

ARTICLE III. APPEARANCE REVIEW**Sec. 7 1/4-35. Purpose.**

The purpose of this article is to:

- (1) Stabilize or improve property values in and adjacent to the downtown business district.
- (2) Promote civic beautification of the downtown business district.
- (3) Protect property rights and values by balancing the rights of landowners to use and improve their land with the corresponding rights of abutting and neighboring landowners to enjoy their property.
- (4) Promote the development of an economically sound and stable downtown business district.
- (6) Integrate new development harmoniously into the existing downtown business district.

(Ord. No. 918, Pt. I, 6-28-00)

Sec. 7 1/4-36. Ferndale Appearance Review Committee--Created; members.

There is hereby created the Ferndale Appearance Review Committee which shall consist of the city manager or his designee, the director of community development services and the downtown development manager.

(Ord. No. 918, Pt. I, 6-28-00)

Sec. 7 1/4-37. Same--Organization and meetings.

(a) *Election of chairperson and secretary.* The appearance review committee shall elect a chairperson who shall preside over the appearance review committee and a secretary who shall keep a record of all its proceedings.

(b) *Quorum; rules; calling of special meetings; records.* At least two members of the appearance review committee shall constitute a quorum for the transaction of its business. The appearance review committee shall adopt rules for the transaction of its business, which shall provide for the time and place of holding regular meetings. The appearance review committee shall provide for the calling of special meetings by the chairperson and at least one other member of the appearance review committee. The appearance review committee shall keep a full and complete record of its resolutions, transactions, findings and determinations, which record shall be available to the city council and to the public upon request.

(c) *Meetings to be noticed and open to public.* All meetings of the appearance review committee shall be noticed and open to the public and any person or his duly constituted representative shall be entitled to appear and be heard on any matter applicable to the business at hand before the appearance review committee makes its decision.

(d) *Numbers of votes required for approval of plans.* The concurring affirmative vote of two members of the appearance review committee shall be required for approval of plans before it for review, or for the adoption of any resolution, motion or other action by the appearance review committee.

(Ord. No. 918, Pt. I, 6-28-00)

Sec. 7 1/4-38. Applicability.

(a) This article shall apply to all development proposals, including redevelopment proposals, new construction, changes of use, leasing of vacant property (which shall mean property that has not been occupied for 90 days), substantial enlargement and/or alteration of the following: commercial and business buildings and structures in the downtown district as defined by article VI, section 19-69 of this Code.

(b) Appearance review in the downtown district shall be required for all commercial and business developments prior to the issuance of any construction or occupancy permit. Appearance review under this article is not a substitute for the zoning ordinance nor does it eliminate any site plan review by the plan commission which may be required under the zoning ordinance.

(c) The following definitions shall be used to determine applicability:

(1) New construction shall occur when new or different material is used to build, rebuild, construct or erect a building or structure on a new or existing foundation or concrete or on the ground.

(2) Substantial enlargement shall occur when the total footprint area of the structure as it existed at the time of the adoption of this article is increased by either 1,000 square feet or 20 percent in area, whichever is lesser, within any ten-year period. Enlargements of less than 1,000 square feet or 20 percent in area shall not be counted as "substantial" provided that the cumulative sum of less-than-substantial enlargement within any ten-year period does not exceed 1,000 square feet or 20 percent of the total footprint area of the structure as it existed at the time of adoption of this article. A substantial enlargement shall occur when the use of an existing structure or site increases by 50 percent as measured by seating capacity or parking requirements within any ten-year period.

(3) Substantial alteration shall occur when there is a structural change, change of location or major modification which involves more than 50 percent of the total square footage of the area of use. Normal maintenance activities such as painting, residing, re-roofing, replacing trim, railings or other nonstructural architectural details shall not constitute substantial alteration.

(Ord. No. 918, Pt. I, 6-28-00)

Sec. 7 1/4-39. Optional preappearance review meeting.

(a) Prior to submitting an application for development, the property owner, the property developer, or his authorized agent may appear informally at a regular or special meeting of the appearance review committee to discuss the proposed development.

(b) The owner or developer may present to the appearance review committee at this time, for informal review and comment, a sketch plan of the proposed development. The sketch plan should consist of a rough outline of the proposed development, and may be a free-hand, penciled sketch of the parcel, showing the proposed layout of buildings, roads and other features which may be of assistance to the appearance review committee in fully understanding the nature of the development proposals. An applicant may at this time submit a formal written request for a decision regarding the applicability of this article. The appearance review committee may waive appearance review when the appearance review committee determines at the optional preappearance review meeting that the proposed development is consistent with the purpose of the ordinance and harmonious with the existing downtown business district or that the proposed development involves property less than 1,500 square feet.

(c) The appearance review committee may request that the developer arrange for an

inspection of the site by the appearance review committee or by an individual appointed by the chairperson to act as the appearance review committee representative.

(d) No binding commitments shall be made between the developer and the appearance review committee at this stage. The purpose of the preapplication meeting shall be to understand what is proposed.

(Ord. No. 918, Pt. I, 6-28-00)

Sec. 7 1/4-40. Appearance review.

(a) *Appearance review application.* An appearance review application shall contain the following:

- (1) Identification of the existing and proposed development on the site and adjacent sites.
- (2) Building material samples and product information representing accurate color, texture, pattern, finish and range of variations of all exterior building materials proposed.
- (3) Lighting plan identifying the location, height and type of all exterior building illumination proposed.
- (4) Submission of planned signage for the exterior of the proposed development.

(b) *Meeting of appearance review committee.* Upon receipt of a completed application for appearance review, a meeting of the appearance review committee shall be scheduled and held within 30 days. At the committee meeting, the application may be approved, approved with modifications or the application denied with written findings as to how the proposed development does not meet the evaluation standards. Upon approval of a submitted application or approval with modifications, the applicant may seek appropriate construction or occupancy permits.

- (1) Any decision of the appearance review committee may be appealed to the city council and may be modified, reversed or affirmed. Such appeal shall be filed within ten business days of the committee's decision and the city council shall hear such appeal at its next regularly scheduled meeting.
- (2) Appearance review approval shall be valid for a period of six months from date of committee approval, unless a building permit is issued and construction is actually begun during that period.
- (3) Time extensions may be authorized by the appearance review committee provided the applicant demonstrates that there are circumstances, difficulties or practical hardships which make compliance with the original six months' approval period unreasonable.

(Ord. No. 918, Pt. I, 6-28-00)

Sec. 7 1/4-41. Evaluation criteria.

The following standards are to be used by the appearance review committee in considering appearance review applications. The application shall be approved, unless in the judgment of the appearance review committee the applicant is not able to reasonably meet one or more of these standards.

Applicants shall be encouraged to maintain and restore the existing historic or original character of the building to the furthest extent possible. Relationships of the proposed building to the downtown business district shall be considered. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings or structures. Such relationships shall be achieved by:

(1) Architectural design which is harmonious with the character of existing development and shall conform to a traditional national main street design concept, as set forth in (1) Guiding Design on Main Street, Section One: Building Design, written by Richard Wagner, AIA, and additional writing supplied by Frank Gilbert, Kennedy Smith and Linda S. Glisson of the National Main Street Center of the National Trust for Historic Preservation; copyrighted in 2000 by the National Trust for Historic Preservation; or (2) Building Improvement File prepared for the National Trust for Historic Preservation by Preservation/Urban Design/Inc., Ann Arbor, MI in 1978, Revised by Richard D. Wagner, AIA, in 1995 and copyrighted in 1995 by the National Trust for Historic Preservation; copies of which are maintained and available for inspection at the office of the city clerk.

(2) The use of exterior colors, facade or roof materials or the combination of colors and materials that are harmonious in hue, texture, tone and intensity with the existing building, adjacent buildings and surrounding downtown area. The use of dissonant and/or intensely colored facade materials shall be deemed inconsistent with this section. Bright or contrasting colors may be used on trim only. Mullion storefront systems shall be primed and painted, anodized or powder coated. Balconies, railings and porch structures shall be metal, wood, cast concrete or stone. Structural elements that support signage shall be primed and painted, anodized or powder-coated.

(3) The relationship of design features such as building proportions, projections and ornamental features that will create a coordinated, balanced and harmonious appearance.

(4) Proposed building construction whose architectural design is inconsistent with established architectural character shall be prohibited. A unique architectural design which complements the existing buildings in the vicinity shall be allowed.

(5) *Details:* Blank walls shall not face public rights-of-way. Architectural features customarily found on the front facade of a building such as awnings, cornice work, edge detailing and decorative finishes are encouraged.

(6) *Windows:* Upper level windows shall be vertically proportioned. Building facades at street level facing public rights of way in the downtown district shall consist of at least 50 percent window area. Tinted glass shall be prohibited in the downtown district.

(7) *Awnings:* Facades may be supplemented by awnings which shall be straight sheds or domed. Canvas and other natural fabric awnings shall be permitted. Metal and vinyl, plastic and other synthetic awnings are prohibited. The front extended edge of awnings in building blocks shall be compatible in height. Awnings in building blocks shall be compatible in color. Back-lighted and internally illuminated awnings shall be prohibited. Structural elements that support canopies shall be primed and painted, anodized or powder-coated. Awnings shall be constructed so as to discourage harborage of birds. Signage on awnings shall be restricted to the name and address of the business located on the site.

(8) *Building materials:*

a. The following exterior finish materials shall be permitted: natural clay brick, glazed brick, ceramic tile, limestone, stone, field, cobble, synthetic, etc.), precast concrete, aggregate panels, granite, marble, flat metal plates (urethane backed), standing seam metal, copper, bronze, glass, spandrel glass, glass block, molded cornices and trim, plank wood, fiber cement materials and cement plaster.

b. The following exterior finish materials shall be prohibited: vinyl siding, Dryvit or E.I.F.S., T1-11 and other plywood siding materials, and cantilevered mansard roofs.

(Ord. No. 918, Pt. I, 6-28-00; Ord. No. 963, § I, 4-14-03)