

CHAPTER 176: DESIGN REVIEW

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ARTICLE I
GENERAL

Sec. 176.001 Intent and purposes.

The City Council finds and declares:

(A) That the design of open spaces, buildings, structures and signs visible from public streets, places and ways has a material and substantial relationship to property values and the taxable values of property in the City and the cost of the municipal services provided therefor;

(B) That many neighborhoods in other urban and suburban communities have deteriorated in the past by reason of poor planning, neglect of proper maintenance standards and the erection of buildings and structures unsuitable to and incompatible with the character of the neighborhood, resulting in drastic reduction of property values and impairment of the public health, safety, morals and welfare therein;

(C) That it is the policy of this City to:

- (1) Avoid and prevent deterioration of the character and appearance of this community; and
- (2) To provide a favorable environment for residents and business activities; and
- (3) By the various means provided in this Chapter, preserve and enhance the property values, taxable values and the public health, safety, morals and welfare of this City. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93)

Sec. 176.005 Reserved

(Design Review Commission Ord. 32-93, J. 20, p. 101-199, passed 6/14/93; Ord. 52-01, J. 27, p. 233-270, passed 8/27/01; Reserved by Ord. 72-07, J. 33, p. 509-591, passed 9/24/07; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Sec. 176.040 Regulation of Exterior Design Features.

(A) No permit required under the ordinances of the City for the erection, construction, alteration or repair of any structure shall be issued by the City except upon the issuance of a Certificate of Design Review Approval, as provided in this Chapter, if the requested permit (i) is related to any use other than a non-single-family residential use, and (ii) involves an Exterior Design Feature. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 31-02, J. 28, 224-226, passed 5/13/02; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(B) All prospective applicants for a permit for the erection or construction of anew building, for which a certificate of Design Review Approval is required pursuant to Section 176.040(A) of this Chapter, shall present, at a public meeting of the Design Review Commission and prior to submission of an application for a Certificate of Design Review Approval, the preliminary design concept for the proposed building. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(Ord. 31-02, J. 28, 224-226, passed 5/13/02; Ord. 71-07, J. 33, p. 461-508, passed 9/24/07; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Sec. 176.045 Procedure for approval.

(A) Initial Determination by Director. It shall be the duty of the Director, after receipt of an application for a permit for the erection, construction, alteration of any structure, to determine and advise the applicant whether a Certificate of Design Review Approval is required pursuant to Section 176.040(A) of this Chapter. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(B) Review by Director. If a Certificate of Design Review Approval is required pursuant to Section 176.040(A) of this Chapter, then within 21 days after the filing of a complete application for a Certificate of Design Review Approval in accordance with Section 176.050 of this Chapter, the Director of Community Development shall either: (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(1) Refer the application to the Design Review Commission, if, in the sole determination of the Director, the requested Certificate of Design Review Approval requires approval of (a) a Major Exterior Design Feature, or (b) an Exterior Design Feature that is highly visible or that will have a significant impact on the surrounding area; (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(2) Approve the application and issue a Certificate of Design Review Approval to the Applicant, if, in the sole determination of the Director, the application: (a) the application is not

referred to the Design Review Commission; and (b) satisfies the standards and conditions set forth in Article II of this Chapter; or (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(3) Deny the application, if, in the sole determination of the Director, the application either: (a) fails to satisfy all of the standards and conditions set forth in Article II of this Chapter; or (b) contains any false, fraudulent or misleading material statement. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

The failure of the Director to either approve or deny the application, or to refer the application to the Design Review Commission, within 21 days after receipt of a complete application therefore, or such further time to which the applicant shall agree, shall be deemed to be a decision referring the application to the Design Review Commission. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(C) Review by Design Review Commission

(1) Design Review Commission Meeting. The Design Review Commission shall consider an application for a Certificate of Design Review Approval at a public meeting commenced within 21 days after receipt of the application from the Director, and upon compliance by the Director and the applicant with the posting and notice requirements set forth in Section 176.045(D) of this Chapter. (Ord. 13-90, J. 18, p. 222-229, passed 2/26/90; Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 31-02, J. 28, 224-226, passed 5/13/02; Ord. 71-07, J. 33, p. 461-508, passed 9/24/07; Ord. 72-07, J. 33, p. 509-591, passed 9/24/07; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(2) The Design Review Commission shall not grant a Certificate of Design Review Approval except upon making the following findings of fact. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(a) The applicant's plans are substantially consistent with the standards and conditions set forth in Article II of this Chapter; (Ord. 32-93, J. 20, p. 101-199, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(b) The proposed Exterior Design Features contribute to the favorable environment of the City, and will be suitable and compatible with (i) the character of neighboring buildings and structures existing or under construction, and (ii) the character of the neighborhood and zoning districts; (Ord. 32-93, J. 20, p. 101-199, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(c) The Exterior Design Features will not be detrimental to the harmonious and orderly growth of the City; and (Ord. 32-93, J. 20, p. 101-199, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(d) The Exterior Design Features will not cause a substantial depreciation in the property values or taxable values in the neighborhood. (Ord. 32-93, J. 20, p. 101-199, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(3) Restrictions and Conditions. In conjunction with its granting of a Certificate of Design Review Approval, the Design Review Commission may impose such conditions and restrictions deemed necessary or appropriate to protect the public health, safety, and welfare or to ensure compliance with the design review standards set forth in this Chapter. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(4) **Prohibited Denials.** No application for a Certificate of Design Review Approval shall be denied solely by reason of the style of architecture. (Ord. 32-93, J. 20, p. 101-199, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(5) **Notice of Decision.** The Design Review Commission decision shall be forwarded in writing to the applicant not later than the date that is 30 days after the date of the decision. (Ord. 32-93, J. 20, p. 101-199, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(6) **Failure to Act.** The failure of the Design Review Commission to either grant or deny the Certificate of Design Review Approval within 60 days after referral by the Director of a complete application therefore, or such further time to which the applicant shall agree, shall be deemed to be a decision denying the Certificate of Design Review Approval. (Ord. 32-93, J. 20, p. 101-199, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(D) **Posting and Notice Requirements.** As an accommodation to neighbors and other persons, the City and any applicant seeking a Certificate of Design Review Approval from the Design Review Commission shall adhere to the following regulations: (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(1) **Posting Requirements.** Not less than 15 days, nor more than 30 days, prior to the Design Review Commission meeting wherein the application for a Certificate of Design Review Approval is to be considered, the Director may cause one or more signs to be posted on the property that is the subject of the application. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(a) The Director shall determine the appearance, number and location of such signs(s).

(b) The sign(s) shall contain the City office, address, and telephone number of the Director and shall state that the application for the granting of a Certificate of Design Review Approval will be considered at a forthcoming meeting of the Design Review Commission, and that interested members of the general public may call the office of the Director for further information concerning date, time, place, and subject matter of the meeting. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(c) The Director shall cause the removal of the sign(s) from the subject property within 15 days after the conclusion of the final meeting dealing with the application for a Certificate of Design Review Approval. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(2) **Notice Requirements.** Not less than seven days, nor more than 15 days, prior to the Design Review Commission meeting at which the application for a Certificate of Design Review Approval is to be considered, the applicant shall send a postage paid notice by United States Mail to (i) each owner of a single family residential structure (as defined in Section 150.202 of Chapter 150 of this Code abutting the property that is the subject of the application; and (ii) any other owner of real property designated by the Director. The notice shall list the date, time, and place of the Design Review Commission meeting where the consideration of the application is to take place, the applicant's name, the address of the subject property, and a brief description of the proposed development. For purposes of this Section 176.045(D)(2), a single family residential structure shall be deemed to be abutting the property that is the subject of the application if such single family residential structure shares a common boundary with the subject property, or is separated from the subject property by only a public or private right-of-way. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(3) Waiver of Posting and Notification Requirements. The posting and notification requirements provided in this Section 176.045(D) may be waived by the Director if the Director determines, in his or her sole discretion, that the proposed erection, construction, alteration, or repair would result in only minor changes to the property that is the subject of the application. (Ord. 46-95, J. 22, p. 183-184, passed 6/12/95; Ord. 35-02, J. 28, p. 280-282, passed 5/28/02; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(E) Amendments. Any amendment to a Certificate of Design Review Approval may be granted only pursuant to the procedures, and subject to the standards and limitations, set forth in this Section 176.045 for the granting of an original Certificate of Design Review Approval. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(F) Effect of Pending Application. The fact that an application for a Certificate of Design Review Approval has been filed and is pending shall not be cause for the Director to delay the review of plans relating to the building and zoning aspects of the project while the application is pending. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(G) Optional Pre-Application Meeting. An applicant for a permit to which Section 176.040(A) of this Chapter applies, but to which Section 176.040(B) of this Chapter does not apply, may request that the Design Review Commission consider, at a public meeting, the overall design concept for the proposed project prior to submission of a complete application for a Certificate of Design Review Approval. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Sec. 176.050 Items required for design review

Applications for a certificate of design review approval required pursuant to this Chapter shall contain, without limitation, the following information and documents:

- (A) The commonly known location or address of the subject property;
- (B) The name and address of the legal owner of the subject property;
- (C) The name and address of the petitioner and/or the project representative;
- (D) The present zoning of the subject property and of all abutting properties;
- (E) A site plan, scaled and dimensioned with a north arrow, and in accordance with the following, as applicable:
 - (1) Site plans accompanying an application related to new construction, building modifications, building expansions, or off-street parking or loading facilities shall be no smaller than 11” by 17”,
 - (2) Site plans accompanying an application related to off-street parking or loading facilities shall include, without limitation, all information required to meet the standards set forth in Section 150.808 of Chapter 150 of this Code; and
 - (3) Site plans accompanying an application related to site modifications shall indicate, without limitation, all proposed site treatment materials;

(F) Elevations drawings, scaled and dimensioned, and indicating the materials and colors of all proposed structures and improvements;

(G) A section drawing, scaled and dimensioned;

(H) A compilation of contextual photographs, indicating, without limitation, the subject property, all abutting properties, and all facing properties;

(I) For applications for new construction, building modifications, and building expansions: a color rendering, floor plans, a roof plan, a site section, and wall sections as necessary to articulate the relationship of materials;

(J) For applications requiring lighting approval: fixture cut sheets, a scaled and dimension elevation drawing indicating fixture height, and the following information, as applicable:

(1) Applications related to new construction, building modifications, building expansions, off-street parking or loading facilities, or site modifications shall also include a full site photometric plan no smaller than 11" x 17" with a key to differentiate all lighting fixture types, and all additional information as required to ensure conformance with the requirements set forth in Article VI of Chapter 150 of this Code; and

(2) The elevation drawing accompanying applications that are related to wall-mounted lighting or ground sign lighting, but to which Section 176.050(J)(1) of this Chapter does not apply, shall also indicate the light spread of the proposed lighting; and

(K) For applications that incorporate any modifications to, or deviations from, the standards and conditions set forth in Article II of this Chapter, a statement indicating: (1) the necessity of the requested modifications and deviations; and (2) the extent to which the application taken as a whole, satisfies the intent and purpose of this Chapter; and (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(L) Such other information as may be required by the Design Review Commission in its sole discretion. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93, Ord. 31-02, J. 28, 224-226, passed 5/13/02; Section 176.050 amended in toto by Ord. 71-07, J. 33, p. 461-508, passed 9/24/07; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Sec. 176.055 Follow-up by Director of Community Development.

Upon the issuance of a Certificate of Design Review Approval or amendments thereto, the exterior drawings, sketches, landscape planting and site plans, renderings and materials upon which the Certificate of Design Review Approval or amendment was issued shall be turned over to the Director. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(A) It shall be the duty of the person, firm or corporation to whom approval has been granted to comply with the requirements of the Certificate of Design Review Approval and to obtain such inspections as may be necessary in order to assure compliance. The Director will notify such person of any deficiencies found to exist. Failure to correct any deficiencies within ten (10) days after notification of such deficiency will constitute a violation of this Chapter and shall effect an immediate revocation of the Certificate of Design Review Approval or amendment thereof as well as the building permit issued for the work. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(B) The Director shall have the right, but not the obligation, to vary any of the provisions under which a Certificate of Design Approval has been granted if, in the sole opinion of the Director, (1)

the applicant has demonstrated that the variation is reasonably necessary, due to the unavailability of the approved materials or a similar valid circumstance, and (2) the variation will be aesthetically equal to or better than the original provisions and will not conflict with the intent of this Chapter. The Director shall submit to the Design Review Commission a written report of each variation granted pursuant to this Section 176.055(B) to a Certificate of Design Review Approval that has been granted by the Design Review Commission pursuant to Section 176.045(C) of this Chapter, within 30 days after the granting of the variation. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(C) The City shall have the right, but not the obligation, to withhold the issuance of a certificate of occupancy for the structure that is the subject of a Certificate of Design Review Approval at any time when the structure exists in violation of, or is not in full compliance with, the Certificate of Design Review Approval and all provisions, conditions, and restrictions thereof.. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Sec. 176.057 Appeal to Design Review Commission.

In the event that the Director of Community Development denies an application for a Certificate of Design Review Approval pursuant to Section 176.045(B)(3) of this Chapter, the applicant shall have the right to appeal the denial to the Design Review Commission. Such appeal shall be made in writing and filed within 30 days after receipt by the applicant of written notice of the denial from the Director. The Commission shall consider and decide such appeal within 30 days after the filing thereof, or such further time to which the applicant shall agree. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Sec. 176.060 Appeal to City Council.

In the event the Commission denies a Certificate of Design Review Approval or amendment thereto, the applicant shall have the right to appeal the denial directly to the City Council. Such appeal shall be made in writing and shall be filed within 30 days after the date of the denial by the Commission. The City Council shall consider and decide such appeal within 28 days after the filing thereof. Upon such appeal all records and findings concerning the application shall be submitted to the City Council by the Director and by the Commission. Thereupon the City Council may: (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(A) Adopt the decision of the Commission; or

(B) Overrule or modify the decision of the Commission and direct the issuance of a Certificate of Design Review Approval. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

In the event that a Certificate of Design Review Approval or amendment is denied by the Commission, and either (a) an appeal to the City Council is not properly or timely filed or (b) an appeal to the City Council is filed and the Commission's denial is sustained by the City Council, the application shall not be resubmitted for a period of one year after the date of the Commission's denial or, if applicable, the City Council's denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Director. (Ord. 35-02, J. 28, p. 280-282, passed 5/28/02; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Sec. 176.065 Severability.

If any provisions of this Chapter is held invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and context of this Chapter to the

greatest extent permitted by applicable law. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

ARTICLE II
DESIGN REVIEW STANDARDS

Sec. 176.201 Purpose.

The purpose of the design review standards is to establish those items which affect the physical aspect of the City's environment. Pertinent to appearance is the design of the site, building and structures, paved areas, planting, signs, street hardware, and miscellaneous other objects which are observed by the public. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

The standards are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design that develops a satisfactory visual appearance within the City, preserve taxable values, and promote the public health, safety and welfare. An application for a Certificate of Design Review Approval shall meet the general standards of Section 176.205 of this Chapter and any applicable district standards of Section 176.210 of this Chapter. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Sec. 176.205 General Design Standards.

(A) Site Plan.

(1) The site shall be planned to (a) provide a desirable transition from the streetscape, (b) meet the parking design requirements of Article VIII of Chapter 150 of this Code, and (c) meet the landscape planting and screening requirements of Article XXII of Chapter 150 of this Code. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(2) Buildings shall be oriented so that the principal entry is visible and accessible from the primary street frontage. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(3) Building configurations that tend to catch and accumulate debris, leaves, dirt, trash and rubbish shall be avoided. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(4) Service yards, storage yards, exterior work areas, and utility meters shall either be (i) screened from view from public rights-of-way with dense planting or other materials harmonious with the building, or (ii) otherwise be located so as not to be visible from any public rights-of-way. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 71-07, J. 33, p. 461-508, passed 9/24/07; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(B) Site Treatment.

(1) Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and enhanced, subject to the requirements set forth in Article XVIII of Chapter 150 of this Code. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(2) Grades of walks, parking spaces, terraces, and other paved areas shall provide a safe and stable surface for walking. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(3) Sidewalks, plazas, and pedestrian pathways shall be distinguished from Vehicular Use Areas through the use of materials, such as curbs, pavers, and brick or brushed or scored concrete, in order to ensure pedestrian safety and comfort. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(4) Newly installed utility services and service revisions necessitated by a modification to an Exterior Design Feature shall be placed underground. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(C) Building Design.

(1) Building mass, scale, and lines, including roof forms, shall be designed to be harmonious with the design of adjacent buildings. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(2) Buildings shall be designed to avoid monotony with respect to roof line, windows, location and size of principal entry, location and orientation of garage entries, and cladding material and color. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(3) Building materials shall be durable and conducive to easy maintenance and upkeep. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(4) Mechanical or other utility equipment.

(a) Mechanical and utility equipment located on the roof or exterior of a building shall either be: (i) screened from view from public rights-of-way with materials harmonious to the building; or (ii) located as to not be visible from public rights-of-way or residential zoning districts. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(b) Ground-mounted mechanical or utility equipment shall comply with the screening requirements set forth in Article XXII of Chapter 150 of this Code. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(5) Building additions and modifications shall maintain safe access and pathways, and allow for the functional use of spaces between buildings. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(D) Lighting.

(1) Lighting fixtures shall be of a scale and finish, and shall be mounted at a height, that are appropriate to the building design and lighting function. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(2) Light sources shall be shielded from view from public rights-of-way and residential districts. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(3) Light poles located within a Vehicular Use Area shall be located between parking spaces. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(4) Lighting levels and light fixture design shall meet the standards of Article VI of Chapter 150 of this Code. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(B) Awnings.

(1) Awnings are encouraged to be mounted with respect to the design of the building bays and windows, and so as to not detract from the window trim or other architectural features of the building. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(2) Awning design and construction shall meet the standards set forth in Article XX of Chapter 150 of this Code and in Chapter 170 of this Code. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(F) Fences. Fences shall be constructed to meet the requirements of Article XXII of Chapter 150 of this Code and of Chapter 173 of this Code. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(G) Antennae. Antennae shall be designed and located to meet the requirements of Article IV of Chapter 150 of this Code. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Sec. 176.210 District Design Review Standards.

The City of Highland Park Comprehensive Master Plan acknowledges that certain districts of the City have a character that should be reflected in urban design standards and guidelines specific to each district. The design standards set forth in this Section 176.210 are intended to reinforce and enhance the character of each respective district through its exterior design. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(A) Pedestrian-Oriented Business District (B1, B1A, B2, and B5 Zoning Districts).

(1) Relationship of buildings to site. Building setbacks and orientation shall reinforce street vistas and enhance the pedestrian environment. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(2) High-Visibility Buildings. Buildings located at intersections of rights-of-way, or adjacent to the termination of a right-of-way, shall be designed in a manner sensitive to their unique and high-visibility locations. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(B) Auto-Oriented Business Districts (B3, B4, and I Zoning Districts). Parking areas shall be designed to (1) minimize curb cuts, and (2) maximize pedestrian and vehicular access to adjacent lots. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(C) Multiple-Family Residential Districts.

(1) Medium Density (RM1 and RM1A Zoning Districts). The mass and scale of buildings and the location of doors and windows shall be designed in a manner that is sensitive to abutting low-density residential uses. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(2) High Density (RM2 and RO Zoning Districts). Garages that are not located in a principal structure shall be (a) constructed of the same material as the principal structure, with either a sloped roof or a parapet, and (b) located so as not to be visible from public rights-of-way. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Section 176.210 amended in toto by Ord. 71-07, J. 33, p. 461-508, passed 9/24/07; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Sec. 176.215 Reserved.

(Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 71-07, J. 33, p. 461-508, passed 9/24/07; Reserved by Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Sec. 176.220 Relationship to other ordinances.

Nothing herein contained shall be deemed or construed to modify or alter the provisions of any other Chapter of this Code. In the event of a conflict between the requirements of this Chapter and those of any other Chapter of this Code, the latter shall prevail and control. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93)

ARTICLE III
DEFINITIONS

Sec. 176.301 Definitions.

(A) The language in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural number, and the plural the singular;
- (2) The word "shall" is mandatory; the word "may" is permissive; and
- (3) In construing this Chapter, feminine or neuter pronouns shall be substituted for those masculine in form, and vice versa. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(B) Wherever the following words or phrases are used, they shall, for purposes of this Chapter, have the meanings ascribed to them in this Section 176.301(B), except when the context otherwise indicates. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Antenna: "Antenna" shall have the meaning ascribed to it in Section 150.202 of Chapter 150 of this Code. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Antenna Support Structure: "Antenna Support Structure" shall have the meaning ascribed to it in Section 150.202 of Chapter 150 of this Code. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Building: Any structure with substantial walls and roof which is securely affixed to the land, on a permanent frost-proof foundation, and entirely separated on all sides from any other structure by space of walls in which there are no communicating doors, windows or openings, and which structure is designed, intended, or used for the shelter, enclosure, or protection of persons, animals, or chattels. The term also includes gas or liquid storage tanks. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Commission: The Design Review Commission of the City.

Director: The Director of Community Development of the City or his duly authorized agents. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Exterior Design Feature: The outward appearance or portion of a structure and the style, nature and arrangement of associated site improvements, such as: landscaping; screening materials; and lighting, site circulation, and open space configurations, as are designed to open to view from a courtyard open to the public or a public place or right-of-way. "External Design Features" include: the kind and characteristics of window, doors, lighting components and other appurtenant features; and the color of the exterior of a structure, or of associated site improvements. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Exterior Design Feature, Major: An Exterior Design Feature that is a building or that is appurtenant and affixed to a building, including, without limitation, wall-mounted lighting, awnings, and rooftop mechanical screening, but specifically excluding Antennae and Antenna Support Structures. “Major Exterior Design Features” also include, without limitation, the location of a building within a site. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Harmonious: A quality which produces an aesthetically pleasing whole as in an arrangement of varied architectural and landscape elements. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Landscape: Elements of nature, topography, buildings, and other man-made objects combined in relation to one another.

Major Exterior Design Feature: See “Exterior Design Feature, Major”. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Mechanical Equipment: Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Paved Areas: Roads, parking areas, terraces, plazas, patios and walkways.

Scale: Harmonious relationship of the size of parts to one another and to the human figure.

Screening: Structure or planting which conceals from view from public rights-of-way the areas behind such structure or planting. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Streetscape: The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

Structure: Anything constructed, reconstructed, or erected or any production or piece of work man-made or composed of parts joined together in some definite manner, the use of which requires permanent or temporary location on or in the ground or requires attachment to something having a permanent location in or upon the ground, including, but not limited to: air conditioner compressor units, backstops for tennis courts, billboards, buildings, fences, parking facilities (surface and/or deck), pergolas, radio and television antennae including supporting towers, signs, stadia, and swimming pools. This definition does not include underground tanks for the storage of any type of storm water, utility lines or retaining walls. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

Utility Service: Any device, including wire, pipe, and conduit which carries gas, water, electricity, oil, and communications into a building or development. (Ord. 32-93, J. 20, p. 101-119, passed 6/14/93)

Vehicular Use Area All areas of a lot dedicated to paved off-street parking and loading spaces, including vehicle service yards, driveways and drive aisles, that provide for vehicular maneuvering or other accessory or incidental vehicular movement purposes, all as regulated pursuant to Article XXII of Chapter 150 of this Code. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(Note: Chapter 176 added by Ord. No. 13-76, J. 12, p. 1518, passed 3/8/76 and published 3/18/76; Chapter 176 format amended in its entirety and renumbered by Ord. 32-93, J. 20, p. 101-119, passed 6/14/93; Sections 176.010, 176.015, 176.020, 176.025, 176.030 and 176.035 repealed by Ord. 52-01, J. 27, p. 233-270, passed 8/27/01)