

18.9 Site Design Review/Board of Design Review -- Applicable to RES-4, BUS-1, BUS-2 Districts**18.9.1 Findings and Objectives**

Excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, and certain residential areas hinders the harmonious development of the area, impairs the desirability of residence, investment or occupation in the area, limits the opportunity to attain the optimum use and value of land and improvement, adversely affects the stability and value of property, produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the inhabitants, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.

The purpose and objectives of site development requirements and the site design review procedure are to:

- 18.9.1.1 Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;
- 18.9.1.2 Discourage monotonous, drab, unsightly, dreary and inharmonious development;
- 18.9.1.3 Conserve the area's natural beauty and visual character and charm by insuring that structures, signs, and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of the area's structures, signs and other improvements;
- 18.9.1.4 Protect and enhance the area's appeal to tourists and visitors.
- 18.9.1.5 Stabilize and improve property values and prevent blighted areas and thus, increase tax revenues.
- 18.9.1.6 Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus decrease the cost of governmental services.
- 18.9.1.7 Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.
- 18.9.1.8 Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the area's favorable environment, and thus, to promote and protect the peace, health and welfare of the Town of York.

18.9.2 Board of Design Review

There is hereby established a Board of Design Review whose members, term, officers, and manner of transacting business shall be as follows:

- 18.9.2.1 Members. The Board shall consist of five members, each of whom shall be a resident of the Town of York.
- **AMENDED 05/17/2014**
- 18.9.2.2 Appointment; Term. The members of the Board shall be appointed by the Board of Selectmen for 3-year terms, maintaining a staggered rotation such that only one or two appointments expire each year. The Board of Selectmen shall appoint a qualified person to fill the vacancy for the remainder of any unexpired term. - **AMENDED 05/17/2014**
- 18.9.2.3 Vacancies; Removal. Any vacancy shall be filled for the remainder of the unexpired term as original appointments are herein provided. The Board of Selectmen may remove any member of the Board, after hearing, for misconduct or non-performance of duty.

18.9.2.4 Officers. The Board shall elect a Chair, Vice-Chair and Secretary at the first meeting on or after each July 1st. During the absence, disability or disqualification of the chairman and vice-chairman, the remaining members shall select an acting chairman. **AMENDED 5/17/2014**

18.9.2.5 Quorum; Voting. A quorum shall consist of three members. The Concurrence of a majority of the members of the Board present and voting shall be necessary to determine any questions before the Board. - **AMENDED 11/07/2000**

18.9.2.6 Meeting Records. The Board shall hold one regular meeting each month. However, a meeting need not be held if there are no drawings or plans submitted for review by the Board. The deliberations and proceedings of the Board shall be public records. The Board shall keep minutes of its proceedings and such minutes shall be public records.

18.9.2.7 Rules. The Board may adopt and amend by-laws to govern the conduct of its business consistent with Robert's Rules of Order and the provisions of this ordinance. - **AMENDED 05/17/2014**

18.9.3 Jurisdiction and Powers of the Board

18.9.3.1 No building permit shall be issued for a new non-residential building, and no sign permit shall be issued until the plans, drawings, sketches, and other documents required under Section 18.9.5 have been reviewed and approved by the Board in conformity with the criteria specified in Section 18.9.4.

18.9.3.2 Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval. Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the goals and objectives of Section 18.9.1. Where a building permit is required, it shall be the responsibility of the Code Enforcement Officer to determine whether a "substantial change" would result from the proposed action.

18.9.3.3 The Board may authorize variances from the site development requirements, off-street parking and loading and supplemental provisions of this ordinance which are subject to the jurisdiction of the Board, where it can be shown that by reason of exceptional size, shape or topographic conditions, or other special or unusual circumstances, the literal enforcement of such requirements would not allow reasonable development to take place. Variances shall be considered in conjunction with the site design review process and subject to procedural and appellate provisions applicable to such process.

18.9.4 Criteria and Standards

The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required under Section 18.9.5. These standards are intended to provide a frame of reference for the applicant in the development of the site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation.

18.9.4.1 Preservation of Landscape: The landscape shall be preserved in its natural state, insofar as practicable by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

18.9.4.2 Relation of Proposed Buildings to Environment: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

18.9.4.3 Drives, Parking and Circulation: With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

18.9.4.4 Surface Water Drainage: Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system.

18.9.4.5 Utility Service: Whenever feasible, electric, telephone and other utility lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated.

18.9.4.6 Advertising Features: The size, location, design, color texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties. Individual off-premises signs shall not exceed three (3) square feet in area; on-premises signs shall, in aggregate, not total over one hundred (100) square feet in area, with no single sign exceeding fifty (50) square feet in area. No sign shall exceed ten (10) feet in any dimension. Illuminated signs shall be indirectly lit.

18.9.4.7 Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding areas.

18.9.4.8 Application of Design Standards: The standards of review outlined in Sections 18.9.4.1 through 18.9.4.7 above also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.

- a. The Board shall also be guided by the objectives of Section 18.9.1, and such objectives shall serve as additional criteria and standards.
- b. Unless otherwise authorized under this ordinance, the Board shall not have the authority to waive or modify the site development requirements of this ordinance, the requirements of the Zoning Ordinance or the requirements of any other applicable ordinance.

18.9.5 Procedure

A prospective applicant for a building or other permit who is subject to site design review shall submit the following to the Board of Design Review:

- a. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas. The site plan shall indicate the location of entrances and exits and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall indicate how utility services and drainage are to be provided.
- b. A landscape plan, drawn to scale, showing the location of existing trees proposed to be removed or to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.
- c. Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction.
- d. Specifications as to type, color and texture of exterior surfaces of proposed structures.
- e. A sign plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs.