

**“EXHIBIT A”
DESIGN/SITE REVIEW
Chapter 18.86**

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Section 18.86.010 purpose of this section.

This section is intended to encourage, protect and enhance the appearance of the Town. The Town Council recognizes that the creation of a desirable environment for business and industry, as well as residential areas, is a prime requisite for the preservation of property values, for the development of compatible uses and buildings, and for the preservation of public health, safety and welfare. The Town of Eagar shall utilize, when considered necessary by the Board, an architect licensed in the state of Arizona and qualified to consult the Design Review Board and the Town Staff on architectural design matters as they relate to this Ordinance.

Section 18.86.020 Definitions.

- 1. For the purpose of this section the following list of words shall be defined as indicated below:**
 - A. Building: - Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.**
 - B. Landscape: - Improvement of the property using native or non-native vegetation and natural or ornamental material. Includes all aspects of grading, planting and vertical construction other than buildings.**
 - C. Sign: - Any devise for visual communication, including any structure or natural object or part thereof, that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any governmental agency or any civic, charitable, religious, patriotic, fraternal or similar organization.**

- D. Structure: - That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts combined together in some definite manner.**

Section 18.86.030. Application of Section

- 1. This chapter shall apply to all buildings structures and signs which are to be hereafter erected, constructed, converted, established, altered or enlarged which are located within the Town of Eagar except those listed below.**
- 2. Exceptions:**
 - A. Single Family dwellings and accessory uses.**
 - B. Residential structures of four (4) units or less in one building or group of buildings.**
 - C. Non-illuminated directional or informational signs not exceeding six (6) square feet in area.**
 - D. Public utility electrical transmission structures.**
 - E. A primary residence in a commercial zone with an attached business.**

Section 18.86.040. Procedure

- 1. Prior to the preparation of final architectural or engineering drawings for any building or structure to which this section is applicable, the property owner or his representative shall submit the following information for consideration by the Design Review Board. When a complete Design Review submittal is made the Design Review Board shall meet within seven (7) business days for the review of the plans.**
 - A. Application for Design Review. Forms will be furnished by the Planning and Zoning Department; Such application shall include the applicant and owners names, mailing addresses, location and legal description of the property and such other information as deemed necessary by the Design Review Board. The Town Council shall establish design Review Fees by resolution.**
 - B. Site Plan showing the areas devoted to buildings, structures, parking.**
 - C. Elevation drawings of the front, sides, and rear of the building or structure illustrating the building's appearance and treatment. Exterior materials shall be included on the drawings or a separate list.**

D. Material samples as well as other supportive information shall be required if deemed necessary by the Design Review Board to aid in clarifying the application

- 2. Prior to issuance of a building permit for a building or structure to which this Section is applicable, the Planning and Zoning Department shall ascertain that the plans submitted for the building permit are in substantial conformance with those approved by the Design Review Board and that the approved time has not expired. Questions regarding procedures or approval shall be referred to the Design Review Board for consideration.**
- 3. The Design Review Board may impose such conditions, as it may deem necessary to carry out fully the intent of this section. The action of the Board shall be noted on two copies of the plans. One (1) copy shall be retained by the Planning and Zoning Department and one (1) copy shall be returned to the owner or applicant.**
- 4. Conditions prescribed by the Board shall be considered as an integral part of the construction plans. Non-compliance with such plans shall be grounds for stopping work on the project or for the denial of the Certificate of Occupancy.**
- 5. A building, structure or sign which has been approved, constructed and installed in accordance with the approval of the Design Review Board may be removed but may not be further modified without additional review and approval of such Board.**
 - A. Signs that are crucial for direction or assists circulation may not be removed without review and approval from the Design Review Board.**
- 6. Any building, structures or signs which have been approved by the Design Review Board and has been constructed as follows shall be maintained by the owners or the person in possession of the property upon which the building, structure or sign is located to create an attractive appearance for the development.**

Section 18.86.050 Criteria for Design Approval.

In considering any application for design approval, the Design Review board shall be governed by the following criteria:

- 1. The Planning and Zoning Administrator will provide guidance for proposed development. The Town Planning and Zoning Department will maintain a portfolio which reflects buildings and structures which will provide guidance for prospective developers. The Town Council shall review and approve the above**

noted portfolio and any updates thereto. Consideration should also be given to the specific aspects of the site proposed for the construction and its surroundings.

2. Architectural materials including but not limited to landscaping or other opaque or semi-opaque materials may require visual separation of pedestrian or vehicular traffic.
3. The overall design of the building, structure or sign and its site shall not adversely affect the present or potential development of the nearby properties or the traffic pattern in abutting streets by virtue of the type of building, structure or sign, its placement on the lot and location of the parking and driving area.
4. All screening walls shall be compatible with the building design, color and materials.
5. Details of barriers, walls and landscaping used for the screening along street frontages shall be approved by the Board and shall be compatible with established street frontage landscape design.
6. Signs shall relate to the exterior architectural design of the building or structure and shall be compatible therewith.

Section 18.86.060 Design Review Board.

Creation, appointment, term of office and qualification of members and meeting times.

1. The Planning and Zoning Commission shall serve as the Design Review Board until such a time the Town Council finds it necessary to appoint a separate Design Review Board. At that time the Council will establish provisions for the creation, appointment, term of office, qualifications of each member and meeting times.

Section 18.86.070 Powers and Duties.

The Design Review Board shall have the power to approve, conditionally approve or disapprove all applications for design review, basing its decisions on the criteria set forth in section 18.86.050. It is the responsibility of the applicant to submit adequate material on which the Board may make a determination as to the compliance of the proposed development with the terms of this Section. The Board after hearing an application shall impose such reasonable conditions, as it may deem necessary to carry out the provisions and intent of this Section. Such approval as is granted by the Board shall become effective in ten (10) days unless the applicant appeals the Board's decision as set forth in Section 18.86.080. In case of such

appeal, the approval shall be voided until the Town Council acts on the matter. Approval shall be valid for the period of one (1) year from the date of approval by the Board or the Town Council. The board upon resubmittal may reconsider applications, which have been disapproved by the Board, by the applicant. The Design Review Board provided such extension is requested prior to the date of expiration may grant extensions to the one-year.

1. Under the following circumstances, the Planning and Zoning Administrator may approve a sign without going to the Board if in the opinion of the Planning and Zoning Administrator, the sign follows the criteria set forth in Section 18.86.050. The Planning and Zoning Administrator shall have the same duties and powers of the Board in regard to signs. If there are problems, which cannot be resolved between the planning staff and the applicant, the matter will be referred to the Board.
2. Under the following circumstances, the Planning and Zoning Administrator may approve a building or structure without going to the Board:
 - A. The building or structure is either an addition or an accessory to an existing building and the structure does not exceed 500 square feet or a minor revision of a building or structure previously approved by the Board.
 - B. The addition or accessory does not substantially alter the appearance of the site as seen from off site.
 - C. The accessory or addition is compatible with existing buildings or structures. The intent of this Section is that the addition or accessory shall not have what is commonly referred to as a “tack on or sore thumb” appearance or constitute an “eye sore” to the adjacent area.
 - D. That all proposed and existing buildings, structures, signs and landscaping on the site conforms to or is made to conform to the criteria set forth in section 18.86.050.
 - E. The planning and zoning Administrator shall have the same duties and powers as the Board in regard to these buildings or structures. If there are any problems, which cannot be resolved between the Planning and Zoning Staff and the applicant, the matter will be referred to the Board.

Section 18.86.080. Appeals.

The applicant for the design review, or the Planning and Zoning Administrator with the consent of the Town Manager, or any member of the Town Council may appeal any decision of the Design Review Board to the Town Council by filing written notice of the appeal with the Town Clerk within ten (10) calendar days from the date of the Board's action. Notice of such appeal and the date for its consideration by the Town Council meeting at which such appeal is to be heard. The Town Council, on appeal, by this section, shall take legal action on such appeal within thirty (30) days of its initial consideration.