

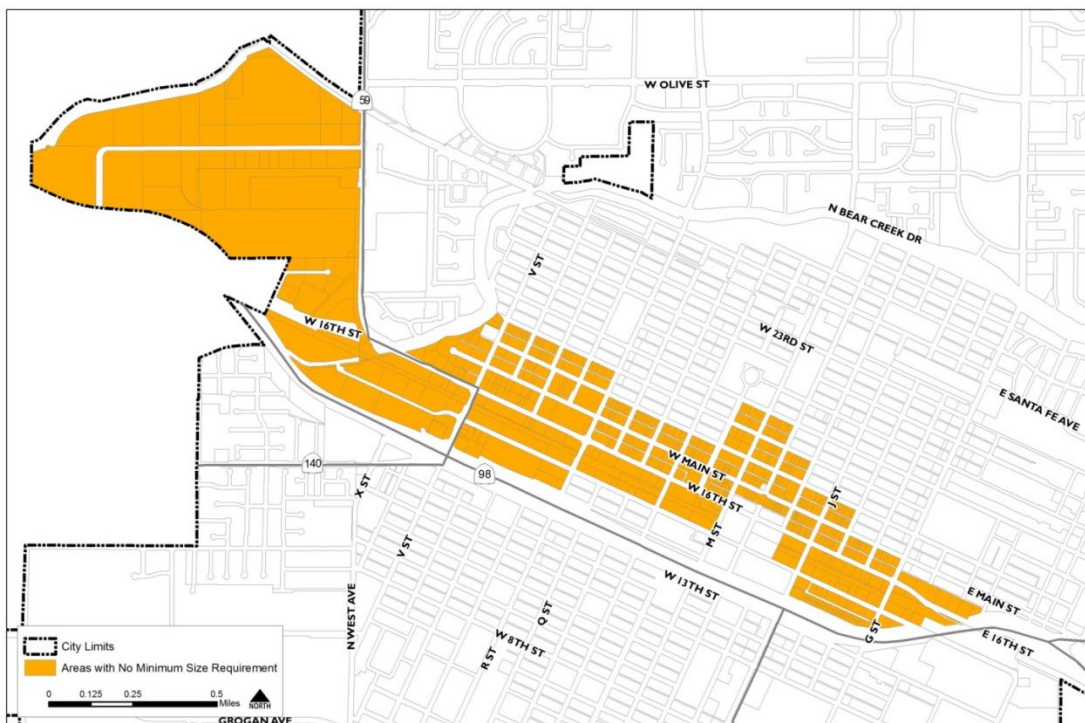
20.68.030 Design Review Permit

A. Purpose. A Design Review Permit is required for most types of development in portions of Downtown Merced and areas directly west of the Downtown area, see Figure 20.68-1 (Design Review Boundaries). A Design Review Permit is a discretionary action that enables the Planning Commission and staff to ensure high quality development that enhances the visual qualities of Merced and creates and supports the City's economic development objectives.

B. Applicability.

1. A Design Review Permit shall be required for the establishment of all new structures and modifications to existing structures within area identified in Figure 20.68-1, except for:
 - a. Single-family detached dwellings;
 - b. Structures accessory to single-family detached dwellings; and,
 - c. Structures located in the I-L and I-H zoning districts, which are subject to Site Plan Review Permits (Section 20.68.050) instead.
2. A legal description of the area subject to Design Review Permit approval can be found in City Council Ordinance No. 2409 approving Zoning Ordinance Amendment No. 13-01 on June 17, 2013.

FIGURE 20.68-1 DESIGN REVIEW BOUNDARIES



C. Review Authority.

1. **Planning Commission.** The Planning Commission shall take action on all Design Review Permit applications except as specified in Sections 2 and 3 below. At least four (4) members of the Planning Commission shall be required to vote to approve a Design Review Permit; otherwise, the Permit is deemed denied.
2. **Development Services Department.** Development Services Department staff shall take action on Design Review Permit applications for the following projects:
 - a. Change in exterior wall paint color.
 - b. Installation of new signage and maintenance of existing signage, including new copy, painting, repair, and replacement of defective sign parts that does not alter the basic copy, design, or structure of the sign.
 - c. Any items referred to staff following Planning Commission review.
 - d. Minor modifications to Design Review Permits approved by the Planning Commission or Site Plan Review Committee which do not alter the basic design or structure of the project.
 - e. Façade improvements to existing structures which do not increase the floor area of the structure by more than 5 percent.
 - f. New structures less than 10,000 square feet that are deemed by the Director of Development Services to be minor in nature.
3. **Staff Referral.** The Director of Development Services may choose to refer any Design Review Permit application for review and final action by the Planning Commission.



- D. Application Submittal and Review.** Application for a Design Review Permit shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review).
- E. Public Notice and Hearing.** Public Notice and hearing for a Design Review Permit shall be provided in compliance with Chapter 20.70 (Public Notice and Hearing). Public hearings are only required for those Design Review Permits which go to the Planning Commission for approval, not staff-level reviews.
- F. Features to Consider.** When reviewing a Design Review Permit application, the City may consider, but is not limited to, the following features of the project design:
 1. The location of all structures on the property and compatibility with surrounding uses.
 2. Proposed and existing landscaping, fencing, and other screening materials.

3. Design of all circulation, parking and loading facilities for vehicles, bicycles, pedestrians, and transit.
4. Screening of refuse facilities, utility meters, and mechanical equipment.
5. Building and site design, including exterior colors and architecture style.



6. Design and location of public infrastructure including curb cuts, curbs, gutters, sidewalks, sidewalk design, drainage, and fire hydrants.

7. Location, design, and intensity of all onsite exterior lighting.

8. Location and design of address system and graphics for mail delivery system.

9. Design of all open space areas.
10. Design, placement, dimension, and color of all signs and exterior graphics, including sign materials, lighting, sign intensity, and temporary signs.
11. Review of design and placement of facilities for physically handicapped or persons with disabilities.

G. Design Review Principles. When reviewing Design Review Permit applications, the Planning Commission or City staff may consider the following Design Review principles:

1. Review of architectural character shall not be so restrictive that individual initiative is stifled in the design of any particular building or site. Rather, review exercised shall be the amount necessary to achieve the overall purpose and objective of the Design Review process.
2. Good architectural character is based upon the suitability of a building and site for its purposes; upon the appropriate use of sound materials, good relationship with other structures, and the character of the City; and upon the principles of harmony, preparation and design in the elements of the building and site.
3. Review of sign graphics shall be based upon suitability of the sign colors, placement, design to overall building design, and adjacent sign themes. The Planning Commission or City staff shall consider the extent, design and location of all temporary signs as well as permanent signs in the review of sign graphics.



H. Findings. The review authority may approve an application for a Design Review Permit application only if all of the following findings can be made:



1. The proposed project is consistent with the General Plan, and any adopted area, community, specific, or neighborhood plan.

2. The proposed project complies with all applicable provisions of the Zoning Code and Municipal Code.

3. The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.

4. The proposed building design makes use of appropriate materials, texture and color, and will remain aesthetically appealing and appropriately maintained.

5. The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.



I. Conditions of Approval. The review authority may attach conditions to the approval of a Design Review Permit as needed to ensure compliance with the General Plan, Zoning Ordinance, Merced Municipal Code, City Design Standards, or any applicable specific plan, community plan, or area plan, policy, or ordinance, adopted by the City.

J. Appeals. Decisions on Design Review Permits may be appealed as provided for in Chapter 20.74 (Appeals).



K. Post-Decision Procedures. Procedures and requirements relating to effective dates, time limits, changes to approved projects, resubmittals, and permit revocation shall apply to Design Review Permits as provided in Chapter 20.72 (Post-Decision Procedures). ▬