

17.42.090 - Design Review Board.

- A. The Design Review Board shall consist of seven (7) members appointed by the Town Council in accordance with Chapter 2.14 of this CRMC. The Design Review Board shall be comprised of:
 - (i) One (1) member from the Planning Commission;
 - (ii) Two (2) members from the Downtown Development Authority Board;
 - (iii) Two (2) members from the Historic Preservation Board; and
 - (iv) Two (2) property owners within the Downtown Development Authority boundary. Such property owners may not be members of the aforementioned boards.
- B. Terms for each member of the Design Review Board shall be as follows:
 - 1. Planning Commission representative - One-year term.
 - 2. Downtown Development Authority representatives - One-year term.
 - 3. Historic Preservation Board - One-year term.
 - 4. Property owners with the Downtown Development Authority boundary - Two-year term.

If at any time a Design Review Board member loses his or her qualification for appointment, such member shall concurrently lose his or her seat on the Design Review Board.
- C. Unless expressly modified in this Section 17.42.090, the Design Review Board shall serve in accordance with the provisions of Chapter 2.14 of this CRMC.

([Ord. No. 2016-011, § 1, 5-17-2016](#) ; [Ord. No. 2015-04, § 7, 2-17-2015](#) ; Ord. 2012-18 §1)

17.42.100 - Powers and duties of Design Review Board.

The Board shall have the following powers and duties, all of which shall be exercised consistent with the purpose and intent of this Chapter:

- A. Review all development applications that require a Site Development Plan - Downtown under Chapter 17.38 for compliance with this Chapter, including but not limited to setbacks (Section 17.42.060), building height and crown (Section 17.42.070), design standards (Section 17.42.080), outdoor display of merchandise in Section 17.52.150, accessory structures and uses, and variance requests.
- B. Upon a written finding that, by reason of exceptional shape or topography of a lot or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of the property from a strict enforcement of this Chapter, or an effort to achieve the overall vision and goals of the Downtown Master Plan and/or the Historic Preservation Plan, the Board may grant a variance for the following:
 - 1. Minimum width of lot;
 - 2. Minimum front yard;
 - 3. Minimum side yard;
 - 4. Minimum rear yard;
 - 5. Minimum landscape requirements;
 - 6. Design standards in Section 17.42.080 above;
 - 7. Maximum front yard;
 - 8. Maximum fence height;

9. Outdoor display of merchandise in Section 17.52.150; and
 10. Accessory structures and uses.
- C. The process for consideration of a variance is prescribed in Section 17.42.110, subject to the following requirements:
1. Before any variance is granted or denied, the Board shall include a written finding in its minutes as part of the record in each case, stating specifically the exceptional conditions, the practical difficulties or unnecessary hardship involved and why there is or is not any adverse effect on public health, safety and welfare.
 2. Unless otherwise stated in the Board resolution, the applicant shall have six (6) months to apply for a building permit in accordance with the approved variance, and all new construction shall be completed within two (2) years from the date such building permit is issued.
 3. If the Board, or the Town Council on appeal, determines that a variance should be approved or approved with conditions, it shall grant only such relief as is necessary to carry out the intent of this Chapter, and may grant a different form of variance than that requested by the applicant.

(Ord. 2012-18 §1, 2012)

17.42.110 - Procedure for Board review, approval and appeal.

- A. A Site Development Plan - Downtown shall be submitted in compliance with the Development Procedures Manual and application fees as defined in the Development Services Fee Schedule.
- B. The Board shall hold a public hearing on all applications submitted under this Chapter. The public notice for such hearing shall be governed by Chapter 17.04 of this CRMC.
- C. The Board shall approve, approve with conditions or deny an application based on the criteria in this Chapter and the review and approval criteria set forth in Section 17.38.040.
- D. The applicant for a Site Development Plan - Downtown that is denied by the Design Review Board may appeal to the Town Council within 30 days of the Board's action. The Town Council shall review and consider the Site Development Plan - Downtown following the notice and public hearing procedures in Chapter 17.04, CRMC and the review and approval criteria set forth in Section 17.38.040 and Chapter 17.42.

(Ord. 2012-18 §1, 2012)