

Chapter 17.26

DESIGN REVIEW DISTRICT

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17.26.010 Creation – Purpose.

In order that the city and buildings within the city may not be injuriously affected; to promote the public welfare and to provide for the enhancement of the city and its structures thereby contributing to the social, cultural and economic welfare of the citizens of the city by developing an awareness of its historical heritage; to return unproductive structures to useful purposes and to attract visitors to the city, to allow for a reasonable degree of control to be exercised over the site development and architecture of the private and public buildings erected therein, recognizing the interdependence of land values, aesthetics and good site planning; to promote economic and environmental well-being as they are affected by the distinctive character and natural attractiveness which contributes substantially to the recreational resort area and regional trade center of the city; to enrich the lives and well-being of the citizens by promoting harmonious, safe, attractive and compatible development of the private and public buildings and therefore being in

furtherance of the public peace, health, safety and social, cultural and economic welfare of the citizens of the city; there is created a design review district, hereinafter called “design district.” (Ord. 2008-15 § 1, 2008; Ord. B-64 § 3, 1975).

17.26.020 Responsible agency.

The planning commission, which is the advisory commission created by Chapter [2.30](#) TMC, is designated as the official body on matters concerning the design district and the buildings and structures within its bounds. The planning commission shall review and act upon all architectural and historic preservation matters, applying the criteria as set forth in TMC [17.26.040](#) through [17.26.110](#), as such matters apply to buildings and structures, site plans, interdependence of land uses and values, and aesthetics, except as to “minor work” as provided in TMC [17.26.080](#). (Ord. 2008-15 § 1, 2008; Ord. B-64 § 4, 1975).

17.26.030 Boundaries.

The boundaries of the design district shall be as shown on a map, entitled “Design District Map,” which, together with all explanatory matter thereon, is incorporated herein by this reference. The design district map shall be identified by the signature of the city manager, attested by the city clerk with the seal of the city under the following words:

This is to certify that this map is the Design District map referred to in TMC [17.26.030](#).

(Ord. 2008-15 § 1, 2008; Ord. 93-32, 1993; Ord. 85-26 § 1, 1985; Ord. B-64 § 5, 1975).

17.26.040 General criteria for determination of design district.

The following criteria as proposed by the National Trust for Historic Preservation for determination of historic districts are adopted as general guidelines for the design district. Districts, sites, buildings, structures, and objects of national, state, and local importance are of historic significance if they possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in history; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield information important in prehistory or history. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 6, 1975).

17.26.050 Criteria evaluation for the design district.

- A. The western design has played a significant role in the development of the city, the Yakima Valley and the state in that it is representative of settlements established to support the early growth of the cattle and range industry, the trade center of the Indian reservation in this region, and was a focus of industry and trade in the Yakima Valley since the late 1880s.

B. The design district is associated with the lives of many of the pioneers through property, business and commercial activities that were concentrated in that area.

C. Many of the buildings within the district embody the distinctive characteristics of the western style. For these and other reasons, the buildings combine to create an outstanding example which is significant and distinguishable in style, form, character, and construction, representative of its era. The district possesses integrity of location, original construction, and of feeling and association.

D. The restoration and preservation of the district will yield information of educational significance regarding the way of life and the architecture of the late nineteenth century as well as adding interest and color to the city. Restoration of the district will preserve the environment which was characteristic of an important era of the city's history and will be considerably more meaningful and significant educationally than if done for individual buildings. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 7, 1975).

17.26.060 Permitted uses.

Any use permitted by the existing zones over which this design district is superimposed shall be allowed. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 8, 1975).

17.26.070 Permit approval required.

The building inspector shall not issue any permit which by this chapter requires approval of the planning commission until such approval has been obtained, or until the passage of 180 days from the date of the hearing on the application for permit where the applicant has been heard, whichever is shorter. The cost and burden of obtaining planning commission approval shall be borne by the applicant. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 9, 1975).

17.26.080 Application procedure.

Any application for a permit for the erection or construction of a new building or structure or modification, addition, alteration, moving or demolition of existing structures which would affect the exterior appearance of any existing building or structure, located within the district shall be filed with the building inspector. Upon preliminary approval by the building inspector, the application shall be forwarded to the planning commission for review and the applicant shall be notified of the time and place thereof and he shall be heard; provided, that forwarding of applications to the planning commission shall not be required in the case of modification or alteration of the interior of a building or structure; provided further, that forwarding of applications to the planning commission shall not be required in the case of minor work, modifications, alterations, repairs or maintenance to the exterior of a building or structure which do not materially change the appearance of such building or structure with respect to any of the criteria set forth in TMC [17.26.100](#) and [17.26.110](#); provided further, that forwarding of applications to the planning commission shall not be required in the case of single-family dwellings or noncommercial buildings. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 10(a), 1975).

17.26.090 Application requirements.

The planning commission may require the applicant to submit to it any or all of the following items:

A. Color photographs showing external views of all existing structures, both on the site and within the land use zone;

B. A development plan showing:

1. The legal description of the property;

2. The elevation by colored rendering;

3. The architectural design of the proposed buildings, structures or additions to existing buildings or structures, including signs, or the modification or alteration of existing buildings or structures in relationship to property lines, abutting streets and alleys;

4. The dimension of the property;

5. The traffic circulation within the area, including points of ingress and egress;

6. The location of usable open space;

7. Other information as may be required;

C. Nothing in this chapter shall be construed to reduce or alter any other building, plumbing, electrical, structural or other requirements as may be required by the building inspector. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 10(b), 1975).

17.26.100 Criteria evaluation for permit approval or disapproval – Generally.

In considering any application for planning commission approval, the planning commission shall be guided by the following criteria:

A. The planning commission shall examine the application to insure that all provisions of this chapter and all other ordinances, master plans, general plans and standards of the city shall be complied with where applicable.

B. The proposal shall not have any detrimental effect upon the general health, welfare, safety, and convenience of persons residing or working in the neighborhood; or shall not be detrimental or injurious to the neighborhood.

C. The proposal shall promote a desirable relationship of structures to one another, to open spaces and topography both on the site and in the surrounding neighborhood, all in keeping with the western design.

D. The height, area, setbacks, and overall mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping shall be appropriate to the proposal, the neighborhood and the community.

E. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.

F. The architectural character of the proposed structure shall be in harmony with, and compatible to, those structures in the neighboring environment, and the architectural character adopted for any given area, avoiding excessive variety or monotonous repetition.

G. All mechanical equipment, appurtenances and utilities, shall be concealed from view and integral to the building design.

H. The architectural character of a proposal shall take cognizance of the unique climatological and other environmental factors of this region and promote an indigenous architectural feeling. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 11(1), 1975).

17.26.110 General criteria – Western design.

The following general criteria is set forth for western design:

A. Western architecture of the 1800s and early 1900s usually involved wooden false front effects and usually contained a wooden post-supported, shake shingle marquee. Building styles also included exteriors of masonry, brick, and stone.

B. The false fronts normally used gave the viewer a square impression, although many buildings had gabled roof lines which were often hidden by the false fronts. The masonry and stone buildings used during that period were predominately flat-roofed, although residences infrequently had pitched roofs.

C. Shake shingles were often used on the face of the building forming a parapet of varying proportions but usually the parapet did not extend downward past the top of the windows.

D. Marquees were usually pitched and often covered with shake shingles; however, many of these porches were flat to allow for a sun deck which was usually enclosed by an ornate wooden fence and handrail. Sometimes, wrought iron was used for fencing of the sun deck.

E. Window shapes during this period were often square, arched, or rectangular and frequently were large enough to extend from floor to ceiling. Bay windows protruding outward from the main building walls were often used in four- to six-sided extensions. Window frames were usually simple and plain – free from ornate designs.

F. Doors were usually centered equidistant from the sides of the building front; however, buildings on corner lots often had entrances at the corner. Plain designs were predominate and glass doors were infrequent.

G. Street lighting and the exterior lighting on buildings usually were enclosed by carriage lamp fixtures. Gas lights of wrought iron and glass were frequent and lamps on the exteriors of buildings were usually of the same type but more infrequent. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 11(2), 1975).

17.26.120 Powers – Duties – Jurisdiction.

A. The planning commission shall have the power to approve, conditionally approve, or disapprove all applications for permits as required by this chapter basing its decision on the criteria as set down in TMC [17.26.100](#) and [17.26.110](#).

B. It shall be the responsibility of the applicant to prove that the intent and purpose of the design district will be accomplished.

C. The planning commission, upon hearing an application, may impose such reasonable conditions as it may deem necessary in order to fully carry out the provisions and intent of this chapter. Violation of any such condition shall render any permit null and void as of the date of such violation.

D. The secretary of the planning commission shall advise the building inspector of any final action taken by the planning commission. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 12, 1975).

17.26.130 Findings.

A. The planning commission shall approve, with or without conditions, an application or portion thereof, if they find that:

1. All provisions of ordinances of the city have been complied with.
2. Where applicable, all provisions of the master plans, the general plan and development policies and standards of the city have been complied with.

B. The planning commission shall deny an application or a portion of an application if they find that any ordinance of the city, the general plan, or the development policies and standards of the city have not been complied with. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 13, 1975).

17.26.140 Expiration of approval.

A. The approval of an application shall expire and become null and void six months from the date of approval, providing that a building permit has not been issued, unless a different time period is made a condition of planning commission approval.

B. An extension of approval for an additional six-month period may be granted if the applicant files for the extension prior to the approval becoming void and the applicant shows reasons which justify extension of approval. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 13, 1975).

17.26.150 Enforcement.

A. Prior to issuance of any required permit, under the ordinances of the city, if planning commission approval is required the building inspector shall ascertain that the planning commission has approved plans which are in conformance to those presented with the permit application and that the time limitations imposed by this chapter upon the planning commission have not elapsed.

B. The building inspector of the city shall insure that all matters approved by the planning commission are undertaken and completed according to the approval of the planning commission and is authorized to enforce the requirements set forth in this chapter, including the authority to issue a notice of civil infraction as set forth in TMC [17.26.180](#). (Ord. 2008-15 § 1, 2008; Ord. B-64 § 14, 1975).

17.26.160 Appeal and city council review.

A. The approval, with or without conditions, or denial by the planning commission of an application may be appealed within 20 days from the date of the planning commission's decision. Any appeal therefrom shall be in writing to the hearing examiner of the city. Such appeal shall be filed with the city clerk and shall indicate where, in the opinion of the appellant, the planning commission was in

error. The city clerk shall schedule the appeal for a hearing examiner agenda, and the hearing examiner shall uphold, modify, or reverse the decision of the planning commission.

B. Any applicant, or the city building inspector, having completed the appeal process described in subsection A of this section, and having further complaint, may appeal the decision of the hearing examiner directly to the city council. Such appeal shall be in writing and filed with the city clerk within 20 days from the date of the decision by the hearing examiner. Such appeal shall indicate where, in the opinion of the appellant, the planning commission or the hearing examiner was in error. The city clerk shall schedule the appeal for a city council agenda and the city council shall uphold, modify, or reverse the decisions of either the planning commission or the hearing examiner. The decision of the city council shall be final. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 15, 1975).

17.26.170 Signs.

All signs erected within the boundaries of the design district must comply with the provisions of Chapter [15.10](#) TMC. (Ord. 2008-15 § 1, 2008).

17.26.180 Compliance.

Any person who violates or fails to comply with any of the provisions of this chapter, or who counsels, aids or abets any such violation or failure to comply, shall be deemed to have committed a civil infraction, punishable as set forth in Chapter [2.90](#) TMC, Civil Infractions. The procedural requirements for issuing a notice of civil infraction, the duties and rights of the parties, the hearing procedures, penalties, restitution, and all other matters regarding processing a civil infraction notice shall be as set forth in Chapter [2.90](#) TMC. (Ord. 2008-15 § 1, 2008; Ord. 2008-8, 2008; Ord. B-64 § 16, 1975. Formerly 17.26.180).