

TITLE 10  
CHAPTER 6

**DESIGN REVIEW**

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**10-6-1: PURPOSE:** The design review process is intended to:

- A. Create an attractive appearance that will enhance the City and promote the general welfare of its citizens.
- B. Provide property owner the means to protect and conserve the architectural tone of their neighborhood.
- C. Recognize areas of existing or potential scenic value.
- D. Protect and preserve buildings and sites that are of significant architectural or historic merit. (Ord. 625, 6- 30-80)

**10-6-2: DESIGN REVIEW BOARD:** The Planning Commission shall act as the Design Review Board. Planning Commission and Design Review action may take place simultaneously.

**10-6-3: GENERAL APPLICABILITY:**

A. Planning Commission/ shall:

- 1. Unless otherwise directed by the underlying zoning district, or subsection (B) below, review the following through a Type III process consistent with FCC 10-1-1-6-3 prior to issuance of a building permit:
  - a. New construction,
  - b. Alterations to the exterior of non-residential structures or additions involving twenty-five percent (25%) or more of the floor area of a building; and
  - c. Changes of use from less intensive to greater intensive use not eligible for Type I or Type II review (see FCC 10-1-1-6-1 and 10-1-1-6-2).
- 2. Determine whether the proposed development is appropriate to the character of the neighborhood, according to the general criteria listed in Sections 10-6-5-1 and, when applicable, 10-6-6 or 10-6-7;
- 3. Have authority to require changes in the planned appearances of proposed buildings, structures, and alterations in accordance with Section 10-6-1; and,

4. The Planning Commission or their designee shall review any proposed external alteration, demolition, or change of use for any building shown on the historic resources map of the Comprehensive Plan. The Commission may delay action on such a permit for a period of ninety (90) days to explore with the owner options for rehabilitation and preservation of the structure.

B. The Planning Director or designee shall:

1. Unless otherwise directed by the underlying zoning district, review the following through a Type II process consistent with FCC 10-1-1-6-2 prior to issuance of a building permit:
  - a. Construction or expansion of a residential or mixed-use building that includes residential uses, but not limited to:
    - i. Single-unit attached dwellings in the Medium Density Residential and Manufactured Home Park Districts.
    - ii. Multi-unit Housing in any zone.
    - iii. Residential development in a building containing a non-residential use in the Commercial and North Commercial Districts.
    - iv. Second-floor residential development in the Old Town and Mainstreet Districts
    - v. Residential uses permitted outright in Table 10-10-2-A are exempt from Design Review.
  - b. Alterations to the exterior of structures or additions involving twenty-five percent (25%) or more of the floor area of a residential building or mixed-use building including residential uses for any building not shown on the historic resources map of the Comprehensive Plan.
  - c. Changes of use from less intensive to greater intensive use not eligible for Type I review (see FCC 10-1-1-6-1).
2. Determine whether the proposed development meets applicable design standards listed in Section 10-6-5-2; and,
3. Have authority to impose conditions for approval to meet applicable standards.

C. The requirements of individual zoning districts shall prevail where the applicability of this chapter and individual zoning districts conflict.

**10-6-4: DRAWINGS TO BE APPROVED:** No permit for a new use, structure or exterior alteration or enlargement of an existing use or structure that is subject to design review, as prescribed in this Title, shall be issued until the drawings required by this Chapter have been approved by the Planning Commission, Planning Director, or their designee.

**10-6-5: GENERAL APPROVAL CRITERIA:**

**10-6-5-1: GENERAL CRITERIA FOR NONRESIDENTIAL DEVELOPMENT:** Nonresidential projects shall meet the following criteria. The Planning Commission or Planning Commission or their designee may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Commission or their designee shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following:

- A. Setbacks, yards, height, density and similar design features according to the underlying zoning district.
- B. Lot area, dimensions and percentage of coverage according to the underlying zoning district.
- C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district.
- D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.
- E. Noise, vibration, smoke, dust, odor, light intensity and electrical interference's.
- F. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.
- G. Architectural quality and aesthetic appearance, including compatibility with adjacent buildings.
- H. Color, building materials and exterior appearance in accordance with the policies established by the City in the Downtown Implementation Plan, and in applicable zoning districts.
- I. Exterior lighting and security.
- J. Public health, safety and general welfare.
- K. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities.
- L. Requiring a time period within which the proposed use or portions thereof shall be developed.
- M. Requiring bonds to insure performance of special conditions. (Ord. 625, 6-30-80)
- N. Such other conditions as are necessary to implement policies contained in the Florence Comprehensive Plan. (Ord. 680, 1- 11-83)

**10-6-5-2: GENERAL STANDARDS FOR RESIDENTIAL DEVELOPMENT:** Residential projects and mixed-use buildings with a residential component shall meet the following standards. The Planning Director shall approve or approve with conditions the proposed development based on compliance with the following standards:

- A. Setbacks, yards, height, density, lot area, dimensions, percentage of coverage, and similar design features according to the underlying zoning district.
- B. Design standards set forth in FCC 10-10 for the proposed residential type, if applicable, except buildings with residential uses in the Old Town or Main Street Districts shall meet Downtown Architectural Design Standards of 10-6-6 subsections: 3-C, 4 and 5 as implemented by the Comprehensive Plan, Multi-unit dwellings and mixed-use buildings with a residential component located in any zone other than Old Town or Mainstreet Districts shall comply with the Multi-unit Dwelling Standards in FCC 10-10-9.
- C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district.
- D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.

- E. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.
- F. Exterior lighting according to the standards set forth in FCC 10-37 Lighting.
- G. Provision of public and private facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities, or issuance of a performance bond or suitable substitute as agreed upon by the City has been filed with the City in an amount sufficient to assure the completion of all required public facilities and infrastructure.

**10-6-6: DOWNTOWN ARCHITECTURAL DESIGN:** The Architectural Design criteria are designed to address and implement the Florence Downtown Architectural Guidelines. Where applicable, the following criteria consider the historical character of Florence through proper building massing, siting, and materials which reflect important aspects of Oregon’s traditional Northwest architecture. The type of building to which this code may apply may differ by district. The following requirements are intended to create and maintain a built environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; creates a human-scale design, e.g., with buildings placed close to streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity of the community.

Development in the Old Town and Mainstreet districts shall comply with the standards in this section. T

The City Planning Official, the City Planning Official’s designee, or the Planning Commission may require any of the following conditions in order to establish a minimum level of design quality and compatibility between buildings. The Planning Commission may approve adjustments or variances to the standards as part of a site Design Review approval, pursuant with FCC 10-5 and 10-6, respectively.

**10-6-6-1: BUILDING TYPE:** These types of buildings currently exist within the applicable zoning districts and are compatible with each other, despite being different in their massing and form. The following building types are permitted in future development and infill. Other building types not listed which are compatible with the surrounding area and buildings and are compatible with the historic nature of the zoning district are also permitted. Not all types may be permitted or regulated in all zoning districts.

- A. Residential Type, single-unit, duplex (attached & detached), or multi-unit
- B. Commercial Storefront Type
- C. Mixed-Use House Type
- D. Community Building Type

**10-6-6-2: BUILDING STYLE:**

- A. Context: Each building or addition shall be designed within the context of its larger surroundings and environment in terms of overall street massing, scale and configuration.
- B. Historic Style Compatibility: New and existing building design shall be consistent with the regional and local historical traditions. Where historic ornament and detail is not feasible, historic compatibility shall be achieved through the relation of vertical proportions of historic façades, windows and doors, and the simple vertical massing of historical buildings. Some examples of architectural styles currently or historically present in the Florence area are: Queen Anne, Shingle Style, Second Empire, Victorian, Italianate, Tudor Style, Craftsman Bungalow, American Foursquare, and Vernacular.
  - 1. Existing buildings: Maintain and restore significant historic details.
  - 2. New Buildings: Design shall be compatible with adjacent historic buildings.

### 10-6-6-3: BUILDING FAÇADES:

- A. Horizontal Design Elements: Multi-story commercial storefront buildings shall have a distinctive horizontal base; second floor; and eave, cornice and/or parapet line; creating visual interest and relief. Horizontal articulations shall be made with features such as awnings, overhanging eaves, symmetrical gable roofs, material changes, or applied fascia detail. New buildings and exterior remodels shall generally follow the prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include but are not limited to: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. Where existing adjacent buildings do not meet the City's current building design standards, a new building may establish new horizontal lines.
- B. Vertical Design Elements: Commercial storefront building faces shall have distinctive vertical lines of emphasis spaced at relatively even intervals. Vertical articulations may be made by material changes, variations in roof heights, applied fascia, columns, bay windows, etc. The maximum spacing of vertical articulations on long, uninterrupted building elevations shall be not less than one break for every 30 to 40 feet.
- C. Articulation and Detailing: All building elevations that orient to a street or civic space must have breaks in the wall plane (articulation) of not less than one break for every 30 feet of building length or width, as applicable, as follows:
1. Plans shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 30-40 feet. In addition, each floor shall contain at least two elements meeting the following criteria:
    - a. Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of 4 feet;
    - b. Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
    - c. Offsets or breaks in roof elevation of 2 feet or greater in height.
    - d. A "break," for the purposes of this subsection, is a change in wall plane of not less than 24 inches in depth. Breaks may include, but are not limited to, an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.
  2. The Planning Commission, through Design Review, may approve detailing that does not meet the 24-inch break-in-wall-plan standard where it finds that proposed detailing is more consistent with the architecture of historically significant or historically-contributing buildings existing in the vicinity.
  3. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the 24-inch break-in-wall-plane standard.
  4. Building elevations that do not orient to a street or civic space need not comply with the 24-inch break-in-wall-plan standard, but should complement the overall building design.

**10-6-6-4: PERMITTED VISIBLE BUILDING MATERIALS:** Building materials which have the same or better performance may be substituted for the materials below provided that they have the same appearance as the listed materials.

A. Exterior Building Walls:

1. Lap siding, board and batten siding, shingles and shakes. Metal siding and vinyl siding shall not be permitted.
2. Brick or stone masonry with a minimum 2 ½" deep solid veneer material.
3. Cement-based stucco.
4. Secondary materials: Any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the materials listed above are allowed as secondary materials, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, ornamentation) when non-reflective and compatible with the overall building design, subject to approval. Secondary materials may be used on up to 30% of the façade.

B. Roofs, Awnings, Gutters, and Visible Roofing Components:

1. Composition shingles, concrete, slate or cedar shingles, or concrete or clay tiles. Red composition shingle similar to the Kyle Building are encouraged.
2. Standing seam roofing: copper, terne metal or coated metal.
3. Gutters and downspouts: copper, terne metal, or coated metal.
4. Single or multi-ply roofing, where visibly concealed.
5. Glass, steel, wood or canvas fabric awnings.
6. Skylights: metal and wood framed glass and translucent polymer.

C. Chimney Enclosures: Brick, cement-based stucco, stone masonry or wood shingles.

D. Windows, Entrances, and Accessories:

1. Wood, vinyl or pre-finished metal frames and sashes.
2. Glazed and unglazed entry doors shall be wood, pre-finished or coated metal or fiberglass.
3. Solid wood or fiberglass shutters.
4. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.

E. Trellises, Decks, Stairs, Stoops, Porches, and Balconies

1. Architectural concrete, brick and stone masonry, solid wood or fiberglass columns, posts, piers and arches.
2. Wood, brick, concrete and stone masonry decks, stoops, stairs, porches, and balconies.
3. Solid wood, painted welded steel or iron trellises.
4. Railings, balustrades, and related components shall be solid wood, painted welded steel or iron.

- F. Landscape/Retaining Walls and Fences: Shall be subject to the FCC 10-34 and the following requirements:
1. Brick and stone masonry or precast concrete.
  2. Architecturally finished exposed concrete.
  3. Cement-based stucco over masonry or concrete substrate.
  4. Solid wood pickets, lattice and boards.
  5. Painted welded metal or iron.
- G. Building and Site Material Colors: Color finishes on all building exteriors shall be approved by the City and be of a muted coastal Pacific Northwest palette. Reflective, luminescent, sparkling, primary, and “day-glow” colors and finishes are prohibited. The Planning Commission/Planning Commission or their designee may approve adjustments to the standards as part of a site Design Review approval.

**10-6-6-5: MATERIAL APPLICATIONS AND CONFIGURATIONS:**

- A. Building Walls:
1. For each building, there shall be one single, clearly dominant exterior wall material and finish.
  2. Brick and stone front façades shall return at least 18” around side walls.
  3. Building walls of more than one materials shall change along horizontal lines only, with a maximum of three materials permitted per façade.
  4. Heavier materials, such as stone, shall only be used below lighter materials, such as siding.
  5. Siding and shingles shall have a maximum 6” to the weather.
  6. 4” minimum width corner, skirt, rake and eave trim shall run the full height of each façade, flush, or protrude beyond the surrounding wall surface.
  7. Board and batten siding: battens shall be spaced a maximum of 8” on center.
- B. Roofs, Awnings, Gutters and Roofing Accessories:
1. Visibly sloped roofs shall pitch a minimum of 5:12 to a maximum 12:12 with symmetrical gable or hip configuration.
  2. Eaves shall be continuous except at sheds and dormers.
  3. Shed roofs shall attach to the main building wall or roof ridge with minimum 3:1 slope.
  4. Flat roofs shall be concealed by cornices or parapets.
  5. Gutters shall be round or ogee profile. Leaders shall be round or square.
  6. All roof-mounted components such as mechanical equipment shall not be visible from street-level public rights-of-way.
  7. Sloped roof eaves shall overhang exterior wall planes at least 12” and shall be visibly supported by exposed rafter ends or other compatible architectural detailing.

C. Towers:

1. Slender towers of a maximum 400 square feet in area are permitted to exceed the building height limit.
2. Towers on residential and commercial buildings shall be occupiable with windows. Community buildings may feature unoccupiable towers.
3. Commercial signage may not be placed on towers.
4. Tower separation shall be minimum of 100 feet.

D. Visible Windows, Glazing, and Entrances:

1. Windows shall be square and/or vertical rectangular shape with straight, bow, or arch tops.
2. 10% of total windows maximum on the public façade may be circular, hexagonal, octagonal or other window configurations.
3. Bay windows shall have visible bracket support.
4. Overhead doors shall not face the building's primary street façade or a major public right-of-way.
5. Door and window shutters shall be sized to cover the entire window.
6. Exterior shutters shall be solid wood or fiberglass.
7. No single lite or glass panel visible from the street shall be greater than 24 square feet in area except in storefront glazing systems.
8. Multiple vertical windows may be grouped in the same horizontal opening provided they are separated by 4" minimum width vertical trim.
9. Windows and doors in exterior walls shall be surrounded with 2 ½" minimum width trim applied flush or projecting beyond the finished wall surface.
10. Profiles of window mullions shall extend out beyond the exterior glass surface. Windows shall have muntins which create True Divided Lights or a similar simulated appearance.

E. Visible Decks and Balconies: All balconies and decks attached to building faces, whether cantilevered or supported below or above, shall be visibly supported by vertical and horizontal elements such as brackets, columns, or beams. Exterior posts and columns, solid or encased, shall be minimum 5 ½" in cross-section.

F. Visible Landscape/Retaining Walls and Fences:

1. Freestanding concrete and masonry walls shall be minimum 8" nominal thickness with a finished top course, cap, or other compatible termination.
2. Site wall materials should generally match or provide compatibility with the adjoining building materials.
3. Metal and iron fencing shall be configured in predominately vertical elements.

G. Mechanical Equipment:

1. Building walls. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, are permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant with FCC 10-34. Standpipes, meters, vaults, and similar equipment need not be screened, but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.
2. Rooftops. Except as provided below, rooftop mechanical units shall be setback and/or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City decision body may approve painting of the mechanical units in lieu of screening; such painting shall meet the standards of FCC 10-6-6-4-G above and shall make the equipment visually subordinate to the building and adjacent buildings, if any. These regulations do not apply to solar photovoltaic and solar thermal energy systems as allowed by HB 3516 on properties not listed in the Comprehensive Plan's Historic Inventory.
3. Ground-Mounted. Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings per FCC 10-34-3-7. The City may require additional setbacks and/or noise attenuating equipment for compatibility with adjacent uses.

**10-6-6-6: STOREFRONTS:** This section applies specifically to pedestrian-oriented storefront-type buildings.

A. Glazing & Materials:

1. Windows or storefront glazing along the primary public façade shall comprise at least 70% of the main floor's exterior surface area.
2. Clerestory or transom windows above storefronts are recommended.
3. Window openings shall comprise a maximum of 50%, minimum of 30% of the front building façade above the first floor.

B. Storefront Height: Minimum 10 ft., maximum 16 ft. finished interior floor to ceiling height.

C. Storefront Bay Widths: Visible first floor vertical elements such as columns and pilasters shall be spaced center-to-center a maximum of 25 ft. and a minimum of 8 ft. apart.

D. Window Glazing Materials:

1. Clear or "Low E" glazing. Tinted or reflective glass and glass block shall not be visible from public rights-of-way.
2. Glass shall be recessed at least 1 ½" from the surrounding exterior wall surface.
3. Windows shall have true divided-lites with mullions or no divided lites. Butt joint glass is not recommended.

E. Awnings and Canopies: Fixed awnings and canopies attached to a building façade a minimum of 8 ft. above the sidewalk may encroach a maximum of 8 ft. into the public sidewalk right-of-way. Awnings shall extend at least 25% of the storefront length.

- F. Building Primary Entries:
1. The entry enclosure shall project out from or be recessed in from the surrounding building façade 3 ft. in order to articulate the building's access and also to ensure that out-swinging doors do not project into sidewalks.
  2. Primary store entrances shall open directly onto the primary public street and be unlocked during business hours.
  3. Additional entrances to rear or side parking areas are permitted.
- G. Pedestrian Shelters: The following standards apply to new buildings and building additions that are subject to site Design Review.
1. Minimum Pedestrian Shelter Coverage. Permanent awnings, canopies, recesses or similar pedestrian shelters shall be provided along 75 percent of the ground floor elevation(s) of a storefront-type building where the building abuts a sidewalk, civic space, or pedestrian access way. Pedestrian shelters used to meet the above standard shall extend at least 5 feet over the pedestrian area; except that the Planning Commission may, through site Design Review, reduce the above standards where it finds that existing right-of-way dimensions, easements, or building code requirements preclude standard shelters. In addition, the above standards to not apply where a building has a ground floor dwelling, as in a mixed-use development and the dwelling entrance has a covered entrance.
  2. Pedestrian Shelter Design. Pedestrian shelters shall comply with applicable building codes, and shall be designed to be visually compatible with the architecture of a building. If mezzanine or transom windows exist, the shelter shall be below such windows where practical. Where applicable, pedestrian shelters shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.
- H. Defined Upper Story (ies): Building elevations shall contain detailing that visually defines street level building spaces (storefronts) from upper stories. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials, and/or fenestration. Upper floors may have less window area than ground floors, but shall follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Upper floor window orientation shall primarily be vertical, or have a width that is no greater than height. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows.

**10-6-7: NON-RESIDENTIAL DESIGN REQUIREMENTS:** In districts other than Mainstreet and Old Town, the architectural design requirements of this section shall apply to all commercial buildings.

- A. All commercial buildings shall meet the standards of FCC 10-6-6-3 and 10-6-6-4-G above.
- B. All commercial buildings shall incorporate not fewer than three types of architectural features from 1 through 6 below. Applicants are encouraged to use those elements that best suit the proposed building style and design.
1. Covered front entrance. Not less than six feet in depth and not less than 10 percent the width of the building, excluding the landing for entrance.
  2. Windows: not less than 30 percent of surface area of all street-facing elevation(s) with the following features:
    - a. Trim, reveals, recesses, or similar detailing of not less than four-inches in width or depth as applicable.

- b. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features).
- 3. Pedestrian Shelters: as described in FCC 10-6-6-G.
- 4. Eaves (where applicable): overhang of not less than 12 inches.
- 5. Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof. Towers may be included where building height limitations and surrounding structures deem them appropriate.
- 6. Awnings and canopies: extending not less than 30% of the elevation where applied.

**10-6-8: DRAWING SUBMITTAL:** In addition to information required by FCC 10-1-1-4, the owner or authorized agent shall submit the following drawings to the City for review:

- A. A site plan, drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, locations of entrances and exits, the direction of traffic flow into and out of off-street parking space and loading berth, and areas for turning and maneuvering vehicles. The site plan shall indicate how utility services and drainage are to be provided.
- B. A landscape plan, drawn to scale, in conformance with FCC 10-34-3-2.
- C. Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.
- D. Additional information may be required by the City if necessary to determine whether the purposes of this Chapter are being carried out or may authorize omission of any or all the drawings required by this Chapter if they are not necessary. The City shall specify the number of copies of each drawing to be submitted.

**10-6-9: DRAWINGS SUBMITTED TO THE PLANNING COMMISSION:** The City shall record and check all drawings submitted. If it is found that the plans meet all the other requirements of this Chapter, the drawings shall be submitted to the appropriate City staff departments for comments prior to submittal to the Planning Commission. If the City determines that a permit could not be issued without the granting of a conditional use permit, the granting of a variance, or the enactment of an amendment to this Chapter, the applicant shall be informed and the drawings shall not be submitted to the Planning Commission.

**10-6-10: APPEALS:** See Code Section 10-1-1-7.

**10-6-11: LAPSE OF DESIGN REVIEW APPROVAL:** Authorization of a design review permit shall be void one (1) year after the date of approval of a either a Type II or III design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

- A. The request for an extension is made in writing prior to expiration of the original approval.
- B. There are special or unusual circumstances that exist which warrant an extension.
- C. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a design review permit if new land use regulations have been adopted that affect the applicant's proposal. (Ord 26, 2008)

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Amended by Ordinance No. 15, Series 1988

Section 10-6-9, Amended by Ordinance No. 26, Series 2008

Section 10-6-5 and 10-6-6 Amended by Ord. No. 9, Series 2009

Section 10-6-3 amended by Ordinance No. 4, Series 2010 (effective 4/5/10)

Sections 10-6-3-A, and 10-6-3-D amended, AND Sections 10-6-5-G, and 10-6-6-D deleted and subsequent sections renumbered by Ordinance No. 4, Series 2011 (effective 4/22/11)

Sections 10-6-3 and 10-6-6 amended by Ordinance No. 3, Series 2013, Exhibit B (effective 7/31/13)

Sections 10-6-3, 10-6-4, and 10-6-6 through 10-6-10 amended by Ordinance No. 11, Series 2016 (effective 11-16-16)

Sections 10-6-3, 10-6-4, and 10-6-5, Title of 10-6-6, Sections 10-6-6-4-A-4, 10-6-6-4-G, 10-6-6-5-4, 10-6-7, and sections numbers 10-6-8 through 10-6-11 amended by Ordinance No. 7, Series 2019 (effective 12-18-19)

Sections 10-6-3-A-1-a, 10-6-5-2-B & G, 10-6-6-1-A amended by Ord. No. 6, Series 2023 (effective 8-17-23)