

## **CHAPTER 120**

### **DESIGN REVIEW**

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**120.010. DESIGN REVIEW.** (a) The design review process authorizes the Salem Historic Landmarks and Design Review Commission created by SRC 20C.020 or the Planning Administrator to review development applications for conformance with development design guidelines or standards.

(b) Design review performed by the Planning Administrator shall be considered administrative review and shall not require public notice or hearing.

(c) Design review actions performed by the Historic Landmarks and Design Review Commission shall be considered discretionary and shall require public notice and opportunity for appeal hearing.

(d) The Historic Landmarks and Design Review Commission by DRB Resolution 99-2, granted the Planning Administrator authority to decide certain minimally discretionary design reviews which would otherwise require review by the Historic Landmarks and Design Review Commission. The Planning Administrator may decide design review for:

(1) Modifications to an application previously approved by the Design Review Board and which complies with SRC 111.200(1); or

(2) A proposed project which is a building addition utilizing the building setback, building materials, and window and facade designs of the existing building.

(e) Notwithstanding subsection (d) of this section, the Planning Administrator has the discretion to refer any application to the Historic Landmarks and Design Review Commission for full review. (Ord No. 90-98; Ord No. 52-2001; Ord No. 86-2002; Ord No. 15-06)

**120.020. ADMINISTRATIVE DESIGN REVIEW.** (a) Applications subject to administrative design review shall be evaluated based on design standards contained in the Zoning Code and City of Salem Development Design Handbook.

(b) Within ten (10) working days after the application and submittal requirements are deemed complete by the Administrator, the Administrator shall approve or deny the application based on compliance or non-compliance with all design standards applicable to the type of development proposed.

(c) Where the Historic Landmarks and Design Review Commission has delegated to the Planning Administrator authority to review certain applications under SRC 120.010 (d), review shall proceed as provided in SRC 120.030. (Ord No. 90-98; Ord No. 52-2001; Ord No. 15-06)

**120.030. DISCRETIONARY DESIGN REVIEW.** (a) Projects subject to review by the Historic Landmarks and Design Review Commission shall be evaluated based on design guidelines contained in the City of Salem Development Design Handbook.

(b) The Historic Landmarks and Design Review Commission shall approve, conditionally approve, or deny the application on the basis of the project's conformity with the design guidelines. Conditions of approval, if any, shall be limited to project modifications required to enable the project to better meet the intent of the design guidelines.

(c) The Historic Landmarks and Design Review Commission shall render its decision not more than sixty (60) calendar days after the application is filed with the Commission and the submittal requirements deemed complete by the Administrator. The Historic Landmarks and Design Review Commission decision shall be supported by findings that:

(1) Explain conformance or lack thereof with relevant design guidelines;

(2) State the facts relied upon in rendering a decision; and

(3) Explain the justification for the decision.(Ord No. 90-98; Ord No. 52-2001; Ord No. 15-06)

**120.040. PRE-APPLICATION CONFERENCE REQUIRED. PRE-APPLICATION CONFERENCE REQUIRED.** (a) A pre-application conference is required for all projects subject to design review prior to the submission of a building permit application, unless the conference is waived by the Administrator upon good cause shown by applicant. The purpose of the pre-application conference is to provide the applicant and city staff the opportunity to discuss a proposed project; review design and development standards; and discuss the various methods of design review. (Ordinance No. 57-00)

(b) At the pre-application conference the applicant shall have available:

(1) Initial site plan(s) addressing:

A. Existing site conditions, site opportunities and constraints;

B. The use of all adjacent buildings;

C. The zoning of the site and adjacent properties;

D. Topography of the site;

E. Location of all significant trees and other prominent landscape features; and

(2) Schematic plans for the proposed project.

(3) Information to demonstrate how the proposal best meets the requirements of the city's design guidelines or standards.

(c) Following the pre-application conference, the applicant shall select review based on design standards or guidelines. Applications submitted for design approval shall conform to 1) design standards or 2) design guidelines or the intent of such guidelines contained in the Development Design Handbook. (Ord No. 90-98; Ord No. 57-2000; Ord No. 52-2001)

**120.050. PLAN SUBMITTAL REQUIREMENTS.** (a) The Plans to be submitted for review shall include those items below which are determined by the Administrator to be necessary for adequate review. The submittal requirements identified in this chapter are in addition to any other submittal materials required elsewhere in this code.

(1) A proposed site plan showing the complete dimensions and setbacks of the lot, all existing and proposed buildings and structures, including their location, size, height, proposed use, design and gross floor area of each building.

(2) Architectural drawings, renderings, or sketches showing all elevations of proposed buildings as they will appear on completion.

(3) All existing and proposed walls and fences, including the location, height, type of design and composition.

(4) The location and design of the existing and proposed on-site pedestrian and vehicle circulation system.

(5) A landscape plan showing the location of natural features, significant trees and plant materials proposed to be removed, retained or planted; the amount, height, type and location of landscaped areas, planting beds, and plant materials and provisions for irrigation. The location of significant trees shall be identified using the City's 1995 aerial photographs and on-site verification.

(6) Locations and dimensions of all existing and proposed outdoor storage areas including but not limited to trash collection and recycling areas.

(7) A topographic survey and grading plan showing two-foot contour intervals on hillside lots and five-foot intervals on all other lots, unless a different interval is found acceptable by the Planning Administrator.

(8) An open space plan showing locations of common and private open space, including active and passive recreational areas. The open space plan shall show the total area of individual classifications of proposed open space and shall be drawn to scale. (Ord No. 90-98; Ord No. 52-2001)

**120.060. EXTERIOR REMODELS AND ADDITIONS.** Exterior remodels and additions to existing structures which are subject to administrative design review shall conform to the design standards found by the Administrator to be applicable to the new construction. The remodels and additions within the scope of this section are defined as those structural alterations to the exterior of a building that require a building permit. (Ord No. 90-98)

**120.070. HISTORIC LANDMARKS AND DESIGN REVIEW COMMISSION ACTIONS, NOTICE AND PARTICIPATION.** (a) Written notice of the Historic Landmarks and Design Review Commission meetings shall:

(1) In the case of design review matters, be provided to the applicant, any neighborhood organization whose boundaries include the site; the Downtown Development Advisory Board for property within the boundaries of the Historic Core, Riverfront-Downtown Urban Renewal Area and North Downtown Planning District; and owners of property within 250 feet of the entire contiguous site for which the application is made as shown on the most recent property tax assessment roll;

(2) Provide a 14-day period for submission of written comments prior to the decision;

(3) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;

(4) List, by commonly used citation, the applicable criteria for the decision;

(5) Set forth the street address or other easily understood geographical reference to the subject property;

(6) State the place, date and time that comments are due;

(7) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

(8) Include the name and phone number of a local government contact person;

(9) State that notice of the decision will be provided to the applicant and any person who submits comments under subsection (a)(2) of this section; and

(10) Briefly summarize the local decision making process for the decision being made.

(b) The Historic Landmarks and Design Review Commission shall provide notice of its decision to the applicant and any person who submits comments, briefly explaining appeal rights. (Ord No. 90-98; Ord No. 52-2001; Ord No. 15-06)

**120.080. VALIDITY OF APPROVALS.** Approval of the Historic Landmarks and Design Review Commission, Administrator, or Planning Commission decision shall be valid for two (2) years from the date of the decision. The Administrator may extend the approval for two (2) additional years, upon good cause shown. (Ord No. 90-98; Ord No. 52-2001; Ord No. 15-06)

**120.090. APPEAL AND REVIEW OF DESIGN REVIEW DECISIONS.** (a) A decision of the Historic Landmarks and Design Review Commission may be appealed to the Planning Commission by the applicant or any party to the Historic Landmarks and Design Review Commission decision. A written notice of appeal shall be filed with the Administrator within 15 days after the date of the decision and shall contain reference to the action appealed from, by its assigned number and the title or caption of the decision, and include the name and mailing address of the appellants.

(b) Appeal of the Historic Landmarks and Design Review Commission decision shall be limited to review on the record. The appellant shall submit, not less than ten (10) days prior to the date set for Planning Commission hearing, a written statement setting forth in detail the basis and issues raised in the appeal. The statement shall specifically refer to design guidelines which support the appellant's position.

(c) The Planning Commission may affirm, reverse or modify the decision which is appealed.

(d) An application denied by the Administrator may be resubmitted pursuant to SRC 110.250.

(e) A decision by the Historic Landmarks and Design Review Commission, Planning Commission or Administrator acting for the Historic Landmarks and Design Review Commission may be reviewed by the council pursuant to SRC 114.210.

(f) Unless reviewed by the City Council, a decision by the Historic Landmarks and Design Review Commission, Planning Commission, or Administrator acting for the Historic Landmarks and Design Review Commission shall be the final local determination. (Ord No. 90-98; Ord No. 52-2001; Ord No. 15-06)

**120.100. ADOPTION OF DEVELOPMENT DESIGN HANDBOOK.** That certain document entitled "City of Salem Development Design Handbook," kept on file in the office of the city recorder, adopted on November 13, 1998, and amended on November 13, 2000, October 8, 2001, November 19, 2001, December 16, 2002, February 9, 2006, and April 19, 2006 is by this reference adopted and made part of this Code as if fully reproduced herein. (Ord No. 90-98; Ord No. 57-2000; Ord No. 63-2001; 69-2001; Ord No. 86-2002; Ord No. 79-05; Ord No. 15-06)