

# *OWOSSO*

## *Planning Commission*



Regular Meeting  
7:00pm, Monday, May 28, 2013  
Owosso City Council Chambers

**AGENDA**  
*Owosso Planning Commission*

Monday, May 28, 2013 at 7:00 p.m.  
Council Chambers – Owosso City Hall  
Owosso, MI 48867

CALL MEETING TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA:            May 28, 2013

APPROVAL OF MINUTES:        April 22, 2013

COMMUNICATIONS:

1.     Staff memorandum
2.     PC minutes from April 22, 2013
3.     Design standards text

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:            None

SITE PLAN REVIEW:          None

BUSINESS ITEMS:

1.     Design standards

ITEMS OF DISCUSSION: None

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT:                Next meeting will tentatively on Monday, June 24, 2013!

**Commissioners, please call Marty at 725-0540 if you will be unable to attend the meeting on Monday, March 25, 2013**

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy Kirkland, City Clerk, 301 W. Main St, Owosso, MI 48867 (989) 725-0500] . The City of Owosso website is: [www.ci.owosso.mi.us](http://www.ci.owosso.mi.us)

**Affirmative Resolutions**  
***Owosso Planning Commission***

Monday, May 28, 2013 at 7:00 p.m.  
Council Chambers – Owosso City Hall  
Owosso, MI 48867

**Resolution 130528-01**

Motion: \_\_\_\_\_  
Support: \_\_\_\_\_

The Owosso Planning Commission hereby approves the agenda of May 28, 2013 as presented.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

**Resolution 130528-02**

Motion: \_\_\_\_\_  
Support: \_\_\_\_\_

The Owosso Planning Commission hereby approves the minutes of April 22, 2013 as presented.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

**Resolution 130528-03**

Motion: \_\_\_\_\_  
Support: \_\_\_\_\_

The Owosso Planning Commission hereby recommends approval of the design guidelines ordinance to the city council, as attached, with the following changes:

- 1.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

**Resolution 130528-04**

Motion: \_\_\_\_\_  
Support: \_\_\_\_\_

The Owosso Planning Commission hereby adjourns the May 28, 2013 meeting, effective at \_\_\_\_\_pm.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved: \_\_\_\_\_

Denied: \_\_\_\_\_



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

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# *MEMORANDUM*

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DATE: May 20, 2013  
TO: Chairman Wascher and the Owosso Planning Commission  
FROM: Adam Zettel, AICP  
RE: Planning Commission Meeting: May 28, 2013

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**The planning commission shall convene at 7:00pm on Monday, May 28, 2013 in the city council chambers of city hall.** We will be meeting again to deliberate on the design standards for the city in light of the recent public hearings.

The temporary uses ordinance was recommended for approval by the commission last month so that will not be on the agenda again unless someone on the commission requests to spend some more time on it. I intend to provide complete ordinance copies of the design guidelines to the public at the meeting so an informed discussion can occur if the commission desires to have more engagement at this point. The FAQ and posting of the ordinance drafts are still available online, but this meeting has not been as heavily promoted as the previous ones, with the intent being to have more commission discussion this time..

Please carefully read the draft ordinance as attached. If you want to speak with me, call my cell phone at 989.890.1394. Please **RSVP for the meeting**. I look forward to seeing you all on the 28th!

**MINUTES**  
**REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION**  
**Council Chambers, City Hall**  
**April 22, 2013 – 7:00 pm**

**CALL TO ORDER:** Meeting was called to order at 7:00 p.m. by Chairman William Wascher.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited by all in attendance.

**ROLL CALL:** Roll Call was taken by Recording Secretary Marty Stinson.

**MEMBERS PRESENT:** Chairman William Wascher; Vice-Chairman Frank Livingston; Commissioners David Bandkau, Tom Kurtz, Cindy Popovitch, Brent Smith, and Thomas Taylor.

**MEMBERS ABSENT:** Secretary Melvin Renfrow; and Commissioner Ron Schlaak.

**OTHERS PRESENT:** Adam Zettel, Assistant City Manager and Director of Community Development; Tom Manke, Friends and Community News and Views; and Christopher A. Grzenkovicz, P.E. of DESINE INC

**AGENDA APPROVAL:**

**MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER BANDKAU TO APPROVE THE AGENDA FOR APRIL 22, 2013 WITH THE CHANGE OF MOVING UP BUSINESS ITEM No. 1 SITE PLAN REVIEW BEFORE THE PUBLIC HEARINGS. YEAS ALL. MOTION CARRIED.**

**MINUTES APPROVAL:**

**MOTION BY COMMISSIONER POPOVITCH, SUPPORTED BY COMMISSIONER KURTZ TO APPROVE THE MINUTES OF THE MEETING OF MARCH 25, 2013 WITH THE FOLLOWING REVISION:**

**REMOVE:**

**Commissioner Popovitch stated we are experiencing plummeting property values and taxes. City services are requested. I want my neighborhood to be secure and the whole city safe. We need to continue the standards.**

**AND REPLACE WITH:**

**Commissioner Popovitch stated we are experiencing plummeting property values and tax revenue to the City. Citizens don't want their taxes increased, yet still expect their roads to be maintained, water and sewer service, snow plowed, leaves picked up, police and fire service, parks maintained, and somehow for the city to create a thriving downtown economy. City tax revenue is driven by taxation against home values. What people don't seem to grasp is that if we don't protect property values by having at least minimum standards, the value of homes will continue to decline resulting in further reduced tax revenue to the City, and further reductions in service. A house is one of the most expensive purchases that a person will make in a lifetime. Protecting the value of homes and neighborhoods and downtown buildings will help maintain the value of those investments, and will support the City revenues that allow for it to provide the services that residents want.**

**YEAS ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. PC minutes from March 25, 2013
3. Westown Mixed Use Development Plan
4. Outdoor sales and storage; temporary use text
5. Design standards text

**COMMISSIONER / PUBLIC COMMENTS:**

Mr. Tom Manke, Friends and Community News and Views, 118 S. Washington, but living in Owosso Township, commented that the city is writing too many rules and regulations. The writers to his social media site will not move into the city because of the rules. They comment that they don't need to come to meetings – they will go to social media instead.

**BUSINESS ITEMS:**

**1. Site Plan for Westown Shell - 1107 W. Main Street**

Mr. Adam Zettel, Assistant City Manager and Director of Community Development, noted that Westown was rezoned from B-4 to B-3 including this site at 1107 W. Main Street. The carwash is to be demolished and the new building will compliment the historical nature of the area. Mr. Zettel thought that the plans were well designed and that it was a great project.

Christopher A. Grzenkowicz, P.E. of DESINE INC further described the project as a Subway Restaurant on the south half with a retail area available on the north half of the first floor. The second floor would have three residential. The project would not require any new curb cuts; would have 25 parking spaces; and would be designed to be similar to the other neighborhood buildings. Discussion continued regarding parking spaces; utilities; fence; signage; drains; drive-thru lane; dumpster; and lighting.

**MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER SMITH TO RECOMMEND APPROVAL OF THE SITE PLAN DATED APRIL 1, 2013 WITH THE AMENDED LIGHTING PLAN DATED APRIL 20, 2013, FOR THE WESTOWN MIXED USE DEVELOPMENT, WITH THE FOLLOWING CHANGES:**

- 1. PARKING SPACES MUST BE SIGNED FOR RESIDENTIAL AND EMPLOYEE USE AS APPROPRIATE FOR THOSE SPACES NOT IN THE PRIMARY LOT.**
  - 2. THE PYLON SIGN MUST BE ALTERED OR RELOCATED TO MEET CLEAR VISION REQUIREMENTS.**
  - 3. THE PROJECT MUST BE REVIEWED AND APPROVED BY THE CITY UTILITY SUPERVISOR.**
  - 4. THERE MUST BE ADEQUATE VEHICLE HEADLAMP SCREENING / FENCE.**
- YEAS ALL. MOTION CARRIED.**

**PUBLIC HEARING:**

**1. Outdoor Sales and Storage; Temporary Uses**

Chairman Wascher opened the public hearing at 6:40 p.m.

Mr. Dan Harrow of Mason Street commented about Section E regarding the uses of sandwich board signs and permits. It was clarified by Mr. Zettel that only topics pertaining to the business that the sign was in front of could be on the sign. No advertising for another business is allowed. These signs will require right of way permits from the Building Official.

**MOTION BY COMMISSIONER BANDKAU, SUPPORTED BY COMMISSIONER TAYLOR TO RECOMMEND THAT SECTION F, # 2 SHOULD BE CHANGED TO 300 SQUARE FEET.**  
**YEAS ALL. MOTION CARRIED.**

**2. Design Standards**

Chairman Wascher opened the public hearing at 7:59 p.m.

Mr. Tom Manke stated that Sections 38-393, A & B are straight out lies. Discussion with board followed. Mr. Dan Harrow asked questions of the board on several sections and discussions continued with the board.

8:51 p.m. Public hearing closed.

**MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER KURTZ TO TABLE THE DESIGN STANDARDS DISCUSSION TO THE NEXT MEETING.**  
**YEAS ALL. MOTION CARRIED.**

**COMMISSIONER COMMENTS:**

Commissioner Bandkau noted that this board doesn't have a guarantee that future people won't interpret these regulations differently.

**ADJOURNMENT:**

**MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER POPOVITCH, TO  
ADJOURN AT 9:00 P.M. UNTIL MAY 27, 2013.  
YEAS ALL. MOTION CARRIED.**

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Melvin Renfrow, Secretary

mms



RESOLUTION NO. \_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO PROVIDE FOR DESIGN STANDARDS**

WHEREAS, the City of Owosso completed a master plan in 2012; and

WHEREAS, the master plan indicates that zoning changes should be pursued to modernize the city code, specifically included new design standards; and

WHEREAS, the planning commission has held a public hearing on this proposed amendment and finds the changes to meet the guidelines of the master plan.

NOW THEREFORE, BE IT RESOLVED, THE CITY OF OWOSSO ORDAINS that Chapter 38, Zoning, of the City of Owosso city code be amended as follows:

SECTION 1. REPEAL. That Section 38-393 of the *Code of Ordinances*, which read as follows, shall be repealed:

~~Sec. 38-393. Fences, walls, or screens.~~

~~(a) Definition. "Required yard" means that portion of any lot on which the erection of a main building is prohibited.~~

~~(b) Where permitted; height.~~

~~(1) In the residential districts; also the OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1 districts: Fences, walls or screens are permitted on all lots of record within required side or rear yards, provided they do not exceed six (6) feet in height, measured from the surface of the ground, and are permitted in front required yards provided they do not exceed three (3) feet if of such a nature to obstruct vision; where fencing is open weave or chain link and does not obstruct vision, the permitted height shall be four (4) feet, measured from the ground surface except as otherwise provided in this chapter.~~

~~(2) In the I-1 and I-2 districts:~~

~~a. Fences, walls and screens are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front yard and eight (8) feet in the side and rear lots. To preserve open space character in the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet.~~

~~b. Except as provided below, barbed wire strands are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel. Barbed wire is not permitted in the front yard on major streets.~~

~~(c) *Visibility at street intersections.* On any corner lot, no fence, wall or screen, whether structural or botanical, shall be more than thirty (30) inches above the curb or the centerline of the street pavement, or within twenty five (25) feet of the intersection of the two (2) right of way lines, so as to interfere with motorists' vision across the corner.~~

~~(d) *Visibility at intersections of driveways or alleys with streets.* No fence, wall or screen, whether structural or botanical, may obstruct vision within twenty (20) feet in any direction of the intersection of the edge of a driveway with the right of way line. The area of non-obstructed vision shall be between the heights of three (3) feet and ten (10) feet measured from the centerline of the street pavement.~~

~~(e) *Prohibited fences.* Except for the provisions of (b)(2)b. above and (f) below, fences, walls or structural screens may not contain barbed wire, electric current, charges of electricity or any wire fence other than a chain link fence.~~

~~(f) *Essential services and school off campus facilities and bus garages.* For essential services and off campus school facilities and bus garages, the use of barbed wire atop fences six (6) feet in height is permitted in all zoning districts with the barbed wire tilted in toward the fenced parcel.~~

~~(g) *Installation.* Any fence with an unfinished side, e.g. stockade fence, shall be installed along or about a lot line so that the finished side of the fence faces the exterior of the lot.~~

~~(h) *Permit fee.* A permit shall be required with a fee to be prescribed by resolution of the council and paid to the city treasurer.~~

SECTION 2. NAME. The amended Ordinance shall be known and cited under the existing section of "General Provisions."

SECTION 3. ADDITION. That the new Section 38-393 and 38-396, 38-397, and 38-398 which read as follows, shall be adopted:

**Section 38-393. FENCES AND HEDGES.**

- (A) A fence is defined as any partition, structure or gate that is erected as a dividing marker, barrier or enclosure.
- (B) A hedge is defined as any bush, shrub or any living green screen of any nature that serves as a dividing marker, barrier or enclosure.
- (C) Regulations applicable to R-1, R-2, RM-1, MR-2, OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1.
  - 1. A fence shall not exceed six (6) feet in height in the rear or side lot of any parcel;
  - 2. Front yard fences or hedges must be less than fifty percent (50%) solid, impervious, or of an obscuring nature above a

height of 30" above the curb or centerline of the street, and not exceed four (4) feet in total height;

3. Fences and hedges in front yards that function as exterior side yards must follow front yard restrictions unless the fence or hedge is installed or planted at least 19 feet back from the right-of-way line or follows the building line of the nearest legal structure. All such fences and hedges must meet clear vision requirements for streets, driveways, and sidewalks.
4. No fence or hedge shall extend across property lines;
5. The finished side of any fence shall face away from the property on which the fence is located;
6. No portion of any fence shall be constructed with or contain barbed wire, electric current or charge of electricity, glass, spikes or other sharp protruding objects;
7. Fences must be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction which will obstruct vision so to create a hazard to vehicular traffic or pedestrians upon the public streets and/or sidewalks shall be deemed a nuisance.
8. Fences shall not be constructed, in whole or in part, with any of the following materials:
  - (a) junk or other debris
  - (b) scrap building materials or metals
  - (c) organic materials known to be poisonous or hazardous to human or animal life
  - (d) other materials which may be deemed unsafe to person or property by the Zoning Administrator or Building Official.
9. No hedge shall be constructed with noxious weeds or grasses, as defined by PA 359 of 1941, being MCL 247.62.
10. Screening walls are required as prescribed in section 38-389.

(D) Regulations applicable to industrial districts.

1. Fences, walls and screens are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front yard and eight (8) feet in the side and rear lots. To preserve open space and aesthetic character in

the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet and all front yard fences must be black vinyl chain link or decorative in nature.

2. Except as provided below, barbed wire strands are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel. Barbed wire is not permitted in the front yard except for those located on McMillan Ave, Industrial Drive, South Street, and Aiken Road.
  3. On any corner lot, no fence, wall or screen, whether structural or botanical, shall be more than thirty (30) inches above the curb or the centerline of the street pavement, or within twenty-five (25) feet of the intersection of the two (2) right-of-way lines, so as to interfere with motorists' vision across the corner.
  4. Screening walls are required as prescribed in section 38-389.
- (E) The Zoning Administrator or Building Official may require removal, reconstruction, or repair of any fence or wall which, in their judgment is dilapidated, unsafe, or a threat to the health, safety and welfare of the residents of the City of Owosso.
- (F) A permit shall be required for new fence construction, with a fee to be prescribed by resolution of the council.

**Sec. 38-396. MECHANICAL EQUIPMENT AND UTILITIES.**

The following requirements shall apply to all site plans and new installations, not including replacement equipment and wind energy systems, for uses in the RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, and PUD zoning districts.

- (A) Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units, are permitted only in non-required side yards and in any rear yard, as determined by the Building Official/Zoning Administrator.
- (B) Mechanical equipment shall be placed no closer than three (3) feet to any lot line in the B-3 zoning district.
- (C) Any ground, building, or roof mounted mechanical equipment or utilities, including water and gas meters or related devices, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air condition equipment (HVAC), and other similar equipment, shall comply with the following standards.

1. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearances with the principal building.
2. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. All roof mounted mechanical units must be screened so they are not visible from ground level.

**Section 38-397. COMMERCIAL DESIGN REQUIREMENTS.**

The following design requirements for commercial buildings shall be applied during site plan review to development within the RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, and PUD zoning districts. These standards shall also apply to those elevations and parking areas that face a state highway and are within 200 feet of the right-of-way.

*A. Exterior building design.*

1. Buildings shall possess architectural variety, but enhance the overall cohesive community character. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.
2. Building walls and roofs over 50 feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, or awnings.
3. Window area or spandrel glass shall make up at least 20 percent or more of the exterior wall area facing the principal street(s).
4. In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this ordinance must also be satisfied.
5. Overhead doors shall not face a public street or residential district. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required by the ordinance.
6. Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and spacing of openings.

*B. Building materials.*

1. Durable building materials which provide an attractive, quality appearance must be utilized.
2. The predominant building materials (50% or more of the face) should be quality materials such as earth-toned brick, native stone, and tinted/textured concrete masonry units and/or glass products.
3. Other materials such as smooth-faced concrete block, EIFS panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure.
4. Metal roofs may be allowed if deemed by the Planning Commission to be compatible with the overall architectural design of the building.

*C. Building colors.*

1. High intensity colors such as neon, metallic, or fluorescent for the facade and/or roof of the building are prohibited except as approved by the Planning Commission.
2. Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in with the color of the building.

*D. Roof design.*

1. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
2. Roofs shall have no less than two (2) of the following features:
  - a. Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;
  - b. Overhanging eaves, extending no less than one (1) foot past the support walls;
  - c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
  - d. Three (3) or more roof slope planes.
  - e. A specific architectural element proposed by the applicant's architect that is acceptable to the City Planner and Planning Commission.

*E. Customer entrances.*

1. Each large retail establishment (15,000 square feet or more) on a site shall have clearly defined, highly visible customer entrances featuring no less than five (5) of the following:

- a. canopies or porticos;
- b. overhangs;
- c. recesses/projections;
- d. arcades;
- e. raised corniced parapets over the door;
- f. peaked roof forms;
- g. arches;
- h. outdoor patios;
- i. display windows;
- j. architectural details such as tile work and moldings which are integrated into the building structure and design;
- k. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- l. a specific architectural element proposed by the applicant's architect that is acceptable to the City Planner and Planning Commission.

2. Where additional units will be located in the large retail establishment, each such store may have at least one (1) exterior customer entrance, which shall conform to the above requirements.

3. A bike rack or other acceptable form of bike parking or storage shall be provided near the primary entrance of all commercial structures. This shall not apply to structures in the B-3 zoning district.

F. *Community amenities.* Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches, or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

G. *Signs.* Signs shall be in accordance with the city's sign ordinance. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.

H. *Natural features.* When feasible and not in direct conflict with site needs, buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees), and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan.

I. *Building location and orientation.* New buildings shall have at least one principal building entrance oriented toward the front lot line.

J. *Sidewalks.* All development shall include a provision for sidewalks within the site and within the right-of-way to provide connectivity between adjacent sites, the public realm, parking areas, primary structures, and any other on-site amenities.

### **Section 38-398 – RESIDENTIAL DWELLING DESIGN STANDARDS:**

#### A. Intent

This Section is intended to establish regulations for the construction of new residential dwellings zoned R-1 and R-2, including reconstructed and in-fill housing. The standards herein are intended to:

1. Prevent grossly dissimilar dwellings which would adversely affect the value and character of dwellings in the surrounding area.
2. Prevent adverse effects on the desirability of an area to existing or prospective homeowners.
3. Ensure the stability of the environment.
4. Promote the most appropriate use of real estate.
5. Increase the opportunity to realize the development pattern envisioned in the Owosso Master Plan.

These regulations are based on the finding that the cohesiveness and character of the city's neighborhoods are significant factors in the city's quality of life, contribute to the distinct character in the various neighborhoods and help retain property values. These regulations further ensure new housing units are harmonious with the general character of the adjacent houses and the city overall and ensure a stable housing stock. While some level of diversity is desirable, these regulations are intended to ensure the design variation of new homes is similar to the level of variation in existing homes in the immediate area, or surrounding neighborhoods with similar densities for new residential projects. The standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

#### B. Applicability



The regulations of this Section shall apply to all new single family home construction zoned R-1 and R-2. Major home expansions where the homeowner is expanding the footprint of the home by forty percent (40%) or more shall comply with subsections 38.398.D.9, 38.398.D.10, and 38.398.D.11, in addition to required building codes, to ensure the resulting home continues to maintain the character of the neighborhood. The standards shall not apply to minor home expansions, interior remodeling, or to residences outside of the one and two family zoning districts.

C. Approval

Compliance with these regulations shall be determined by the Building and Zoning Administrator at the time the building permit is reviewed and shall be based on the standards of subsection D below.

D. Standards

1. Each such dwelling unit shall comply with all pertinent building and fire codes. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
2. All construction required herein shall be commenced only after a building permit has been obtained in accordance with applicable building codes.
3. Each such dwelling unit shall comply with the minimum standards listed throughout the zoning code for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
4. Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the city's adopted building code.
5. The dwelling shall have an attached or detached structure of equal workmanship as the dwelling unit, designed for the parking and storage of vehicles. Said structure shall be functionally and aesthetically compatible in design and appearance with other residences in the surrounding area as defined in subsection 12 below. When attached to a mobile home, modular home, pre-fabricated home or pre-constructed home, said structure shall comply with all requirements of the city's building code relative to grade separation and fire restrictive requirements.
6. Each such dwelling unit shall contain a storage area equal to or greater than ten percent (10%) of the square footage

of the dwelling or one hundred (100) square feet, whichever shall be less. This storage area shall consist of a basement, attic or in a separate detached accessory structure that complies with the standards of this Section regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.

7. The roof shall have a minimum 4:12 pitch with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall be composed of metal or wood shake, asphalt, or other acceptable shingles. A roof overhang of not less than six (6) inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
8. A minimum of two (2) exterior doors shall be provided with the second one being in either the rear or side of the dwelling. All dwelling units shall be oriented toward the public right-of-way such that the façade that faces the street contains a door, windows, and other architectural features customary to the front facade of a residence.
9. The width across any front, side or rear elevation shall be a minimum of twenty (20) feet and comply in all respects with the city's building code.
10. In-fill housing or development on vacant lots in an existing platted subdivision shall consider the gross floor area and lot coverage of surrounding homes to ensure compatibility. The gross floor area and lot coverage of the proposed dwelling shall be at least ninety percent (90%) and no more than one-hundred and thirty-five percent (135%) of the average square footage of constructed single family dwellings within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit, with measurements made from the edge of the street.
11. In-fill housing or development on vacant lots in an existing platted subdivision shall maintain a consistent front building line along the street. The front yard setback of the proposed dwelling shall be no less than ninety percent (90%) and no more than one-hundred and thirty-five percent (135%) of the average established front yard setback of other single family dwelling unit within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit, with measurements made from the edge of the street.

12. Building appearance for all new single family dwelling unit construction shall be aesthetically compatible in design and appearance with other residences in the surrounding area.

Definitions for what constitutes the surrounding area are as follows:

- i. For new single family neighborhood development (in the form of a new subdivision plat or new site condominium project), the surrounding area is defined as the nearest existing neighborhoods with similar densities.
- ii. For in-fill housing development where there are one (1) or a few isolated sites being developed within the existing neighborhood (in the form of an existing lot of record or recent land division), surrounding area shall be defined as within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit; with measurements made from the edge of the lot in each direction, including the opposite side of the street.

The determination shall be made by the Building Official. In considering similarity and compatibility with the surrounding area the following features must be considered in order to meet this requirement:

- a. Exterior building material used on the proposed dwelling
- b. Roof style
- c. The design and position of windows
- d. Front entry design (presence of porches, front door location, etc.)
- e. Garage style and design

If the Building Official cannot reach a determination on architectural compatibility or the petitioner disputes the findings, the application shall be forwarded to the Planning Commission for review and final action.

#### E. Exceptions

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or

federal law or otherwise specifically required in this ordinance and pertaining to such parks.

SECTION 3. SEVERABILITY. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 4. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 5. EFFECTIVE DATE. This amendment shall become effective 20 days after passage.

SECTION 6. AVAILABILITY. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.