

Design Review

11.15.7805 Purposes

MCC .7805 through .7865 provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

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11.15.7810 Elements of Design Review Plan

The elements of a Design Review Plan are: The layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.

11.15.7815 Design Review Plan Approval Required

No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Planning Director, under this ordinance.

11.15.7817 Exceptions

The provisions of MCC .7805 through .7865 shall not be applied to the following:

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- A. Single family residences.
- B. Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.

[Added 1998, Ord. 900 § III]

11.15.7820 Application of Regulations

The provisions of MCC .7805 through .7865 shall apply to all conditional and community service uses in any district and to the following:

- A. A multiplex, garden apartment or apartment dwelling or structure;
- B. A boarding, lodging or rooming house;
- C. A hotel or motel;
- D. A business or professional office or clinic;
- E. A use listed in the BPO District;
- F. A use listed in any commercial district; and
- G. A use listed in any manufacturing district.

11.15.7825 Compliance

- A. Non-compliance with a final approved design review plan, as approved, shall be a violation of this Chapter.
- B. The Board of County Commissioners, Planning Commission, and Hearings Officer may, as a condition of approval of an action, as defined in MCC .8205, require that design review plan approval be obtained prior to issuance of any required permit.

11.15.7830 Design Review Plan Contents and Procedure

- A. Any preliminary or final design review plan shall be filed on forms provided by the Planning Director and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested is provided.
- B. Prior to filing a design review plan, the applicant shall confer with the Planning Director concerning the requisites of formal application.
- C. Following the pre-application meeting, the applicant shall file with the Planning Director a preliminary design review plan, which shall contain the items listed in subsection (D) through (G) below:
- D. Contents:
 - 1. Preliminary Site Development Plan;
 - 2. Preliminary Site Analysis Diagram;
 - 3. Preliminary Architectural Drawings, indicating floor plans and elevations;
 - 4. Preliminary Landscape Plan;

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5. Proposed minor exceptions from yard, parking, and sign requirements; and
 6. The Design Review Application Fee. *[Amended 2000, Ord. 944 § 8]*
- E. A preliminary site analysis diagram may be in freehand form and shall generally indicate the following characteristics:
1. Relation to adjacent lands;
 2. Location and species of trees greater than six inches in diameter at five feet;
 3. Topography;
 4. Natural drainage;
 5. Significant wildlife habitat;
 6. Information about significant climatic variables, including but not limited to, solar potential, wind direction and velocity; and
 7. Natural features and structures having a visual or other significant relationship with the site.
- F. A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:
1. Access to site from adjacent rights-of-way, streets, and arterials;
 2. Parking and circulation areas;
 3. Location and design of buildings and signs;
 4. Orientation of windows and doors;
 5. Entrances and exits;
 6. Private and shared outdoor recreation spaces;
 7. Pedestrian circulation;
 8. Outdoor play areas;
 9. Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
 10. Areas to be landscaped;
 11. Exterior lighting;
 12. Special provisions for handicapped persons; and
 13. Other site elements and spaces which will assist in the evaluation of site development.
- G. The preliminary landscape plan shall indicate:
1. The size, species, and approximate locations of plant materials to be retained or placed on the site; and
 2. Proposed site contouring.

11.15.7835 Action on Preliminary Design Review Plan

Within ten business days following filing of the preliminary design review plan, the Planning Director shall mail to the applicant summary findings and conclusions indicating the relationship between the preliminary design review plan and the criteria and standards listed in MCC .7850, .7855, and .7860.

11.15.7840 Final Design Review Plan

Following receipt by the applicant of the summary findings and conclusions under MCC .7835, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a final design review plan, which shall contain the following, drawn to scale:

- A. Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC .7830(F) and (G), as appropriate;
- B. Architectural drawings, indicating floor plans, sections, and elevations; and
- C. Proposed minor exceptions from yard, parking, and sign requirements.

11.15.7845 Decision on Final Design Review Plan

- A. The Planning Director may approve a final design review plan, disapprove it, or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or the criteria and standards listed in MCC .7850, .7855, and .7860.
- B. When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC .7815 through .7825, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.
- C. Within ten business days following receipt of the final design review plan, the Planning Director shall file a decision with the Director of the Department of Environmental Services and mail a copy of the decision to the applicant and other persons who request the same.
- D. A decision on a final design review plan shall include written conditions, if any, and findings and conclusions. The findings shall specifically address the relationships between the plan and the criteria and standards listed in MCC .7850 and .7860.

11.15.7850 Design Review Criteria

- A. Approval of a final design review plan shall be based on the following criteria:
 - 1. Relation of Design Review Plan Elements to Environment.
 - a. The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.
 - b. The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.
 - c. Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.

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2. Safety and Privacy - The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.
3. Special Needs of Handicapped - Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.
4. Preservation of Natural Landscape - The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.
5. Pedestrian and Vehicular circulation and Parking - The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.
6. Drainage - Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.
7. Buffering and Screening - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.
8. Utilities - All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.
9. Signs and Graphics - The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.

B. Guidelines designed to assist applicants in developing design review plans may be adopted by the Planning Commission.

11.15.7855 Required Minimum Standards

A. Private and Shared Outdoor Recreation Areas in Residential Developments:

1. Private Areas - Each ground level living unit in a residential development subject to design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.
2. Shared Areas - Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:
 - a. One or two-bedroom units: 200 square feet per unit.
 - b. Three or more bed-room units: 300 square feet per unit.

B. Storage

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Residential Developments - Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.

C. Required Landscape Areas

The following landscape requirements are established for developments subject to design review plan approval:

1. A minimum of 15% of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.
2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.
3. The following landscape requirements shall apply to parking and loading areas:
 - a. A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
 - b. A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.
 - c. A landscaped strip separating a parking or loading area from a street shall contain:
 - i. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;
 - ii. low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and
 - iii. vegetative ground cover.
 - d. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
 - e. A parking landscape area shall have a width of not less than 5 feet.
4. Provision shall be made for watering planting areas where such care is required.
5. Required landscaping shall be continuously maintained.
6. Maximum height of tree species shall be considered when planting under overhead utility lines.
7. *Landscaped* means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.

11.15.7860 Minor Exceptions: Yard, Parking, Sign, and Landscape Requirements

A. In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:

1. Dimensional standards for yards as required in the primary district;
2. Dimensional standards for off-street parking as required under MCC .6105 to .6225;

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3. Standards for minimum number of off-street parking spaces as required in the primary district; and
 4. Dimensional standards for signs as required in the primary district;
 5. In the case of a proposed alteration, standards for landscaped areas under MCC .7855(C).
- B. Except under subsection (A)(5) above, no minor exception shall be greater than 25% of the requirement from which the exception is granted.
- C. Approval of a minor exception shall be based on written findings, as required in this subpart.
1. In the case of a minor yard exception, the Planning Director shall find that approval will result in:
 - a. More efficient use of the site;
 - b. Preservation of natural features, where appropriate;
 - c. Adequate provision of light, air, and privacy to adjoining properties; and
 - d. Adequate emergency accesses.
 2. In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Planning Director shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:
 - a. Special characteristics of users which indicate low demand for off-street parking (e.g., low income, elderly);
 - b. Opportunities for joint use of nearby off-street parking facilities;
 - c. Availability of public transit;
 - d. Natural features of the site (topography, vegetation, and drainage) which would be adversely affected by application of required parking standards.
 3. In the case of a minor exception to the dimensional standards for signs, the Planning Director shall find that approval is necessary for adequate identification of the use on the property and will be compatible with the elements of the design review plan and with the character of the surrounding area.
 4. In the case of a minor exception to the standards for landscaped areas, the Planning Director shall find that approval is consistent with MCC .7805, considering the extent and type of proposed alteration and the degree of its impact on the site and surrounding areas.

11.15.7865 Appeal to Hearings Officer

A decision on a final design review plan may be appealed to the Hearings Officer in the manner provided in MCC .8290 and .8295.

11.15.7870 Expiration of Approval

- A. Design review approval shall expire in 18 months from the date of final design review approval, however upon application a six month extension may be granted by the Planning Director upon a written findings that the applicable provisions of this ordinance are satisfied. The Director's decision may be appealed as provided by MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.

[Added 1984, Ord. 441 § 2]