

## **V. DESIGN REVIEW**

### **Chapter 17.74**

#### **DESIGN REVIEW DISTRICTS**

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**17.74.010 Title.** This chapter shall be known as the design review ordinance. (Prior code §9395; Ord. 4228, 1992)

**17.74.020 Purpose.** The purpose of this chapter is to establish a review process which will provide:

- A. For the protection, enhancement and use of places, sites, buildings and structures having special character, aesthetic interest and value;
- B. Enhancement of tourism and the economy of the county by protecting and preserving places having special and unique character and interest. (Prior code §9395.1; Ord. 4228, 1992)

**17.74.030 Creation of districts.**

- A. The board of supervisors, following consideration by the planning commission, may create new design review districts. When creating a new design review district, the board of supervisors shall find that the area(s) proposed is:
  1. An area of special, natural beauty and aesthetic interest forming a basic resource in the economy of the county; the preservation of which would enhance the character of

- the county and local communities and promote tourist attractions; or (Ord. 4228, 1992)
2. Areas, places, sites, structures or uses which have special historical significance as identified by an agency representing federal, state or local historical concerns; or
  3. Both subdivisions 1 and 2 of this subsection.

17.74.040 Sierra design and community design review districts—Restrictions.

- A. Any district created pursuant to subsection A1 of Section 17.74.030 shall be designated on zoning maps as either design Sierra (-DS) or as design community (-DC) as the case may be. (Ord. 4228, 1992)
- B. All new multifamily, commercial and industrial structures (except structures and sites within the research and development district) within the boundaries of a Sierra design or community design district shall conform in exterior styling to that style of architecture described in subsection C of this section. Approval for compliance with design criteria shall be provided for in Section 17.74.115. (Ord. 4228, 1992)
- C. The architectural styling for new construction permitted in the Sierra design and the community design districts (except structures and sites within the research and development district), shall be that which is exemplified and meets the intent of the community design guide or the Sierra design guide which shall be adopted by the board of supervisors. These design guides shall provide guidelines and examples for architectural styles and site design permitted in the subject districts. (Ord. 4228, 1992)
- D. Structures and site development within the research and development zoning district with a (DC) designation shall be exempt from the design provisions of this chapter since said zoning district has been expanded to include architectural style and site design requirements which are more specific in nature and satisfy the intent of the design review concept. (Ord. 4228, 1992; Ord. 4193 §2, 1991: Ord. 3257 §3, 1982: prior code §9395.3)
- E. The following structures shall be exempt from the review process required in this chapter, but must still comply with all other applicable provisions of the zoning ordinance:
  1. Wall signs;
  2. Change in text on existing signs;
  3. Internal changes within an existing structure where no external changes or alterations are proposed;
  4. Minor additions to existing structures wherein the total floor area increase is ten percent (10%) or less;
  5. Fencing six feet (6') or less in height;
  6. Detached single family residences and accessory structures; and
  7. Temporary uses as provided in Chapter 17.23. (Ord. 4228, 1992)

17.74.045 Meyers Community Plan Design Review Process and Requirements.

- A. Any new development, additions to existing development, change on properties designated (DC) on the Zoning Map within the Meyers Community Plan, shall be processed as a design review application. All design review applications shall be subject to applicable zoning provisions and also be subject to the Meyers Community Plan Design Guidelines as noted within Appendix A of the Meyers Community Plan. The following activities, however, are exempt from this design review process:
  1. Internal changes within an existing structure where no external changes or alterations are proposed;
  2. Change in text on existing signs;

3. Those activities listed as being "exempt" or "qualified exempt" in chapters 4 and 26 of the TRPA Code of Ordinances;
  4. Modifications required to bring a use into conformance with the American Disabilities Act;
  5. Fencing six feet (6') or less in height if not located in a front setback area.
- B. All activities subject to A. above which are not exempt as noted therein, shall be processed as a design review application by submittal of an application and applicable fee to the planning department. The planning department shall review the application for compliance with the Design Guidelines for Meyers Community Plan and applicable zoning regulations, and shall forward recommendations to the planning commission for those projects which are located on lots with frontage on either U.S. Highway 50 or State Route 89. Instead of following the procedures provided in Section 17.74.115 of this chapter, the design review application will be reviewed and approved, conditionally approved, or denied by the planning commission based on the Design Guidelines and applicable zoning regulations.
- C. The following minor applications are also exempt from the procedures provided in section 17.74.115, but are subject to applicable zoning regulations and the Design Review Guidelines as noted in Appendix A of the Meyers Community Plan, and shall be reviewed and approved, conditionally approved, or denied by the planning department based on those provisions:
1. Wall signs;
  2. Internal changes within an existing structure where such changes require additional parking;
  3. Fencing greater than six feet (6') in height;
  4. Freestanding and monument signs;
  5. Minor increases to existing floor area which do not exceed 5 percent of the existing floor area or 500 square feet, whichever is less; and
  6. Those projects which are located within a DC overlay district but are located on parcels which do not have frontage on either U.S. Highway 50 or State Route 89, or are so situated on the site that the project will not be visible from either highway.
- D. The provisions of this section supersede the provisions of section 17.74.130 of this title, architectural supervision.
- E. The decision of the planning commission or planning department is final within 10 working days of their action unless appealed. The action of the planning department is appealed to the planning commission, and the action of the planning commission is appealed to the board of supervisors. (Ord. 4364, 1995; Ord. 4322, 1994)

17.74.050 Design historic districts.

- A. Any district created pursuant to subsection A2 of Section 17.74.030 shall be designated on zoning maps as design historic (-DH).
- B. The creation of historic design review districts (-DH) shall be limited to those areas shown in the general plan for historic design. (Ord. 4228, 1992)
- C. All new construction of a multifamily residential, commercial or industrial nature shall conform in exterior styling to that style of architecture referred to as "gold rush" type or "western frontier" type, as such types are exemplified by the historic design guide adopted by the board of supervisors. The historic design guide shall provide a guideline for architectural styles permitted in the subject district. Approval for compliance with design criteria shall be as provided for in Section 17.74.115. (Ord. 4228, 1992; Ord. 3257 §4, 1982: prior code §9395.4)

17.74.060 Historical building destruction.

- A. No historical building in any historic design district may be torn down, demolished, destroyed, altered, removed, improved or otherwise changed in exterior appearance without first obtaining approval therefor as provided for in Section 17.74.115. (Ord. 4228, 1992)
- B. If any historical building is damaged or destroyed by any act of God, including but not limited to earthquake or fire, the owner thereof may repair the building if he secures approval therefor as provided for in Section 17.74.115. (Ord. 4228, 1992)
- C. "Historical building" refers to any building in an historic design district constructed prior to the year 1900 and originally intended for use of a residential, commercial or industrial nature or any use appurtenant thereto. (Ord. 3257 §5, 1982: prior code §9295.5)

17.74.070 Design review advisory committees. The board of supervisors may by resolution establish design review advisory committees to review and comment upon application for a permit required under this chapter. Such committees shall be authorized to perform their duties within such geographic area as defined by the board resolution creating the committee. (Prior code §9395.6: Ord. 4228, 1992)

17.74.075 Design review advisory committees—composition. A design review advisory committee shall consist of five members, not including officials of the county. These members shall be appointed by the board of supervisors, selected as follows:

- A. At least three (3) members shall be residents and owners of property in the area served by the committee. Two (2) members may be business owners of property within the area and not be residents. (Ord. 4228, 1992)

17.74.080 Compensation. The appointed members of the design review advisory committee shall serve without compensation and shall not be entitled to reimbursement of mileage or necessary expenses by the county. (Ord. 4228 1992)

17.74.085 Appointment. The term of office of each member shall be four (4) years and until the first appointment and qualification of their successor. The first members shall classify themselves by lot so that the terms of office of two (2) members is two (2) years, and remaining members is three (3) years. Members otherwise serve until the appointment and qualification of their successor. Any member, even though they serve for a term, may be removed by the appointing authority without cause. A vacancy may be filled only for the unexpired term. All vacancies on the committee shall be immediately reported to the board of supervisors. (Ord. 4228, 1992)

17.74.090 Officers. At the first meeting of the design review advisory committee, and thereafter at the first meeting of each calendar year, the committee shall elect from its membership a chairman, vice chairman, and secretary, who shall hold office for a term of one (1) year and until the election of their successors. (Ord. 3257 §8, 1982: prior code §9395.8; Ord. 4228, 1992)

17.74.095 Meetings. Meetings may be held on the call of the chairman or any two (2) members when matters are referred for committee review pursuant to section 17.74.115 by mailing notice of the time, place and purpose of the meeting to each member at least seven (7) days prior to the meeting. (Ord. 4228, 1992)

17.74.100 Quorum. Three (3) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time. (Ord. 4228, 1992)

17.74.105 Lapse of membership. For reasons including, but not limited to, continued absence, a member of the design review advisory committee may be removed from office without cause by an order declaring that office vacant, adopted by a majority vote of the board of supervisors. (Ord. 4228)

17.74.110 Powers and duties of the design review advisory committee. The design review advisory committee shall have the following duties and powers:

- A. Act in an advisory capacity to the planning director, planning commission or board of supervisors with regard to the review and comment on design review for multifamily, commercial, and industrial applications within their area of jurisdiction.
- B. To aid in the review process, the committee shall utilize adopted area plan policies, design guides, zoning ordinances, CC&R's, and if clearly identifiable, neighborhood preferences.
- C. Provide recommendations to the board of supervisors and the planning director regarding the improvement or expansion of design procedures and standards. (Ord 4228, 1992)

17.74.115 Application.

- A. Application for permits required by subsection B of Section 17.74.040, subsection C of Section 17.74.050, and subsection A of Section 17.74.060 shall be filed at the county planning division. Being a discretionary review process, an environmental determination is made and advertised as required by CEQA upon completion of the environmental review. The planning director shall render a written decision. Where an application is found to be consistent with the terms of this chapter and the design guides, the planning director shall issue a written approval of the project, including any modifications or conditions.
- B. If a design review advisory committee exists within the district in which application is being made, the planning director shall transmit the applications to the committee prior to rendering a decision. The following process shall occur:
  - 1. Upon receipt of a complete application, the planning division will schedule the application for review by the committee. The planning division shall prepare the agenda and send application information to the committee at least seven (7) days prior to the scheduled meeting.
  - 2. The application review process by the design review advisory committee shall provide an opportunity for the applicant or other interested persons to provide testimony.
  - 3. After public testimony, the advisory committee shall discuss the proposal and by motion present a recommendation to the planning division. The content of the recommendation shall be recorded by the secretary.
  - 4. The advisory committee recommendation in written form shall be forwarded to the planning division and applicant within forty-eight (48) hours of the committee action.
  - 5. The planning director shall make a decision on the application for a design review within sixty (60) days of submittal of a complete application.
- C. The decision of the by the planning director may be appealed to the county planning commission by filing a request for hearing within ten (10) working days of the notice of denial at the county planning division office. The planning commission shall hold a public hearing on such appeal and take action thereon no later than thirty (30) calendar days following the filing of the appeal. The decision of the planning commission may be appealed to the Board of Supervisors.

D. The requirements for a permit as set forth by this chapter are meant to be in addition to, and not a substitute for, the requirements pertaining to building permits in Sections 16.40.030 and 16.40.040. (Ord. 4228, 1992)

17.74.120 Fees. The board of supervisors may establish reasonable fees for issuance of the permits required in this chapter to cover the cost of the administration and enforcement of this chapter. (Ord. 4228, 1992)