

## **Oelwein Central Business District Overlay Ordinance - DRAFT**

**1.0 Purpose and Intent:** The Central Business District (CBD) Overlay Zoning Ordinance is intended to supplement one or more established Base Zones, in order to conserve the historic character, enhance the visual appearance of gateway corridors and advance the public welfare resulting from enhanced economic opportunities and the quality of life for the City of Oelwein.

**2.0 Applicability:** This Overlay District is intended to function as an “overlay” to the underlying Base Zones, in addition to other applicable provisions of the Oelwein Municipal Code. The restrictions, regulations, and guidelines on development and construction set forth by this Section shall apply to the CBD Overlay Zoning District shown on the Official City Zoning Map. If the regulations, restrictions, and guidelines of the Overlay Zoning District require standards, height regulations, bulk regulations, open space and landscaping requirements, off-street parking, and loading requirements, buffer requirements, architectural standards, sign regulations, lighting standards, or other requirements or standards which are different than those set forth in the underlying zoning district, the requirements and standards of this section shall apply.

### **3.0 Definitions:**

3.1 Applications: Also called permits or plan of improvements, refers to the application submitted to the City Building Inspector requesting that a permit be granted authorizing the applicant and/or a representative of the owner to carry out improvements to the exterior of the building.

3.2 Board of Zoning Adjustment: A body appointed by the city council to review and in appropriate cases grant special exceptions to the terms of ordinances – otherwise known as granting zoning variances.

3.3 Central Business District Overlay Zoning Ordinance District: This includes the area as depicted in Exhibit B of the Oelwein Central Business District Architectural Design Guidelines. Further, this Ordinance does not affect properties used for single-family residential purposes.

3.4 Design Review Board: A five to seven member body that reviews proposed alterations and/or construction and demolition of properties within the Central Business District Zoning Overlay Area.

3.5 Façade: The exterior area of a building.

3.6 Historic Building: a structure constructed 50 or more years ago.

3.7 Landscape: Living or non-living materials used to augment or accentuate the beauty or useability of an area. Amenities may include, but are not limited to: vegetation, flower gardens, tables, sculptures, monuments, benches, gardens, banners, enhanced pavement, pedestrian areas, and planters.

3.8 Non-Historic Building: Buildings that do not generally fit into the style of historic building types.

3.9 Oelwein Central Business District Design Standards Manual: This document provides guidance to building owners and/or contractors, staff, the Design Review Board, and others planning, reviewing, and formulating recommendations, or making decisions relative to exterior building improvement(s) and new construction project(s) within the boundary of the CBD Overlay Zoning District.

- 3.10 Ornamentation: Ornamentation is typically found on cornices, window heads and sills, corner details and other special conditions on the façade. Traditional materials used to construct ornamentation includes decorative brick work, terra cotta, metal, limestone, or other decorative features associated with the exterior of the building.
- 3.11 Overlay District/Area: Districts which are placed “over” the base zoning to modify the development guidelines and achieve a specific purpose for that area. The regulations of the underlying zoning district and all other regulations, remain in effect. If any regulations conflict with the underlying zoning, the Overlay requirements prevail.
- 3.12 Planning and Zoning Commission: A seven member body appointed by the City Council to review and make recommendations regarding, plats, site development plans, change of zoning requests, and issuance of conditional use permits. Except for the later, the Commission submits its recommendation to the City Council for final action. In cases involving requests for Conditional Use Permits, the Commission’s recommendation is forwarded to the Board of Zoning Adjustment.

**4.0 Creation of the Design Review Board:** The City Council shall appoint a Design Review Board that will consist of at least five but no more than seven members. Appointments to this board shall consist of one to two representatives from the Oelwein Planning and Zoning Commission; one representative from the Oelwein Area Chamber of Commerce; one business owner from the affected area; one representative with education in historic preservation, architecture, landscape architecture or similar background; and no more than two representatives from the public at-large. No building or zoning permit shall be issued and no grading, excavation, demolition, construction, or change in use shall occur within the Central Business District Zoning Overlay Area until the proposed project is reviewed by this body. The Design Review Board shall review applications requesting the issuance of a building, zoning or other permit affecting alterations, including exterior painting, of existing buildings; or demolition; or construction of buildings within the CBD Zoning Overlay District and forward a recommendation to the Planning and Zoning Commission and City Council for final action. The Design Review Board shall consider such applications prior to consideration by the Planning and Zoning Commission or the City Council.

**5.0 Appeals Process:** Subject to the provisions cited in Article VII of the Oelwein Zoning Ordinance, the Board of Zoning Adjustment shall consider requests for any party affected by provisions of said Ordinance.

**6.0 Relationship to the Downtown Design Standards Manual:** The *Oelwein Central Business District Design Standards Manual* includes guidelines for the rehabilitation, alteration, and protection of historic buildings, non-historic buildings, and new construction. The manual is meant to serve as a helpful aid for design and review of downtown projects. The guidelines address character-defining physical attributes as identified by a citizen task force, to help facilitate the preservation and enhancement of exterior building features that are unique to the character of downtown Oelwein. The Design Review Board may use this Manual as a basis for formulating conditions and/or design recommendations that are forwarded to the Planning and Zoning Commission and City Council for action.

**7.0 Approval Process:** The City Council, in its sole discretion and after receiving a recommendation from the Design Review Board, and Planning and Zoning Commission, may approve the plan of improvements as presented or condition its approval subject to taking necessary actions on a case-by-case basis to add materials that contain sufficient architectural relief, avoid detracting from the desired aesthetic character of the building and surrounding area, or implement other necessary measures as deemed appropriate by the City Council.

**8.0 Preservation of Historic Buildings:** The restrictions, regulations and guidelines on development, construction, alterations, and renovations set forth by this section shall apply to the Central Business District Overlay Zoning Area. Any proposed alteration to the exterior of any structure that was constructed fifty (50) or more years ago is subject to review and approval by the Oelwein Design Review Board. The Board will consider any impact on the visual appearance of proposed alterations and the impact of proposed improvements on the character of the district as a whole. Applicable provisions of this Ordinance and the Central Business District Design Standards Manual will be applied by the Board as applications for exterior improvements are proposed.

**9.0 Construction or Alteration of Non Historic Buildings:** The restrictions, regulations and guidelines on development, construction, alterations, and renovations set forth by this section shall apply to the Central Business District Overlay Zoning Area. Any proposed alteration to the exterior of any structure is subject to review and approval by the Oelwein Design Review Board. The Board will consider any impact on the visual appearance of proposed alterations and the impact of proposed improvements on the character of the district as a whole. Applicable provisions of this ordinance and the Central Business District Design Standards Manual will be applied by the Board as applications for exterior improvements are proposed.

**10.0 Construction of New Buildings:** The restrictions, regulations and guidelines on development or construction set forth by this section shall apply to the Central Business District Overlay Zoning Area. Proposed construction of new buildings within the referenced Overlay Area, is subject to review and approval by the Oelwein Design Review Board. The Board will consider any impact on the visual appearance of proposed exterior improvements and the impact of proposed improvements on the character of the district as a whole. Applicable provisions of this ordinance and the Central Business District Design Standards Manual will be applied by the Board as applications for exterior improvements are proposed.

**11.0 Sign Requirements:** All planned sign improvements within this district are subject to the review and approval of the Design Review Board. Unless otherwise specified, the Board shall consider the location of signs, size of signs, materials used to construct new sign(s) or improve existing sign(s), and the character of the sign when compared to the architectural theme of the building. Sign regulations shall be the same as required by the underlying zoning district; provided however, all building signs shall be oriented for pedestrians, not vehicles. Information presented on the sign shall use materials common to the building and compliment the architecture of the building. While preference is given to signs that use materials consistent with the original sign, substituted materials can be used subject to the approval of the Design Review Board.

Lighted signs, sandwich board signs, detached signs or signs extending into the public right-of-way are prohibited.

**12.0 Demolition Requirements:** Demolition regulations shall be the same as required by the underlying zoning district; provided however, the planned demolition of all buildings constructed fifty (50) or more years ago must be first considered by the Design Review Board. While the Board cannot prohibit the lawful demolition of structures, it can encourage the consideration of alternative measures to preserve the building and/or document the historic structure by a certified professional.

**13.0 Roofline & Parapet Roof Construction Requirements:** Roofing and associated design and construction regulations shall be the same as required by the underlying zoning district; provided however, that roofline and parapet roof improvements are subject to the review and approval of the Design Review Board. The Board will consider proposed projects and encourage maintaining an existing roofline with adjacent buildings and discouraging improvements that are not in scale with adjacent buildings.

**14.0 Existing Ornamentation Requirements:** Maintenance of physical features associated with building structures shall be the same as required by the underlying zoning district and other relevant parts of the Oelwein Municipal Code; provided however, improvements to existing ornamentation are being proposed. In these cases, the Design Review Board shall review all projects involving the restoration of existing ornamentation. Preference shall be granted to the use of original materials; however, substitute materials can be used subject to the recommendation of approval forwarded by the Design Review Board.

**15.0 Regulation of Improvements to Building Facades:** Physical features associated with building structures shall be the same as required by the underlying zoning district; provided however, all building facades should have a sense of unity and balance. The Design Review Board shall review applications for proposed improvements to downtown building facades and encourage owners to maintain the historic character of buildings, or maintain a consistent theme with other downtown buildings. This Overlay Zoning Ordinance requires that planned construction, rehabilitation or alteration of exterior facades impacting the following areas be subject to review and approval of the Design Review Board:

15.1 First Floor: Improvements should maintain the original historic character of buildings, or maintain a consistent theme with other downtown buildings.

15.2 Front of building – upper floor(s): Improvements should maintain the original pattern, use of original or similar materials, and other characteristics common to maintain design continuity with adjacent buildings.

15.3 Shared walls: Improvements should maintain a consistent scale, use consistent or reasonably compatible materials, preserve existing features. The Board shall also have the discretion to consider other related issues based on the proposed plan of improvements.

15.4 Rear facades: The rear façade should be maintained and/or developed to support the overall appearance of the principal structure and exhibit common design elements as evidenced by adjacent buildings.

15.5 Corner Buildings: Improvements should use original or reasonably compatible materials, maintain the theme of the building and its influence on adjacent buildings, and maintaining the design integrity of the original structure.

**16.0 Mechanical Equipment Requirements:** Physical features associated with building structures shall be the same as required by the underlying zoning district. However, where feasible mechanical features, including but not limited to fire escapes, window-mounted air conditioners and/or other mechanical or structural device that are located on the exterior of the building should not be placed on facades that face major streets.

**17.0 Permitted Construction Materials:** Physical features associated with building structures shall be the same as required by the underlying zoning district. However, materials that are being proposed for exterior improvements will be subject to the review and approval of the Design Review Board. The Board will encourage the use of traditional materials; however, will also consider other materials that are compatible with the higher quality alternative. If the use of alternative materials is being considered, the Board will consider the applicability of the proposed materials with current materials and/or the overall theme and design of adjacent buildings. The following areas that are subject to review under this section includes:

17.1 Primary Façade;

17.2 Secondary and Rear Façade;

17.3 Shared Walls;

17.4 General Masonry;

## 17.5 Roofing Materials.

**18.0 Canopy and Awning Requirements:** Physical features associated with building structures shall be the same as required by the underlying zoning district. However, materials that are being proposed for exterior improvements will be subject to the review and approval of the Design Review Board. The Board will encourage the use of awnings and canopies that are complimentary to the primary structure and adjacent buildings.

**19.0 Requirements associated with Color of Materials Used:** Physical features associated with building structures shall be the same as required by the underlying zoning district. However, materials that are being proposed for exterior improvements will be subject to the review and approval of the Design Review Board. The Board will review and approve proposed alterations and treatments to the building façade regarding color or related maintenance to the exterior structure. Specific attention will be to consider the choice of colors, the compatibility of those colors with the existing building and its period of construction, plus color schemes of adjacent buildings.

19.1 Building Facades: The Design Review Board will encourage the use of colors that are compatible with adjacent buildings and associated color schemes from the specific design period. Renovations to historic buildings must use original color(s) common to the building.

19.2 Awnings and Canopies: The Board will encourage the use of colors that are complimentary to the primary structure and consistent with color schemes prevalent in its historic period. Colors that are acceptable for awning and canopies include those illustrated on the city palette. Other colors may be submitted and subject to the Board review and approval.

**20.0 Screening Waste and Storage Requirements:** All exterior waste disposal and storage areas shall be placed in the rear of buildings and screened from public view. Additional measures shall be taken to prevent debris from disbursing from the affected property.