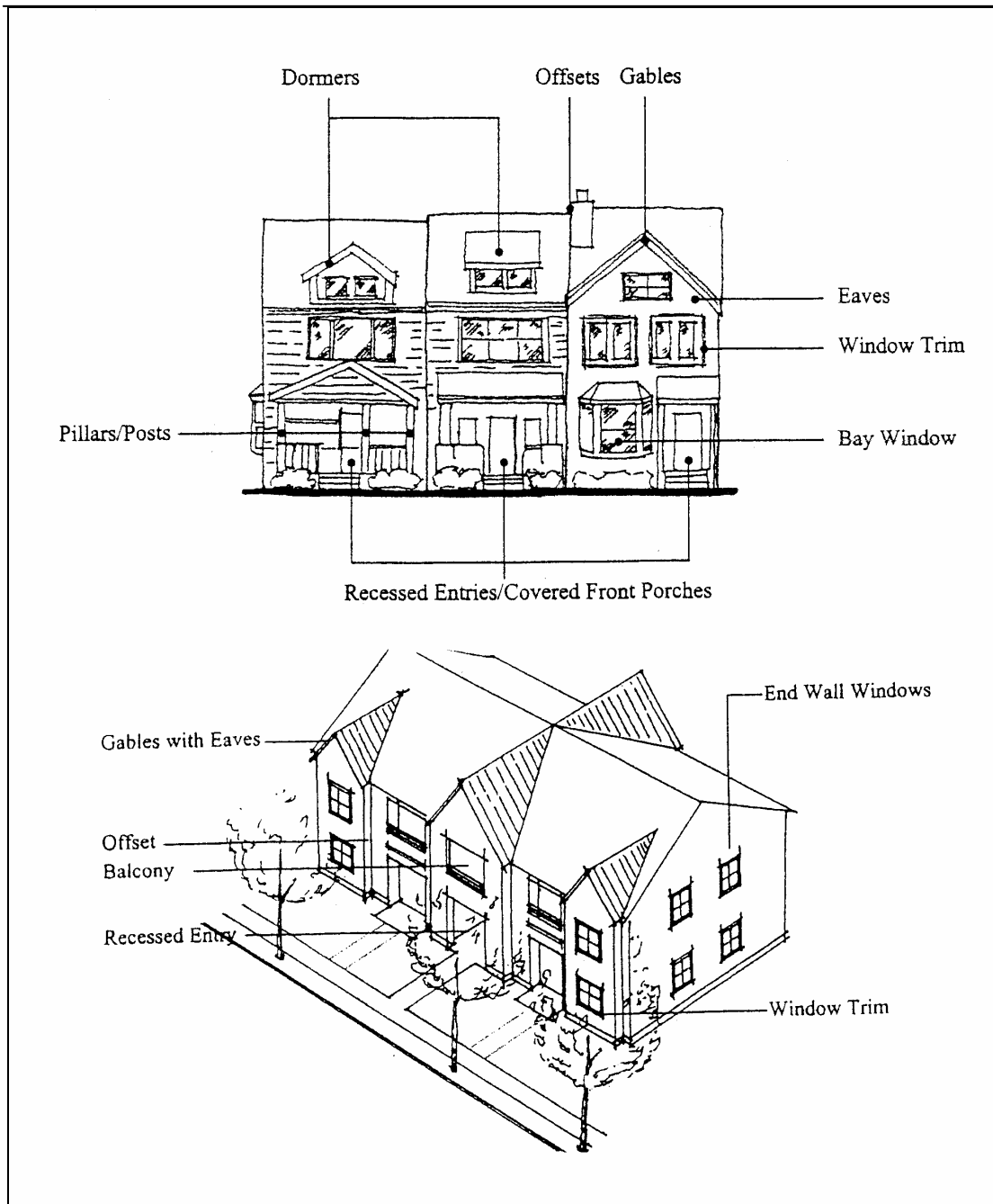
Harmony: A quality that represents an attractive arrangement and agreement of parts of a composition, as in architectural elements.

Hedge: A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

Landscaping: The area within the boundaries of a given lot that consists of planting materials, including but not limited to, trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Massing the overall visual impact of a structure's volume; a combination of height and width, and the relationship of the heights and widths of the building's components. (See Figure).

Figure 1
Selected Architectural Details



Source: Oregon Transportation and Growth Management Program 1999.

Material change in appearance: A change that will affect either the exterior architectural or environmental features of a building, structure, land use activity, or development site. A material change in appearance shall at minimum include the following: the construction of a new building or structure; the reconstruction or alteration of the size, shape, or façade of an existing building or structure, including any of its architectural elements or details; commencement of excavation for construction purposes; and installation of freestanding walls, fences, steps, and pavements, or other appurtenant features.

Modularity: Design composition comprised of a rhythmic organization of parts.

Modulation: A measured setback or offset.

Natural drainage: Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

Natural features: Components and processes present or produced by nature, including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, climate, floodplains, aquatic life, and wildlife.

Parapet: A low retaining wall at the edge of or along a roof.

Pedestrian-oriented development: Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades that face the street.

Portico: An exterior appendage to a building, normally at the entry, usually roofed.

Proportion: Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

Ridge: The peak of a roof. Also, the horizontal member at the peak into which the rafters join.

Roof: The cover of a building, including the eaves and similar projections.

Roof, flat: A roof having no pitch or a pitch of not more than 2:12.

Roof, pitched: A shed, gabled, or hipped roof having a slope or pitch of at least two foot rise for each 12 feet of horizontal distance.

Scale: Proportional relationships of the size of parts to one another and to humans.

Scenic vista: A visual panorama with particular scenic value.

Street furniture: Those features associated with a street that are intended to enhance the street's physical character and use by pedestrians, such as benches, trash receptacles, planting containers, pedestrian lighting, kiosks, etc.

Street hardware: Objects other than buildings or street furniture that are part of the streetscape. Examples are: non-pedestrian street light fixtures, utility poles, traffic lights and their fixtures, fire hydrants, etc.

Streetscape: The appearance and organization along a street of buildings, paving, plantings, street hardware, street furniture, and miscellaneous structures.

View corridor: The line of sight identified as to height, width, and distance of an observer looking toward an object.

Viewshed: The area within view from a defined observation point.

§9-2-8 DESIGN REVIEW AND APPROVAL REQUIRED

No building or structure shall be erected (nor shall any material change in the exterior appearance of any existing building, structure, or activity be allowed), until and unless a design review application has been made to the Land Use Officer or designated officer and approved by the design review board in accordance with the provisions of this Resolution [Ordinance]. Prior to any material change in appearance, the Land Use Officer or designated officer must issue a certificate of design review approval, after approval by the design review board. No building permit or land use permit requiring review and approval by the design review board shall be issued by the Land Use Officer or designated officer, unless the permit has received design review approval from the design review board and a certificate of design review approval has been issued by the Land Use Officer or designated officer or designated officer.

§9-2-9 EXEMPTION FOR MINOR CHANGES

Where the requested change, a minor alteration, the Land Use Officer or designated officer may waive any of the information requirements of this Resolution [Ordinance] for design review application. The Land Use Officer or designated officer may consult with the chairman of the design review board in making exemptions pursuant to this section.

§9-2-10 PRE-APPLICATION CONFERENCE

All applicants for design review and approval are strongly encouraged but not required to schedule a pre-application conference with the Land Use Officer or his or her designee. A pre-application conference is a time where applicants can familiarize themselves with the application requirements and processes and gain preliminary input from staff as to the suitability of the proposed material change in appearance. Typically, the board is not represented at pre-application conference, although this does not preclude one or more members of the board from attending and participating in a pre-application conference.

§9-2-11 APPLICATION REQUIREMENTS

All applications for design review approval shall be made as required by the Land Use Officer or designated officer and shall at minimum contain the following information:

§9-2-11.1 Elevation Drawings, Color and Material Samples. Every application or review involving the construction of a new building or structure, alterations, and/or additions to existing structures shall be accompanied by exterior elevation drawings, drawn to scale and signed by an architect, engineer or other appropriate professional. These shall be submitted in sufficient number of copies as required by the Land Use Officer or designated officer. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed change(s) to buildings or structures and new construction, as applicable. Each application shall also indicate proposed materials, textures and colors, and provide samples of materials and colors.

§9-2-11.2 Photographs. All applications shall be accompanied by photographs of all sides of the existing building(s) or structure(s) affected, and of adjoining properties. Photographs shall be submitted in printed copy and in digital form unless otherwise specified by the Land Use Officer or designated officer.

§9-2-11.3 Site Plan and Landscaping Plan. For every application, a plot plan or site plan, drawn to scale, shall be submitted which shows all improvements affecting appearances,

such as walls, walks, terraces, plantings, tree protection areas, accessory buildings, signs, lights, and other elements.

§9-2-11.4 Fee. A fee, as may be established by the Board of Commissioners [Mayor and City Council], shall be submitted for said application.

§9-2-11.5 Additional Information. The Land Use Officer may reasonably require any additional information as or designated officer shall be submitted with the application.

§9-2-12 CRITERIA FOR ACTING ON DESIGN REVIEW APPLICATIONS

In passing on applications for design review and approval, the design review board shall consider the appropriateness of any proposed material change in appearance in the context of the following criteria:

- (a) Consistency with any adopted design guidelines for the type of development, and/or the proposed use.
- (b) The nature and character of the surrounding areas, and the consistency and compatibility of the proposed application with such nature and character.
- (c) The general design, character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structure in question and the relation of such elements to similar features of structures in the immediate surrounding area, site, and landscaping.
- (d) The board shall not consider interior arrangement or use as having any effect on exterior architectural features.
- (e) The following are other grounds for considering a design inappropriate.
 1. Character foreign to the area.
 2. Arresting and spectacular effects.
 3. Violent contrasts of material or color, or intense or lurid colors.
 4. A multiplicity or incongruity of details resulting in a restless and disturbing appearance.
 5. The absence of unity and coherence in composition not in consonance with the density and character of the present structure or surrounding area.

§9-2-13 ACTION BY DESIGN REVIEW BOARD

A decision by the board on a design review application shall be made within 45 days from the date a complete application is received. The design review board shall approve the application and direct the Land Use Officer or designated officer to issue a certificate of design approval if it finds that the proposed material change in appearance would not have a substantial adverse effect on the aesthetic or architectural significance and value of adjacent and nearby properties, and if the board finds the application is consistent with the criteria for judging applications for design review and approval as established in this Resolution [Ordinance]. The board may deny an application for a design review and approval when in the opinion of the board such proposed change would be detrimental to the character of the area. In the event the board rejects an application, it shall state its reason(s) for doing so and shall transmit a record of such action and the reason(s) for rejection, in writing, to the applicant. The board may suggest alternative courses of action it thinks proper and conditionally approve the application if the applicant agrees to the conditions, or the Board may not approve the application as submitted. The applicant, if he or she so desires, may make modifications to the plan(s) and may resubmit the application. The denial of an application for a design review and approval shall be binding on

the Land Use Officer or designated officer and, in such a case of denial, no building permit shall be issued.

§9-2-14 CHANGES AFTER BOARD APPROVAL

After the issuance of a certificate of design review and approval, no material change in the appearance shall be made or permitted to be made by the owner or occupant thereof, unless and until all requirements of this Resolution [Ordinance] are met.

§5-3-15 APPEALS

Any person adversely affected by any determination made by the design review board relative to the issuance or denial of a certificate of design review and approval may appeal such determination to the Mayor and City Council. For purposes of this section, an adversely affected person is one who demonstrates that his or her property will suffer special damage as a result of the decision complained of, rather than merely some damage that is common to all property owners and citizens similarly situated. The appeal must be filed within 30 days of the decision of the board and must be made by petition delivered to the Land Use Officer or designated officer. The appeal shall be on the application exactly as presented to the board. The Mayor and City Council may approve, modify and approve, or reject the determination made by the board if it finds that the board abused its discretion in reaching its decision. Appeals from decisions of the Mayor and City Council made pursuant to this section may be taken to superior court of _____ County in the manner provided by law.

§9-2-16 ENFORCEMENT

After a certificate of design review and approval has been issued, the Land Use Officer or designated officer shall from time to time inspect the construction approved by such authorization. The city, through the Land Use Officer, designated officer, or City Attorney, shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in the appearance, except those changes made in compliance with the provisions of this Resolution [Ordinance], or to prevent any illegal act or conduct with respect to this Resolution [Ordinance].

[See References]