

# Memorandum



Date: May 27, 2025  
To: Downtown Design Review Committee  
From: Kristen Gundersen, Planning and Community Development Director  
Subject: **Design Review Committee and the Unified Development Code (zoning ordinance) – Draft 2 of proposed changes**

## **Background**

During the May 6<sup>th</sup> meeting, the Committee reviewed and began discussions of changes to the Unified Development Code (UDC) which was adopted in November 2025. The UDC has elements of a form-based code which provides additional language for the design of buildings to help maintain built environment characteristics found in the different zoning districts. UDC documents can also include all regulations associated with the development of land including stormwater and engineering design standards, signage, subdivision regulations to name a few.

Language found in the 2003 zoning ordinance as amended is now superseded by the UDC adopted in 2025. Properties that were located in the C-3 Central Business District are now designated as D Downtown District in the UDC.

While the DRC is referenced in three locations, other sections provide development standards for properties located in the D Downtown District. The April 1<sup>st</sup> packet included an excerpt from the UDC as it relates to development in the D Downtown District which included:

- Article III – Section 71-14 Zoning districts – establishes zoning districts
- Figure 71-A – Zoning Map
- Section 71-16 – General Requirements
- Table 71-F Downtown D Standards – provides setback and glazing requirements
- Section 71-17 – Façade requirements – language pertaining to façade regulations
- Table 71-F Façade Types – provides information regarding Shopfronts, Awning or Canopy and Common Entry
- Article 4 – Administration – Section 71-33 Review and decision-making bodies. Section 71-33.E specifically references the Design Review Committee.
- Section 71-36 Specific standards for development approval includes Table 71-V Development Review Procedures and Section 71-36.H Downtown applications – provides language for staff review and approval

## **Discussion**

Staff drafted proposed changes that were included in the May 6<sup>th</sup> packet. Due to members present and time spent discussing other agenda items, there was limited discussion on this matter. It was suggested that members review the draft document and provide written comments to be compiled

by staff and reviewed during the June 3<sup>rd</sup> meeting. Below is a summary of the original proposed changes:

1. Sections 71-5.A.9 and 71-14.A and 71-16H.12 - Creation of the Downtown Design Review Overlay District. This includes intent language for the purpose of the district and will include a map of the Downtown district for clarity. In addition, there is a short list of exceptions for design review.
2. Section 71-33.E Review and decision-making bodies – Downtown Design Review expanded existing language to include powers and duties of the committee along with where appeals are sent.
3. Sections 71-34 and 71-36 added Downtown Design Review Overlay District to notice information for clarity and updated review procedures to include staff as a decision-making body, and the planning commission as the appellant body.
4. Section 71-36.H Downtown Design review expanded section to include: 1) reference to overlay district; 2) approval process with language regarding no building or sign permits may be issued associated with exterior alterations until approval has been granted; 3) modified administrative approval to include city manager review and deleted criteria b regarding previous interpretations; 4) provided process for downtown design review committee approvals; 5) established objectives and standards for eight items associated with the exterior of the building along with appeal process; and 6) added term Downtown Design Review Overlay District to definitions under Overlay District.

Member Lysy spent time drafting proposed changes to the draft language which has been depicted in redline in the attached document. Chair Brayak provided comments also. The attached redline document in red are Mr. Lysy's comments and those shown in blue or notes from Kristen or CHRIS are from Chair Brayak. While it is best to review from the redline document, I also included a cleaned up document that auto accepted all changes, this might be easier for some to review.

Staff reviewed the proposed changes and are concerned about Section 71-34.K.4 with the reference to the meeting on-site. Meetings that do not take place at city hall require additional notice of the new location which can be difficult for interested parties to attend the meeting. Some concerns include no seating, how to record the formal meeting and what happens in inclement weather. There may be disruption while standing on the sidewalk or being across the street looking at a building to get a full view and understanding. When standing in groups there may be side conversations that the entire Board does not hear. It is strongly recommended and encouraged that members visit the property alone prior to the meeting and not engage with the applicant. Both the applicant and staff provide photographs in the agenda packet to help members remember the building.

### **Next Steps**

Review and discuss the redline document which is based on the original draft amendments. Direct staff make changes as needed.

The Planning Commission is reviewing other sections of the UDC to address concerns that have arisen since its adoption. The intent is there will be several sections amended at one time with remaining sections reviewed later.

At this time, staff is requesting the Design Review Committee review language found in the UDC and determine if any changes are necessary. Staff have confirmed with the Planning Commission that the DRC should review the existing language and direct staff to draft changes that would improve the existing document. Once the DRC is supportive of the draft changes they will be forwarded to the Planning Commission for review and inclusion in the future a larger amendment to the UDC which will require City Commission approval after two readings of the adopting ordinance and public hearings.

New language is underlined and ~~language to be deleted is stricken~~ Disregard formatting.

Sec. 71-5 Zoning districts established

A. Zoning under this chapter is limited to the following district designations.

8. Short-term rental Overlay District allows short-term rental uses to be located in specific geographic areas.

9. Downtown Design Review Overlay District establishes specific geographic areas where exterior design review by the Downtown Design Review Committee is required.

Sec. 71-14 Zoning districts

A. Official zoning map – Figure 71-A (Zoning Map shall have the following language added under “Zoning Districts”)

Overlay District

Short-Term Rental Overlay District – see Sec. 71-16.H.11

Downtown Design Review Overlay District – see Sec. 71-16.H.12

Sec. 71-16 General requirements

Section 71-16.H Establishment of zoning districts and regulations

1. through 10 - intentionally left blank (in future Tables 71-C through 71-H will be retitled)

11. Short-Term Rental Overlay District (STROD)

a. Intent. The Short-Term Rental Overlay District is established and applies to the area shown on the map in Section 71-16.H.11.c. The intent of the Short-Term Rental Overlay District is:

i. Protect and promote the health, safety and welfare of the City’s residents, property owners, visitors, and neighborhoods by allowing short-term rentals (STR) within the City under certain conditions as found in Chapter 14 of the Code of Ordinances and in certain zoning districts.

ii. Recognizes that short-term rentals may potentially promote tourism, increase property values, and provide valuable business opportunities for property owners.

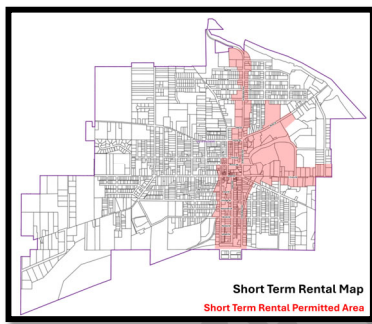
iii. Ensure that the operation of short-term rentals is done in a safe and beneficial manner for the well-being of all in the community. The character of residential zoning districts must also be protected and preserved.

iv. While short-term rentals can provide community benefits, their proliferation in residential neighborhoods can cause difficulties where character of the use takes on a more transitory and commercial character.

v. By creating the overlay district it will decrease potential conflicts with adjacent properties, limit impact on long-term housing availability and maintain the residential character of neighborhoods.

b. Basis for Regulations. Whereas in 2025, the City Commission adopted Ordinance 2025.09.443 establishing regulations that must be met for short-term rental in Chapter 14 of the Code of Ordinance which may be amended from time to time.

c. Short-term rental Areas. The Short-Term Rental Overlay Map as established in Chapter 14 of the Code of Ordinances.



d. Applicability, Exception

i. Properties located outside of the overlay district are prohibited from requesting use variances from the Zoning Board of Appeals for the establishment of a short-term rental unit.

12. Downtown Design Review Overlay District (DDR/D)

a. Intent. The Downtown Design Review Overlay District is established and applies to the area shown on the map in Section 7-1-16.H.12.c. The intent of the Downtown Design Review Overlay District is:

i. Preserve and promote the historic and architectural qualities of the City downtown and thereby preserve the distinctive character of the City. Various areas of the City, such as the area in the downtown business district, have special historical, cultural, and design significance. These areas contain and contains historic or unique sites deserving protection. The preservation and

**Commented [PL1]:** The focus and purview of the DDR/D is strictly the D Downtown District; the intent section that follows should therefore only concern itself with the D District.

appropriate development of these ~~areas/sites~~ require rules and regulations specifically addressing these distinctive characteristics.

ii. To effect and accomplish the protection, enhancement, perpetuation, and use of improvements and areas of special character or special historic and aesthetic interest or value which represent or reflect elements of the City's cultural, social, economic, ~~political~~, and architectural history or distinction.

iii. To maintain the local, "small town" atmosphere of ~~various residential and the downtown~~ business areas within the City.

iv. To insure compatibility of new development with the existing characteristics of the area.

v. To protect sensitive areas of transition from one land use to another.

vi. To protect and enhance the ~~City's downtown's~~ attractiveness to visitors and the support and stimulus to local business provided thereby.

vii. To strengthen the economy and promote improvements in the City.

viii. To promote the use of areas within the Downtown Design Review Overlay District for the education, pleasure, and welfare of the residents of the ~~VillageCity~~.

b. Downtown Design Review Areas. The Downtown Design Review Overlay District will consist of ~~all~~ properties located in the D Downtown District.

INSERT MAP OF THE D DISTRICT



c. Applicability, Exception

i. The placement of allowed ~~non-permanent~~ items such as sandwich board signage, outdoor seating, planter boxes and other similar items in accordance with adopted regulations and policies shall be excluded from the Downtown Design Review Overlay District standards of review as found in \_\_\_\_\_.

**Sec. 71-33 Review and decision making bodies.**

E. Downtown Design Review Committee

1. Powers and duties. The Downtown Design Review Committee has the following powers and duties under this chapter:

a. Downtown Design Review Overlay District. To review, hear, consider and approve, approve with conditions or disapprove applications requests.

b. Appeals to administrative decisions. To hear, review, consider and affirm, modify, or review and decisions of the Zoning Ordinance Administrator as allowed under Sec

2. Appeals. An appeal of a decision by the Downtown Design Review Committee must be filed with the City of Buchanan Planning Commission in writing within 60 days after the decision in writing is made.

~~is the decision-making body for applications subject to downtown design standards unless the proposed work qualifies for administrative approval under Sec. 71-36.1 Downtown applications:~~

~~2. The Design Review Committee meets on an as needed basis when discretionary review is required.~~

**Sec. 71-34 General provisions.**

G. Timing of notice. Unless otherwise provided in the Michigan statutes and laws or this chapter, notice will be provided as shown in [Table 71-U](#).

TABLE 71-U NOTICE TIMING		
Application	Notice Required	
	Written	Published
Text amendment	None	Planning Commission: Not less than 15 days prior to public hearing. City Commission: not less than 15 days prior to public hearing.
Zoning map amendment	Planning Commission: not less than 15 days prior to public hearing. City Commission: reasonable time prior to public hearing	Planning Commission: Not less than 15 days prior to public hearing. City Commission: not less than 15 days prior to public hearing.
Special use permits	Not less than 15 days prior to public hearing.	Not less than 15 days prior to public hearing

- Commented [PL2]:** Should "review" actually be "reverse"?
- Commented [PL3]:** I'm not what "decision of the Zoning Ordinance" means? Ordinances don't make decisions. Should this be Zoning Administrator in consultation with the City Manager?
- Commented [KG4]:** Where is the next step for appeal after PC?
- Commented [PL5]:** This timeline is different from the timeline found under "Appeal process", below.

Variance	Not less than 15 days prior to public hearing	Not less than 15 days prior to public hearing
Appeal	Not less than 15 days prior to public hearing	Not less than 15 days prior to public hearing
Downtown Design Review Overlay District	None	None

K. Review of applications by decision-making bodies.

4. Downtown Design Review Overlay District. After submission of an ~~application~~ ~~Application for downtown-Downtown design-Design review-Review~~, the ~~downtown-Downtown design-Design review-Review committee-Committee~~ will ~~hearing~~ ~~comments~~ on the application during a public meeting. Typically, the meeting will include an on-site visit to the property in question so that Committee members may observe firsthand and understand existing conditions. The ~~downtown-Downtown design-Design review-Review committee-Committee~~ will either approve, approve with conditions, or disapprove the application based on actual conditions and the relevant review standards.

**Commented [KG6]:** Can the DDRC postpone a request - KG response - yes, but a best practice would be for the applicant to agree to the postponement - they may just want the vote so they can appeal to PC and move forward

**Sec. 71-36 Specific standards for development approval.**

A. General. Table 71-V summarizes the development review procedures for all types of applications.

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES						
Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	
Text amendments	R	[R]		[DM]		N
Zoning map amendment	R	[R]		[DM]		W, N
Special use permit	R	[DM]				W, N
Variance	R		[DM]			W
Appeals of administrative decision			[DM]			W
Administrative adjustments	DM		[A]			
Site plan review	DM					
Sign permit	DM		[A]			
Temporary use permit	DM		[A]			
Certificate of zoning compliance	DM					
Downtown <del>Design design Review review</del> application	R DM	Δ			DM	
Interpretations	DM		[A]			

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES						
Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	

Key

Planning Commission	PC
Zoning Board of Appeals	ZBA
City Commission	CC
Design Review Committee	DRC
Review & Recommendations	R
Decision Making Body	DM
Appellate Body	A
Public Hearing Required	[ ]
Published Notice	N
Written Notice	W

H. ~~Downtown applications.~~ Downtown design review.

~~1. Applicability. Purpose.~~ Downtown design review is required for properties located within the Downtown Design Review Overlay District as established in Sec. 71-16.H.12.a. and applies to all proposed exterior work in the Downtown Design Review Overlay District associated with exterior alterations to existing buildings ~~such as related~~ but not limited to windows, ~~and doors, replacement,~~ awnings, signage, lighting, ~~and~~ changes to the façade such as new siding or paint; and new construction.

2. Approval Process Options. ~~No building or sign permit may be issued for work on the exterior of a building located within the Downtown Design Review Overlay District until either an Administrative approval has been issued by the zoning administrator or the Downtown Design Review Committee has approved ~~a~~ the request.~~

~~a. This subsection applies to all proposed exterior work in the D Downtown District associated with exterior alterations to existing buildings such as but not limited to window and door replacement, awnings, signage, lighting, and changes to the façade such as new siding or paint and new construction. subject to the Downtown Design Standards, including new construction, façade alterations, cosmetic upgrades, and signage.~~

a. Administrative approvals. ~~The community development director zoning Zoning administrator-Administrator along with the city-City manager-Manager may review; consider and approve, approve with condition or disapprove downtown design review. ~~permits applications for approve~~ proposed work when all of the following criteria are met:~~

i. The work does not involve the addition, ~~or removal,~~ or covering of architectural features that define the character of the building, including but not limited to cornices,

**Commented [PL7]:** What about mechanical permits which include alterations or placement of mechanical units on the exterior of a building, how do we make sure that they don't violate the Downtown Design Standards, especially standards re location and screening of mechanical units?

**Commented [KG7R2]:** Chris - should discuss sign permit as question in the past

transoms, storefront configurations, or decorative masonry.

b. ~~The work is consistent with the City of Buchanan Downtown Design Standards, including any applicable design guidance or previously issued staff interpretations. The work is located on a non-primary façade or is minimally visible from the public right-of-way, unless the proposed materials and design match the existing conditions:~~

ii. The work is limited to repainting, signage replacement, awning replacement, lighting, window or door replacement with units of the same identical size, and material, and construction, or similar minor treatments.

iii. The proposal does not require interpretation of discretionary design guidance or involve requests for exceptions to adopted standards.

2. ~~DRC referral. The community development director may refer any application to the DRC when the proposed work is unusual, precedent-setting, or potentially inconsistent with the Downtown Design Standards:~~

b. ~~Downtown Design Review Committee approvals. The downtown-Downtown design-Design review-Review committee-Committee is authorized to review and approve, approve with conditions or disapprove an application for modifications or new construction for properties located in the Downtown Design Review Overlay District in accordance with Objectives and Standards found in Sec. 71-36.Hc.~~

c. Objectives and Standards

The Downtown Design Review Committee shall review the following Objectives and Standards when reviewing requests applications for exterior work within the Downtown Design Review Overlay District.

1. Building character, context and mass

a. Objective. Each new development or exterior renovation should relate and contribute towards a positive image in terms of architectural style and details, placement, shape, scale, character, and materials, as well as relationship to adjacent buildings.

b. Standard: New development ~~should~~must maintain setbacks, and should maintain building proportions, roof and cornice lines, façade divisions, rhythm and proportions of openings, building materials, and colors that are consistent with or similar to surrounding commercial buildings, where present, and shall

**Commented [PL8]:** This is vague, what is it really referring to?

**Commented [KG9]:** The UDC D district requires a 0 bldg front setback along Front St and the remaining area may have a 12' setback - this would allow for outdoor seating on private property

adhere to with the established regulations found within this code pertaining to bulk standards and façade type requirements.

2. Architectural Style.

a. Objective. To ensure general consistency with historic architectural styles found in downtown Buchanan.

b. Standard. For new construction, historic architectural styles need not be replicated. The contemporary adaptation of elements of historic commercial architectural styles found in downtown Buchanan is encouraged. Elements should be based upon, and consistent with, an architectural inventory of the existing downtown district. Elements of multiple architectural styles should not, however, be mixed in a single building. For renovations of or additions to existing buildings, the architectural style of the existing building will inform the design of the new work, which will be consistent and harmonious with the existing building.

3. Roof Treatment.

a. Objective. Roof forms should provide visual interest that is consistent with the building adjacent rooflines and roof forms of adjacent buildings.

b. Standard. Flat roofs and low-pitch (no more than 2:12) roofs are the most common traditional downtown roof form, and should be used on all new buildings. Detailed cornices or parapets are encouraged to emphasize the roofline and conceal the roof.

4. Corner Buildings.

a. Objective. To emphasize the importance of corner locations for pedestrian circulation and visibility.

b. Standard. New buildings on corner lots should be oriented to the corner and both public streets. Both street-facing facades should be built up to the established building façade line on each block. Corner entrances may be desirable but are not required. However, both street-facing facades should maintain similar articulation, detailing, and rhythm of window openings.

c. Existing buildings on corner lots should maintain or create orientation on both public streets.

5. Building Widths and Facades

a. Objective. To reflect typical existing building widths found in the downtown River Falls and to avoid long building facades with a monolithic or monotonous appearance.

b. Standard. Buildings of more than 40 feet in width shall be divided into smaller increments (between 20 and 40 feet ~~each~~) through articulation of the facade. This can be achieved through combinations of the following techniques and others that may meet the objective, ~~as long as they all conform to a single architectural style~~; stepping back or extending forward a portion of the facade; using different textures or materials; ~~the materials should be~~ drawn from a common palette; dividing the storefronts; with separate display windows and entrances; varying the rooflines by alternating ~~dormers, parapets, stepped roofs, gables,~~ or other roof elements; using arcades, awnings, window bays, arched windows, and balconies ~~as focal points or defining elements.~~

**Commented [PL10]:** If no pitched roofs allowed then no gables either

**Commented [PL11]:** Do this mean bay windows and oriel windows, or does it mean the rhythm of the openings across the facade?

6. Materials – All elevations and roof

a. Objective. To ensure that high-quality, durable and authentic materials typical of Buchanan’s traditional downtown continue to be used.

b. Standard:

i. Primary materials: New buildings should be constructed of high-quality materials, including the following: ~~Brickbrick, Natural natural stone, Precast precast~~ concrete units and decorative concrete block ~~–p~~ (provided that surfaces are molded, serrated or textured giving the wall surface a three-dimensional character), ~~Stucco stucco, Jumbo jumbo~~ brick (which may be used on up to 30 percent of any facade, provided that it is used only on the lower third of the building wall), EIFS (exterior insulating finish system, which) may be used as an accent but not a primary material), ~~and Architectural architectural~~ metalwork.

ii. The following materials are prohibited: ~~Unadorned unadorned~~ plain or painted concrete block, ~~Fit tilt-up~~ concrete panels, ~~Prepre-~~fabricated steel or sheet metal panels, ~~Reflective reflective and or~~ darkly tinted glass, ~~siding materials which simulate wood or masonry (Aluminum, metal, vinyl, fiberglass, asphalt, or fiberboard siding), Pole pole~~ buildings

**Commented [PL12]:** What is the rationale for allowing precast concrete but not tilt-up units?

**Commented [KG12R2]:** CHRIS - historic cornices were metal - pre-fab steel or sheet. Aluminum and fiberglass - replicated materials are sometimes fiberglass

iii. Accent materials may be used on up to 15 percent of the building’s facade. These may include metal, glass, block, painted wood panels, spandrel glass or similar materials as approved by the Downtown Design Review Committee (DDRC).

iv. Existing buildings should be rehabilitated using original materials; to the extent feasible. If original features or materials cannot be restored or replicated, the primary materials listed above may be used.

v. Roofs, generally flat ~~roofs should be used or low pitch (2:12 or less).~~ ~~Covering flat roofs with gravel ballast to reduce heat gain and glare is~~

**Commented [PL13]:** Flat or low-pitch roofs are now generally membrane roofs, which don’t require ballast.

~~encouraged. Asphalt shingles and roll roofing are prohibited on flat or low-pitch roofs. New roofing material may not be terminated on the fascia or the wall below the roof, that is, the existing fascia must be retained or replaced in kind and may not be covered by the roofing material.~~

**Commented [KG14]:** The use of gravel ballast is not used very much now

5. Architectural Details.

- a. Objective. Incorporate architectural details to serve as identifiable and visually interesting enhancements to building facades and help to establish a pedestrian supportive environment.
- b. Standard. Architectural design shall be sensitive to the massing and proportion of adjacent structures, and reflect or complement the detailing of surrounding buildings, with elements such as lintels, cornice lines, balconies and decorative brick or stone work. Exterior lighting, awnings and signage shall be installed without damaging the building or visually impairing distinctive architectural features. Fasteners will be placed in mortar joints and not into masonry units.
  - i. ~~The installation of exterior lighting, awnings or signage shall be installed without damaging the building or visually impairing distinctive architectural features.~~

6. Openings in Front – Windows and Doors.

- a. Objective. To establish the visual importance of the primary street entrance, and to ensure those entries contribute to the visual attractiveness of the building and are readily visible to the customer.
- b. Standard. The main entrance should always face the primary street, with secondary entrances to the side or rear. Entries to corner oriented buildings may face the corner rather than either primary street. The main entrance of commercial, office and mixed-use facilities should be placed at sidewalk grade to facilitate ease of access.

7. Windows and Doors.

- a. Objective. Preservation of the historic character of the building and downtown. Text is needed here
- b. Standard. Historic windows and doors will be rehabilitated or repaired if possible. Replacement of historical windows or doors will either replicate or simulate the appearance of the historical unit.
  - i. The removal of existing doors and windows with and replacement by of a solid wall is typically not supported-allowed unless the applicant can provide detailed information regarding why the removal is necessary.

ii. ~~Original or historic windows and doors should be rehabilitated or repaired whenever possible. Options for dual glazing (storm panels) is the preferred method to improve energy efficiency. When rehabilitation or repair is impossible, replacement is allowed. The replacement of original doors and windows is recognized as necessary when the equipment is nonfunctioning, broken or energy efficiency is needed. The door~~

Door and window openings shall not decrease in size. When it is proposed to increase the size of an existing opening or create a new opening, clear and detailed information is necessary must be provided in the application. Care must be given not to damage or remove any existing architectural elements.

~~When original or historic doors are to be replaced, the new units must be of a similar style, have the same number and placement of panels, lights, etc., and have similar molding profiles. Historic pattern or decorative glass (glue-chip, etched, beveled, etc.) must be replaced with identical materials. When non-historic doors are to be replaced, the new doors should be of a style appropriate to the architectural style of the building. Replacement doors should be of similar design or one typical of the architecture of the building.~~

~~When original or historic windows are to be replaced, the new units must be of a similar style (i.e. double-hung, casement, fixed, etc.), have the same number and placement of lights (i.e. 6 over 6, 3 over 1, etc.), and have similar muntin widths (with no more than 1/8" variation from the original). Historic pattern or decorative glass (prism, reeded, glue-chip, etched, beveled, etc.) must be replaced with identical materials. If the window sash are not true divided light, grilles simulating muntins must be permanently installed on both the inner and outer sides of the glass.~~

~~When non-historic windows are to be replaced, the new windows should be of a style appropriate to the architectural style of the building and should otherwise follow the standards for replacement of historic windows, above.~~

~~Triple-track storm units are not allowed~~

~~Replacement windows shall be of similar design. The replacement of wood windows with \_\_\_\_\_ windows is acceptable when the design~~

**Commented [PL15]:** This clause, in and of itself, makes the replacement of historic windows a right, since people will always claim a new window is more energy-efficient than the old.

**Commented [KG15R2]:** CHRIS need to discuss fake mullins/grills

~~remains the same (i.e., windows being double-hung or 6 over 6 shall be replaced with similar windows). NEED TO DISCUSS FAKE MULLINS/GRILLES~~

**Commented [PL16]:** This gives applicants the right to replace windows whenever they want to. They should not have that right. They should be made to demonstrate that they have an actual need to replace windows.

**Commented [KG17]:** CHRIS - should the colors the city has pre-approved be specifically identified

78. Color and Use of Paint.

a. Objective. To ensure that building colors are aesthetically pleasing and compatible with surrounding buildings.

b. Standard. Principal building colors shall consist of subtle, neutral or muted colors, with low reflectance. ~~Recommended-Allowed~~ colors include browns, grays, tans, beiges, and ~~dark or~~ muted greens, blues and reds as found in the Sherwin Williams – Victorian collection. No more than two principal colors may be used on a façade or storefront. Bright, white, or primary colors shall be used only as accents, occupying a maximum of 15 percent of a building's facades. (This standard does not apply to murals or other works of public art).

i. ~~Buildings that currently have painted masonry may change paint color as stated above.~~

ii. ~~The use of paint on masonryPainting masonry surfaces is not advisedstrongly discouraged as it cannot be easily removed without damaging the masonry, often creates conditions that lead to the accelerated deterioration of the masonry, and turns a maintenance-free surface into a maintenance-required surface. Building that currently have masonry painted may change paint color as stated above.Any application to paint an unpainted masonry building must include clear, detailed, and persuasive reasons as to why painting the masonry is necessary. Simple aesthetic preference is not a sufficient reason.~~

iii. ~~Removing the paint from historically painted masonry surfaces is also strongly discouraged. Any application to remove paint in such situations must clearly demonstrate why the removal of the paint is necessary, what methods and materials are to be used in the removal, the plan for repairing or replacing deterioration which is revealed, and the planned material to be used to treat or finish the newly exposed brick.~~

89. Mechanical Equipment and Service Areas.

a. Objective. To ensure that views of rooftop equipment and services areas from public streets or pedestrian ways are minimized.

b. Standard. All rooftop equipment shall be screened from view ~~by an adult standing at ground level on~~from adjacent streets, public rights-of-way, ~~or and adjacent~~ properties. Preferably, rooftop equipment should be screened by the building parapet, or located out of view from the ground. If this is not feasible,

the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of 1 ½ times its height from any façade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.

If ~~an~~ outdoor mechanical units or storage, service, or loading areas face adjacent residential uses or are visible from a public street, alley or walkway, they~~it~~ shall be screened from view by masonry walls or plant material. Screen walls shall be architecturally compatible with the primary structure. Loading docks and loading doors shall be located to the side or rear of the building.

**Commented [PL18]:** I would think a wood-framed wall with an EIFS finish would be acceptable for this particular use.

**Commented [KG18R2]:** CHRIS - masonry walls is very restrictive

**Commented [KG18R3]:** UDC states loading and refuse collection must be located and screened so it is not visible from adjacent streets, or residential uses

d. Appeal process.

a. ~~Applications denied-A decision by the zoning Zoning administrator-Administrator may be appealed to the downtown-Downtown design-Design review-Review committeeCommittee-. the~~ The applicant shall submit a complete application for such request to the ~~planning commission-Downtown Design Review Committee~~ on such forms provided by the ~~city-City~~ for that purpose and subject to the fees set by the ~~city-City commission-Commission~~ prior to the posted submittal deadline prior to the next regularly scheduled ~~downtown-Downtown design-Design review-Review committee-Committee~~ meeting.

b. Appeals ~~from-of~~ a decision of the ~~downtown design review committee Downtown Design Review Committee~~ shall be made to the ~~planning-Planning commission-Commission~~ on such forms provided by the ~~city-City~~ for that purpose and subject to such fees set by the ~~city-City commission-Commission~~ and within 30 days after the decision in writing, or within 21 days after the ~~downtown design review committee-Downtown Design Review Committee~~ approves the meeting minutes.

**Commented [PL19]:** This timeline is different from the timeline found in 71-33 E.2, above.

c. A building permit may not be issued for proposed exterior work unless the Downtown Design Review Application has been approved or approved with conditions. An occupancy permit will not be issued until the Zoning Administrator has inspected the work and finds it is in compliance with the plans approved by the Zoning Administrator or the Downtown Design Review Committee.

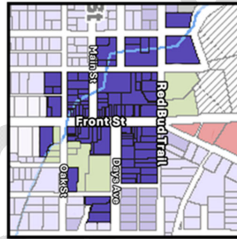
3. ~~Effect of noncompliance. Proposals determined not to comply with Downtown Design Standards may not proceed until amended to achieve compliance and receive approval from the appropriate review authority.~~

**Commented [PL20]:** What are the consequences of doing work that has not been approved? Are we relying on the building inspector to say what is submitted in the plans and what is actually built meets the approval or conditions set forth by the DDRC? Do we feel confident that that is enough to secure compliance? Will the building inspect refuse to issue an occupancy permit if work is done that was not approved by the DDRC? Should the Zoning Administrator have to sign off as well?

Overlay District: A zoning district which has definite boundaries and is superimposed over all existing zoning districts within those boundaries. The overlay district may establish additional regulations, reduce existing regulations, or extend or limit the permitted uses within the underlying zoning district. Where there is a conflict between standards in the Overlay district and the underlying Zoning district, the standards in the Overlay district shall be applied. The intent is to address particular issues that span a geographic area and may include more than one underlying zoning district or portions of underlying zoning districts.

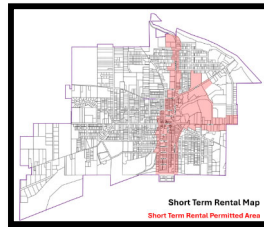
Downtown Design Review Overlay District: Establishes design review process for properties located within the district.

 **Downtown (D)**  
MAP OF THE DOWNTOWN DISTRICT



INSERT

Short-Term Rental Overlay District: Allows short-term rental with stays of less than one month as a permitted use in accordance regulations found in Chapter 14 of the Code of Ordinance.



New language is underlined and language to be deleted is stricken Disregard formatting.

Sec. 71-5 Zoning districts established

A. Zoning under this chapter is limited to the following district designations.

8. Short-term rental Overlay District allows short-term rental uses to be located in specific geographic areas.

9. Downtown Design Review Overlay District establishes specific geographic areas where exterior design review by the Downtown Design Review Committee is required

Sec. 71-14 Zoning districts

A. Official zoning map – Figure 71-A (Zoning Map shall have the following language added under “Zoning Districts”)

Overlay District

Short-Term Rental Overlay District – see Sec. 71-16.H.11

Downtown Design Review Overlay District – see Sec. 71-16.H.12

Sec. 71-16 General requirements

Section 71-16.H Establishment of zoning districts and regulations

1. through 10 - intentionally left blank (in future Tables 71-C through 71-H will be retitled)

11. Short-Term Rental Overlay District (STROD)

a. Intent. The Short-Term Rental Overlay District is established and applies to the area shown on the map in Section 71-16.H.11.c. The intent of the Short-Term Rental Overlay District is:

i. Protect and promote the health, safety and welfare of the City’s residents, property owners, visitors, and neighborhoods by allowing short-term rentals (STR) within the City under certain conditions as found in Chapter 14 of the Code of Ordinances and in certain zoning districts.

ii. Recognizes that short-term rentals may potentially promote tourism, increase property values, and provide valuable business opportunities for property owners.

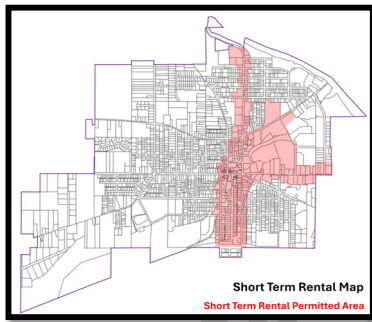
iii. Ensure that the operation of short-term rentals is done in a safe and beneficial manner for the well-being of all in the community. The character of residential zoning districts must also be protected and preserved.

iv. While short-term rentals can provide community benefits, their proliferation in residential neighborhoods can cause difficulties where character of the use takes on a more transitory and commercial character.

v. By creating the overlay district it will decrease potential conflicts with adjacent properties, limit impact on long-term housing availability and maintain the residential character of neighborhoods.

b. Basis for Regulations. Whereas in 2025, the City Commission adopted Ordinance 2025.09.443 establishing regulations that must be met for short-term rental in Chapter 14 of the Code of Ordinance which may be amended from time to time.

c. Short-term rental Areas. The Short-Term Rental Overlay Map as established in Chapter 14 of the Code of Ordinances.



d. Applicability, Exception

i. Properties located outside of the overlay district are prohibited from requesting use variances from the Zoning Board of Appeals for the establishment of a short-term rental unit.

12. Downtown Design Review Overlay District (DDR/D)

a. Intent. The Downtown Design Review Overlay District is established and applies to the area shown on the map in Section 71-16.H.12.c. The intent of the Downtown Design Review Overlay District is:

i. Preserve and promote the historic and architectural qualities of the downtown and thereby preserve the distinctive character of the City. The downtown business district has special historical, cultural, and design significance and contains historic or unique sites deserving protection. The preservation and appropriate development of these sites require rules and

**Commented [PL1]:** The focus and purview of the DDR/D is strictly the D Downtown District; the intent section that follows should therefore only concern itself with the D District.

regulations specifically addressing these distinctive characteristics.

ii. To effect and accomplish the protection, enhancement, perpetuation, and use of improvements and areas of special character or special historic and aesthetic interest or value which represent or reflect elements of the City's cultural, social, economic, , and architectural history or distinction.

iii. To maintain the local, "small town" atmosphere of and the downtown business area within the City.

iv. To insure compatibility of new development with the existing characteristics of the area.

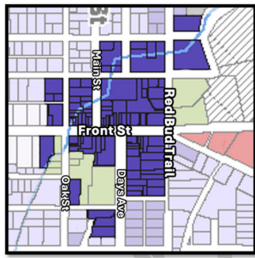
v. To protect sensitive areas of transition from one land use to another.

vi. To protect and enhance the downtown's attractiveness to visitors and the support and stimulus to local business provided thereby.

vii. To strengthen the economy and promote improvements in the City.

viii. To promote the use of areas within the Downtown Design Review Overlay District for the education, pleasure, and welfare of the residents of the City.

b. Downtown Design Review Areas. The Downtown Design Review Overlay District will consist of all properties located in the D Downtown District.



■ Downtown (D)

c. Applicability, Exception

i. The placement of allowed non-permanent items such as sandwich board signage, outdoor seating, planter boxes and other similar items in accordance with adopted regulations and policies shall be excluded from the Downtown Design Review Overlay District standards of review as found in \_\_\_\_\_.

**Sec. 71-33 Review and decision making bodies.**

E. Downtown Design Review Committee

1. Powers and duties. The Downtown Design Review Committee has the following powers and duties under this chapter:

a. Downtown Design Review Overlay District. To review, hear, consider and approve, approve with conditions or disapprove applications.

b. Appeals to administrative decisions. To hear, review, consider and affirm, modify, or review decisions of the Zoning Administrator as allowed under Sec \_\_\_\_\_.

2. Appeals. An appeal of a decision by the Downtown Design Review Committee must be filed with the City of Buchanan Planning Commission in writing within 60 days after the decision is made.

is the decision-making body for applications subject to downtown design standards unless the proposed work qualifies for administrative approval under Sec. 71-36.11 Downtown applications:

2. The Design Review Committee meets on an as needed basis when discretionary review is required.

**Sec. 71-34 General provisions.**

G. Timing of notice. Unless otherwise provided in the Michigan statutes and laws or this chapter, notice will be provided as shown in Table 71-U.

TABLE 71-U NOTICE TIMING		
Application	Notice Required	
	Written	Published
Text amendment	None	Planning Commission: Not less than 15 days prior to public hearing. City Commission: not less than 15 days prior to public hearing.
Zoning map amendment	Planning Commission: not less than 15 days prior to public hearing. City Commission: reasonable time prior to public hearing	Planning Commission: Not less than 15 days prior to public hearing. City Commission: not less than 15 days prior to public hearing.
Special use permits	Not less than 15 days prior to public hearing.	Not less than 15 days prior to public hearing
Variance	Not less than 15 days prior to public hearing	Not less than 15 days prior to public hearing
Appeal	Not less than 15 days prior to public hearing	Not less than 15 days prior to public hearing

**Commented [PL2]:** Should "review" actually be "reverse"?

**Commented [KG3]:** Where is the next step for appeal after PC?

**Commented [PL4]:** This timeline is different from the timeline found under "Appeal process", below.

Downtown Design Review Overlay District	None	None
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K. Review of applications by decision-making bodies.

4. Downtown Design Review Overlay District. After submission of an Application for Downtown Design Review, the Downtown Design Review Committee will hear comments on the application during a public meeting. Typically, the meeting will include an on-site visit to the property in question so that Committee members may observe firsthand and understand existing conditions. The Downtown Design Review Committee will either approve, approve with conditions, or disapprove the application based on actual conditions and the relevant review standards.

**Commented [KG5]:** Can the DDRC postpone a request - KG response - yes, but a best practice would be for the applicant to agree to the postponement - they may just want the vote so they can appeal to PC and move forward

**Sec. 71-36 Specific standards for development approval.**

A. General. Table 71-V summarizes the development review procedures for all types of applications.

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES						
Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	
Text amendments	R	[R]		[DM]		N
Zoning map amendment	R	[R]		[DM]		W, N
Special use permit	R	[DM]				W, N
Variance	R		[DM]			W
Appeals of administrative decision			[DM]			W
Administrative adjustments	DM		[A]			
Site plan review	DM					
Sign permit	DM		[A]			
Temporary use permit	DM		[A]			
Certificate of zoning compliance	DM					
Downtown design review application	R DM	Δ			DM	
Interpretations	DM		[A]			

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES						
Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	

Key

- Planning Commission PC
- Zoning Board of Appeals ZBA
- City Commission CC
- Design Review Committee DRC
- Review & Recommendations R
- Decision Making Body DM

Appellate Body	A
Public Hearing Required	[ ]
Published Notice	N
Written Notice	W

H. ~~Downtown applications.~~ Downtown design review.

1. ~~Applicability.~~ Purpose. Downtown design review is required for properties located within the Downtown Design Review Overlay District as established in Sec. 71-16.H.12.a. and applies to all proposed exterior work in the Downtown Design Review Overlay District associated with exterior alterations to existing buildings related but not limited to windows, doors, awnings, signage, lighting; changes to the façade such as new siding or paint; and new construction.

2. Approval Process Options. No building or sign permit may be issued for work on the exterior of a building located within the Downtown Design Review Overlay District until either an Administrative approval has been issued by the zoning administrator or the Downtown Design Review Committee has approved the request.

a. ~~This subsection applies to all proposed exterior work in the D Downtown District associated with exterior alterations to existing buildings such as but not limited to window and door replacement, awnings, signage, lighting, and changes to the façade such as new siding or paint and new construction. subject to the Downtown Design Standards, including new construction, façade alterations, cosmetic upgrades, and signage.~~

a. Administrative approvals. The community development director Zoning Administrator along with the City Manager may review, consider and approve, approve with condition or disapprove downtown design review applications for proposed work when all of the following criteria are met:

i. The work does not involve the addition, removal, or covering of architectural features that define the character of the building, including but not limited to cornices, transoms, storefront configurations, or decorative masonry.

b. The work is consistent with the City of Buchanan Downtown Design Standards, including any applicable design guidance or previously issued staff interpretations. The work is located on a non-primary façade or is minimally visible from the public right-of-way, unless the proposed materials and design match the existing conditions.

**Commented [PL6]:** What about mechanical permits which include alterations or placement of mechanical units on the exterior of a building, how do we make sure that they don't violate the Downtown Design Standards, especially standards re location and screening of mechanical units?

**Commented [KG6R2]:** Chris - should discuss sign permit as question in the past

- ii. The work is limited to repainting, signage replacement, awning replacement, lighting, window or door replacement with units of the identical size, material, and construction, or similar minor treatments.
- iii. The proposal does not require interpretation of discretionary design guidance or involve requests for exceptions to adopted standards.

**Commented [PL7]:** This is vague, what is it really referring to?

~~2. DRC referral. The community development director may refer any application to the DRC when the proposed work is unusual, precedent-setting, or potentially inconsistent with the Downtown Design Standards.~~

~~b. Downtown Design Review Committee approvals. The Downtown Design Review Committee is authorized to review and approve, approve with conditions or disapprove an application for modifications or new construction for properties located in the Downtown Design Review Overlay District in accordance with Objectives and Standards found in Sec. 71-36.c.~~

~~c. Objectives and Standards~~

~~The Downtown Design Review Committee shall review the following Objectives and Standards when reviewing applications for exterior work within the Downtown Design Review Overlay District.~~

~~1. Building character, context and mass~~

~~a. Objective. Each new development or exterior renovation should relate and contribute towards a positive image in terms of architectural style and details, placement, shape, scale, character, and materials, as well as relationship to adjacent buildings.~~

~~b. Standard: New development must maintain setbacks, and should maintain building proportions, roof and cornice lines, façade divisions, rhythm and proportions of openings, building materials, and colors that are consistent with or similar to surrounding commercial buildings, where present, and shall adhere to the established regulations found within this code pertaining to bulk standards and façade type requirements.~~

**Commented [KG8]:** The UDC D district requires a 0 bldg front setback along Front St and the remaining area may have a 12' setback - this would allow for outdoor seating on private property

~~2. Architectural Style.~~

~~a. Objective. To ensure general consistency with historic architectural styles found in downtown Buchanan.~~

~~b. Standard. For new construction, historic architectural styles need not be replicated. The contemporary adaptation of elements of historic commercial architectural styles found in downtown Buchanan is encouraged. Elements~~

should be based upon, and consistent with, an architectural inventory of the existing downtown district. Elements of multiple architectural styles should not, however, be mixed in a single building. For renovations of or additions to existing buildings, the architectural style of the existing building will inform the design of the new work, which will be consistent and harmonious with the existing building.

3. Roof Treatment.

- a. Objective. Roof forms should provide visual interest that is consistent with the roof forms of adjacent buildings.
- b. Standard. Flat roofs and low-pitch (no more than 2:12) roofs are the most common traditional downtown roof form, and should be used on all new buildings. Detailed cornices or parapets are encouraged to emphasize the roofline and conceal the roof.

4. Corner Buildings.

- a. Objective. To emphasize the importance of corner locations for pedestrian circulation and visibility.
- b. Standard. New buildings on corner lots should be oriented to the corner and both public streets. Both street-facing facades should be built up to the established building façade line on each block. Corner entrances may be desirable but are not required. However, both street-facing facades should maintain similar articulation, detailing, and rhythm of window openings.
- c. Existing buildings on corner lots should maintain or create orientation on both public streets.

5. Building Widths and Facades

- a. Objective. To reflect typical existing building widths found in the downtown and to avoid long building facades with a monolithic or monotonous appearance.
- b. Standard. Buildings of more than 40 feet in width shall be divided into smaller increments (between 20 and 40 feet each) through articulation of the facade. This can be achieved through combinations of the following techniques and others that may meet the objective, as long as they all conform to a single architectural style: stepping back or extending forward a portion of the façade; using different textures or materials drawn from a common palette; dividing the storefronts with separate display windows and entrances; varying the rooflines by alternating parapets, stepped roofs, or other roof elements; using

arcades, awnings, window bays, arched windows, and balconies as focal points or defining elements.

**Commented [PL9]:** Do this mean bay windows and oriel windows, or does it mean the rhythm of the openings across the façade?

6. Materials – All elevations and roof

a. Objective. To ensure that high-quality, durable and authentic materials typical of Buchanan’s traditional downtown continue to be used.

b. Standard:

i. Primary materials: New buildings should be constructed of high-quality materials, including the following: brick, natural stone, precast concrete units and decorative concrete block (provided that surfaces are molded, serrated or textured giving the wall surface a three-dimensional character), stucco, jumbo brick (which may be used on up to 30 percent of any façade, provided that it is used only on the lower third of the building wall), EIFS (exterior insulating finish system, which may be used as an accent but not a primary material), architectural metalwork.

ii. The following materials are prohibited: unadorned plain or painted concrete block, tilt-up concrete panels, pre-fabricated steel or sheet metal panels, reflective or darkly tinted glass, siding materials which simulate wood or masonry (metal, vinyl, fiberglass, asphalt, or fiberboard), pole buildings

**Commented [PL10]:** What is the rationale for allowing precast concrete but not tilt-up units?

**Commented [KG10R2]:** CHRIS - historic cornices were metal - pre-fab steel or sheet. Aluminum and fiberglass - replicated materials are sometimes fiberglass

iii. Accent materials may be used on up to 15 percent of the building’s façade. These may include metal, glass, block, painted wood panels, spandrel glass or similar materials as approved by the Downtown Design Review Committee (DDRC).

iv. Existing buildings should be rehabilitated using original materials to the extent feasible. If original features or materials cannot be restored or replicated, the primary materials listed above may be used.

v. Roofs, generally flat or low pitch (2:12 or less). Asphalt shingles and roll roofing are prohibited on flat or low-pitch roofs. New roofing material may not be terminated on the fascia or the wall below the roof, that is, the existing fascia must be retained or replaced in kind and may not be covered by the roofing material.

**Commented [KG11]:** The use of gravel ballast is not used very much now

5. Architectural Details.

a. Objective. Incorporate architectural details to serve as identifiable and visually interesting enhancements to building facades and help to establish a pedestrian supportive environment.

b. Standard. Architectural design shall be sensitive to the massing and

proportion of adjacent structures, and reflect or complement the detailing of surrounding buildings, with elements such as lintels, cornice lines, balconies and decorative brick or stone work. Exterior lighting, awnings and signage shall be installed without damaging the building or visually impairing distinctive architectural features. Fasteners will be placed in mortar joints and not into masonry units.

6. Openings in Front

a. Objective. To establish the visual importance of the primary street entrance, and to ensure those entries contribute to the visual attractiveness of the building and are readily visible to the customer.

b. Standard. The main entrance should always face the primary street, with secondary entrances to the side or rear. Entries to corner oriented buildings may face the corner rather than either primary street. The main entrance of commercial, office and mixed-use facilities should be placed at sidewalk grade to facilitate ease of access.

7. Windows and Doors

a. Objective. Preservation of the historic character of the building and downtown.  
Text is needed here

b. Standard. Historic windows and doors will be rehabilitated or repaired if possible. Replacement of historical windows or doors will either replicate or simulate the appearance of the historical unit.

i. The removal of existing doors and windows and replacement by a solid wall is typically not allowed unless the applicant can provide detailed information regarding why the removal is necessary.

ii. Original or historic windows and doors should be rehabilitated or repaired whenever possible. Options for dual glazing (storm panels) is the preferred method to improve energy efficiency. When rehabilitation or repair is impossible, replacement is allowed.

Door and window openings shall not decrease in size. When it is proposed to increase the size of an existing opening or create a new opening, clear and detailed information must be provided in the application. Care must be given not to damage or remove any existing architectural elements.

When original or historic doors are to be replaced, the new units must be of a similar style, have the same number and placement of panels, lights, etc., and have similar molding profiles. Historic pattern or

decorative glass (glue-chip, etched, beveled, etc.) must be replaced with identical materials. When non-historic doors are to be replaced, the new doors should be of a style appropriate to the architectural style of the building.

When original or historic windows are to be replaced, the new units must be of a similar style (i.e. double-hung, casement, fixed, etc.), have the same number and placement of lights (i.e. 6 over 6, 3 over 1, etc.), and have similar muntin widths (with no more than 1/8" variation from the original). Historic pattern or decorative glass (prism, reeded, glue-chip, etched, beveled, etc.) must be replaced with identical materials. If the window sash are not true divided light, grilles simulating muntins must be permanently installed on both the inner and outer sides of the glass.

When non-historic windows are to be replaced, the new windows should be of a style appropriate to the architectural style of the building and should otherwise follow the standards for replacement of historic windows, above.

Triple-track storm units are not allowed

8. Color and Use of Paint.

a. Objective. To ensure that building colors are aesthetically pleasing and compatible with surrounding buildings.

b. Standard. Principal building colors shall consist of subtle, neutral or muted colors, with low reflectance. Allowed colors include browns, grays, tans, beiges, and muted greens, blues and reds as found in the Sherwin Williams – Victorian collection. No more than two principal colors may be used on a façade or storefront. Bright, white, or primary colors shall be used only as accents, occupying a maximum of 15 percent of a building’s facades. (This standard does not apply to murals or other works of public art).

i. Buildings that currently have painted masonry may change paint color as stated above.

ii. Painting masonry surfaces is strongly discouraged as it cannot be easily removed without damaging the masonry, often creates conditions that lead to the accelerated deterioration of the masonry, and turns a maintenance-free surface into a maintenance-required surface. Any application to paint an unpainted masonry building must include clear, detailed, and persuasive reasons as to why painting the masonry is

**Commented [KG12]:** CHRIS - should the colors the city has pre-approved be specifically identified

necessary. Simple aesthetic preference is not a sufficient reason.

- iii. Removing the paint from historically painted masonry surfaces is also strongly discouraged. Any application to remove paint in such situations must clearly demonstrate why the removal of the paint is necessary, what methods and materials are to be used in the removal, the plan for repairing or replacing deterioration which is revealed, and the planned material to be used to treat or finish the newly exposed brick.

9. Mechanical Equipment and Service Areas.

- a. Objective. To ensure that views of rooftop equipment and services areas from public streets or pedestrian ways are minimized.
- b. Standard. All rooftop equipment shall be screened from view by an adult standing at ground level on adjacent streets, public rights-of-way, or properties. Preferably, rooftop equipment should be screened by the building parapet, or located out of view from the ground. If this is not feasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of 1 ½ times its height from any façade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.

If outdoor mechanical units or storage, service, or loading areas face adjacent residential uses or are visible from a public street, alley or walkway, they shall be screened from view by masonry walls or plant material. Screen walls shall be architecturally compatible with the primary structure. Loading docks and loading doors shall be located to the side or rear of the building.

d. Appeal process.

- a. A decision by the Zoning Administrator may be appealed to the Downtown Design Review Committee. The applicant shall submit a complete application for such request to the Downtown Design Review Committee on such forms provided by the City for that purpose and subject to the fees set by the City Commission prior to the posted submittal deadline prior to the next regularly scheduled Downtown Design Review Committee meeting.
- b. Appeals of a decision of the Downtown Design Review Committee shall be made to the Planning Commission on such forms provided by the City for that purpose and subject to such fees set by the City Commission and within 30 days after the decision in writing, or within 21 days after the Downtown Design Review Committee approves the meeting minutes.
- c. A building permit may not be issued for proposed exterior work unless the Downtown Design Review Application has been approved or approved with conditions. An occupancy permit will not be issued until the Zoning

**Commented [PL13]:** I would think a wood-framed wall with an EIFS finish would be acceptable for this particular use.

**Commented [KG13R2]:** CHRIS - masonry walls is very restrictive

**Commented [KG13R3]:** UDC states loading and refuse collection must be located and screened so it is not visible from adjacent streets, or residential uses

**Commented [PL14]:** This timeline is different from the timeline found in 71-33 E.2, above.

Administrator has inspected the work and finds it is in compliance with the plans approved by the Zoning Administrator or the Downtown Design Review Committee.


3. Effect of noncompliance. Proposals determined not to comply with Downtown Design Standards may not proceed until amended to achieve compliance and receive approval from the appropriate review authority.

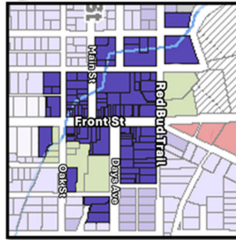
**Commented [PL15]:** What are the consequences of doing work that has not been approved? Are we relying on the building inspector to say what is submitted in the plans and what is actually built meets the approval or conditions set forth by the DDRC? Do we feel confident that that is enough to secure compliance? Will the building inspect refuse to issue an occupancy permit if work is done that was not approved by the DDRC? Should the Zoning Administrator have to sign off as well?

#### Article V. DEFINITIONS

Overlay District: A zoning district which has definite boundaries and is superimposed over all existing zoning districts within those boundaries. The overlay district may establish additional regulations, reduce existing regulations, or extend or limit the permitted uses within the underlying zoning district. Where there is a conflict between standards in the Overlay district and the underlying Zoning district, the standards in the Overlay district shall be applied. The intent is to address particular issues that span a geographic area and may include more than one underlying zoning district or portions of underlying zoning districts.

Downtown Design Review Overlay District: Establishes design review process for properties located within the district.

 Downtown (D)



Short-Term Rental Overlay District: Allows short-term rental with stays of less than one month as a permitted use in accordance regulations found in Chapter 14 of the Code of Ordinance.

