

ORDINANCE 18-001

An Ordinance to add the Historic Overlay District to Chapter 720, Zoning, of the Code of the City of Monroe.

THE CITY OF MONROE ORDAINS:

SECTION 1. HISTORIC OVERLAY DISTRICT.

- 1. Purpose and Intent.** The purpose and intent of the Historic Overlay District Ordinance (the "Overlay") is to protect the City's character and charm by ensuring that the historical assets of the community are preserved and enhanced. The Historic Overlay is intended to base site-specific property dimensional regulations on the historical development pattern of the neighborhoods, encourage the preservation of historic architecture, prevent demolition of historic structures, encourage the building of new structures that complement the overall historic character of the neighborhoods, preserve and increase property values, and make the City's historic districts highly desirable places to live, visit, and do business.

- 2. Applicability.** The Historic Overlay shall apply within any portion of the City that is listed on the National Register of Historic Places. Those districts are shown on the map included with this Overlay, as they existed at the time of adoption (Attachment A). In the event that additional areas are added to the National Register of Historic Places, they shall be subject to this Overlay as well. The City Council may also choose to add additional lots to this Overlay. Those additional lots shall be included on the map.

The following actions shall be subject to the regulations in this Overlay:

- a.** New construction of any structure, including accessory structures, except those structures listed in Section 12.

- b.** Additions to any principal structure.

- c.** Exterior renovations within the CBD (Central Business District) Zoning District.

- d.** Demolition of a principal structure.

Exterior renovations to existing structures in Zoning Districts other than the CBD district, including, but not limited to, replacing windows, replacing roofs, painting, and re-siding, shall not be subject to the regulations of this Overlay.

- 3. Conflicting Regulations.** In the event of conflict between this Overlay and any other regulation in the Zoning Ordinance, the regulations in this Overlay shall govern. In the event of conflict between this Overlay and any regulation in the Historic District

Ordinance (Chapter 383 of the City Code), if applicable, the provision which is more restrictive or imposes a higher standard or requirement shall govern.

4. Definitions. The following terms shall have the following definitions. All other terms shall have the definition given to them in the City of Monroe Zoning Ordinance.

- a. Building Line:** A line on the ground along the foundation of a structure, extending from lot line to lot line
- b. Front Building Line.** The building line closest to the front lot line, not including open porches as defined in the Zoning Ordinance. See Figure 1.
- c. Rear Building Line.** The building line farthest from the front lot line, except as otherwise noted in this Overlay, not including open porches as defined in the Zoning Ordinance. See Figure 1.
- d. Side Building Line.** All building lines that do not meet the definition of front building line or rear building line. See Figure 1.



Figure 1: Building and Lot Lines

5. Existing Structures/Fences. All structures and fences within the boundaries of this Overlay and existing at the time of adoption of the Overlay shall be conforming with regard to dimensional standards such as setbacks and height. Any structure or fence existing at the time of this Overlay which is damaged by fire, flood, weather event, accident, or malicious human action may be rebuilt with the same dimensions, location, and building height, provided that the design meets the requirements of Section 6 of this Overlay.

6. Architectural Standards. The following architectural standards shall apply within this Overlay:

a. Central Business District (CBD). Within the CBD, all new construction, additions, and exterior renovations to existing building and structures must meet the *Secretary of the Interior's Standards for Rehabilitation* (Attachment B).

b. All Other Zoning Districts. Within all other zoning districts located in or part of a National Register District, only new construction must meet the *Secretary of the Interior's Standards for Rehabilitation* (Attachment B).

7. Fences. The following standards shall apply to fences:

a. Fences shall be permitted only in the following locations. (Building lines in this section shall always refer to the building lines of the principal building) (See Figure 2a-b).

- i. In a rear yard (i.e. between the rear building line and the rear lot line).
- ii. In a side yard (i.e. between a side building line and side lot line, provided the fence extends no farther forward than the midway point between the front and rear building lines or one foot beyond any doors in the adjacent side wall of the principal building).
- iii. New fences shall not be erected in front yards (i.e. between the front building line and the front lot line).
- iv. On corner lots and through lots, fences along the secondary street frontage shall not be constructed closer to the right-of-way line than the CLOSER of the following two lines to the right-of-way line:
 1. the average front building line for all principal structures on the block the fence is adjacent to
 2. the side building line of the principal structure parallel to the secondary frontage

- b.** Fences shall not exceed the following heights (see Figure 2a-b):
- i. **Rear Yards (between the rear building line and the rear lot line):** Six (6) feet
 - ii. **Side Yards (between a side building line and a side lot line):** Three (3) feet
 - iii. **Secondary Street Frontages (corner lots and through lots) (See Figure 3):** Three (3) feet if between the principal building on the lot and the right-of-way line. Six (6) feet if between the rear building line and the rear lot line.

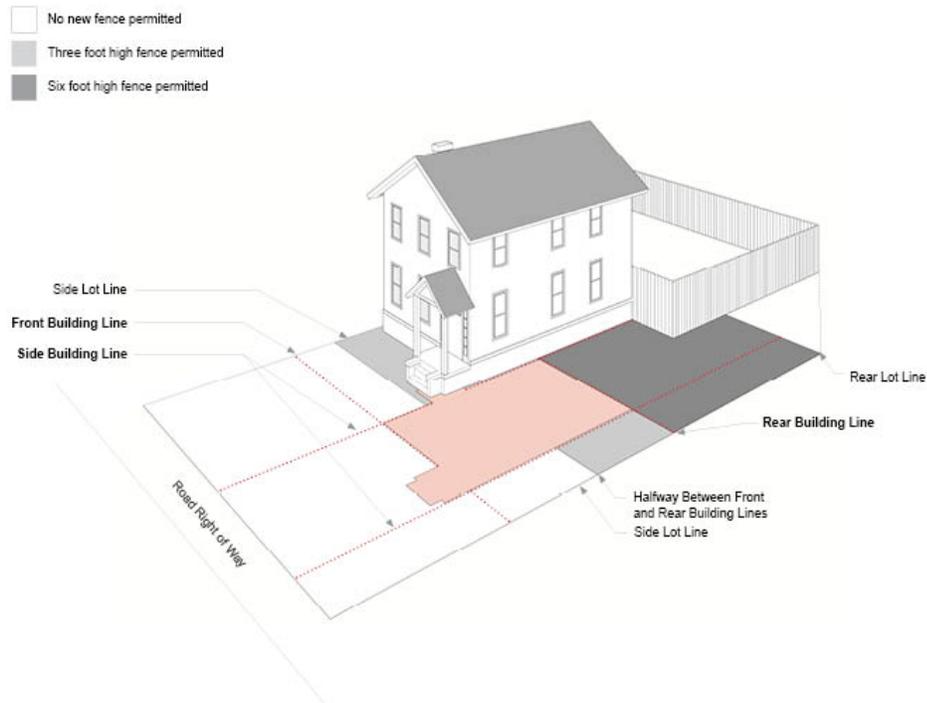


Figure 2.a: House on Interior Lot- Fence Behind Half-Way Point of Front and Rear Building Lines Option A

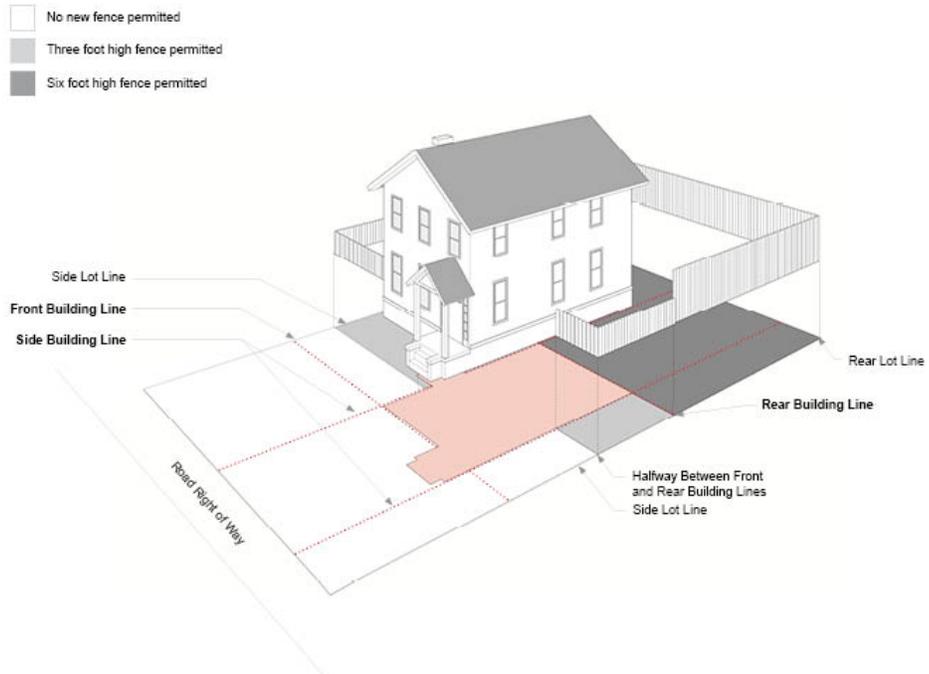


Figure 2.a: House on Interior Lot- Fence Behind Half-Way Point of Front and Rear Building Lines Option B

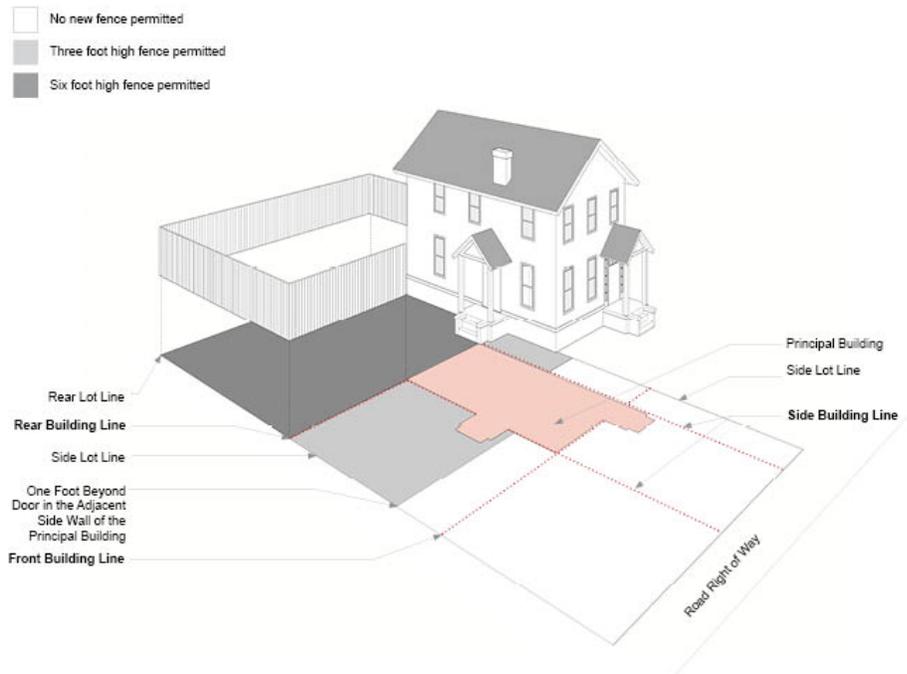


Figure 2.b: House on Interior Lot- Fence Behind Door in Adjacent Side Wall Option A

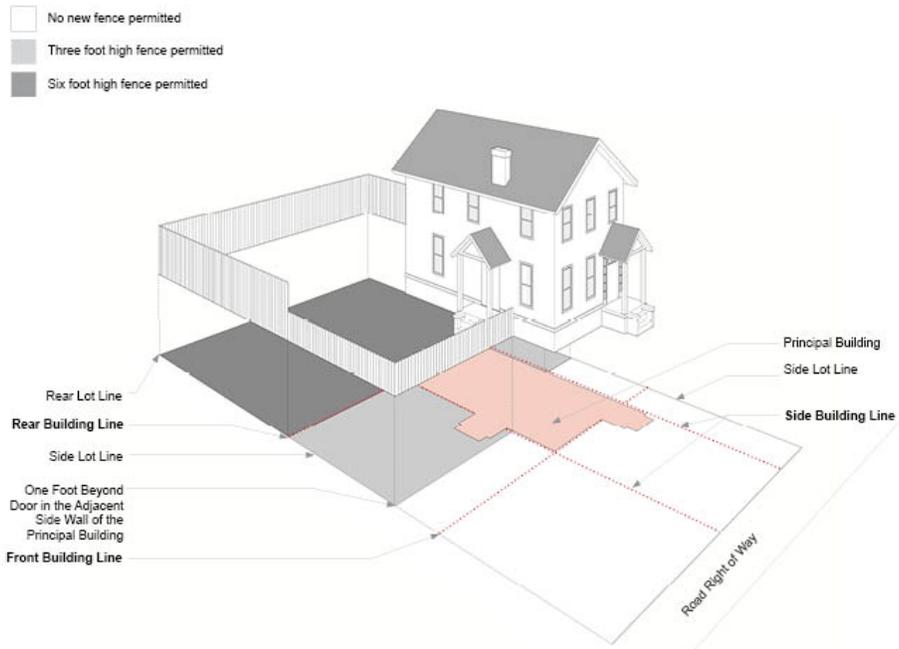


Figure 2.b: House on Interior Lot- Fence Behind Door in Adjacent Side Wall Option B



Figure 3: Corner Lot Fence Along Secondary Frontage Option A



Figure 3: Corner Lot Fence Along Secondary Frontage Option B

8. Signage and Decorative Lighting.

- a. Signage within the Overlay shall meet all requirements of the Zoning Ordinance. Additionally, within the Overlay, internal illumination of signage is prohibited.
- b. Decorative strings or tubes of light shall not be installed along the edges of windows, along rooflines, surrounding signage, or anywhere else on a building facade. Temporary lights installed between November 15 and January 15 shall be exempt from this prohibition. Decorative strings of light may also be strung overhead over outdoor seating areas, rear yards, or other outdoor gathering places.

9. Dimensional Requirements. The following requirements shall apply to all new construction or building additions within the Overlay. Existing structures shall be considered to have conforming dimensions in all respects, unless they are being expanded, in which case the standards of this section shall apply.

a. Principal Structures.

- i. **Front Building Line - Main Wall.** The front building line of any principal structure (not including open porches as defined in the Zoning Ordinance) shall be within two feet of the average front setback for all principal

structures on the block that the structure is located within, not including any open porches attached to those structures. On corner lots, this requirement shall apply to both the front building line and the building line facing the secondary street frontage.

- ii. **Front Building Line – Porches.** Open porches shall not extend closer to the front lot line than the average of all front porches on the block. Enclosed porches shall be required to meet the requirement for the main wall.
- iii. **Side Building Line.** The side building lines for any principal structure shall comply with the side setback requirements for the district the structure is located within.
- iv. **Rear Building Line.** The rear building line for any principal structure shall be no closer to the rear lot line than the average rear setback for all principal structures on the block that the structure is located within.
- v. **Structure Height.** The maximum height of a principal structure shall not exceed the height of the tallest structure on the block, except within the CBD zoning district, where the maximum height may exceed the tallest structure on the block if it meets the following standards:
 - 1. It meets all other requirements of this Overlay.
 - 2. It can be adequately served by the Fire Department or provides the required fire suppression system for a building of its height.
 - 3. All floors above the tallest existing structure on the block are set back at least 15 feet from the front lot line.

b. Accessory Structures.

- i. **Front Building Line.** Detached accessory structures shall be prohibited between the front building line of the principal structure on the lot and the front lot line.
- ii. **Side Building Line.** The side building line for any accessory structure shall comply with the setback requirements for the district the structure is located within.
- iii. **Rear Building Line.** The rear building line for any accessory structure shall be no closer to the rear lot line than the smallest rear setback of any accessory structures on the block that the structure is located within. The

building line closest to an alley that abuts the lot in question shall always be considered the rear building line.

- iv. **Corner Lots.** The building line for an accessory structure on a corner lot shall be no closer to the secondary street frontage lot line than the average front setback for all structures on the block of the secondary street frontage that the accessory structure is located within.
- v. **Structure Height.** The maximum height of an accessory structure shall not exceed the height of the tallest accessory structure on the block it is located within.

10. Demolition. Demolition of any principal structure within the Overlay shall require approval by the Historic District Commission. Prior to deciding on the demolition request, the Historic District Commission shall hold a public hearing, with notice as required for public hearings by the Michigan Zoning Enabling Act (Public Act 110 of 2006 or subsequent amendments or successor acts). Appeals of decisions of the Historic District Commission regarding demolitions shall be to the Zoning Board of Appeals.

The Building Department shall have the authority to waive the Historic District Commission review requirement upon determining that a structure needs to be demolished for life safety reasons. All structures existing at the time of this Overlay that are approved by the Building Department to be demolished due to life safety reasons may be rebuilt with the same dimensions, building line locations, and building height, provided that the design meets the requirements of Section 6 of this Overlay for the zoning district the site is located within.

11. New Construction. If a new building is being proposed for construction on an existing or newly vacant lot, the Historic District Commission shall determine whether the proposed building will be compatible to the character of adjacent sites and buildings and be consistent with the established historic character of the City. Appeals of decisions by the Historic District Commission shall be heard by the Zoning Board of Appeals.

12. Exceptions to Structure Regulations. The following structures shall not be subject to the regulations of this overlay, and shall not be used as the basis for determining the dimensional requirements for a new structure:

- a. Wireless Telecommunications Support Structures, including Distributed Antenna Systems.
- b. Telephone/Electricity Poles.
- c. Radio Communication Towers.

- d. Water Towers.
- e. Freestanding Sign Structures, which shall be subject to the requirements of the Zoning Ordinances. The signage itself shall comply with the requirements in the Zoning Ordinance and Section 8 of this Overlay.

13. Administration and Enforcement.

a. Required Approvals for Activities Subject to this Overlay:

	Building/ Demolition Permit	Administrative Site Plan	Historic District Commission	Citizen Planning Commission
New Construction (Single Family Home)	X	X	X	
New Construction (Non-Single Family Principal Building)	X		X	X
New Construction (Accessory Building or Fence)	X	X	X	
Additions Requiring Site Plan Approval	X		X	X
Additions Not Requiring Site Plan Approval	X	X	X	
Exterior Renovations in CBD District	X	X	X	
Demolition	X		X	

b. Appeals and Variances: Appeals of determinations regarding this Overlay shall be to the Zoning Board of Appeals. Nothing contained in this Overlay shall modify the procedures for appeals of the Historic District Commission pursuant to Chapter 383 of the City Code, and any such appeals shall be administered independently from any appeals pursuant to this Overlay in accordance with Chapter 383 of the City Code and PA 169 of 1970.

The Zoning Board of Appeals shall have the power to grant variances from this Overlay using the criteria and process in Article 14 of the Zoning Ordinance.

c. Penalties. Penalties for violations of the Overlay shall be determined based on Article 3 of the Zoning Ordinance.

14. Historic District Commission/Zoning Board of Appeals Authority. Pursuant to MCL 399.213 and City Code 383-7, the City Council may prescribe powers and duties of the Historic District Commission, in addition to those prescribed in PA 169 of 1970, that foster historic preservation activities, projects, and programs in the City of Monroe. Pursuant to that authority and based on the intent of this article to preserve and enhance the historical assets of the community, the City Council hereby authorizes the Historic District Commission to hold hearings and issue determinations and decisions pursuant to this article. Pursuant to MCL 125.3603 and City Code 720-192, the Zoning Board of Appeals has the authority to hear and decide questions that arise in the administration of the Zoning Ordinance.

SECTION 2. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are/were commenced.

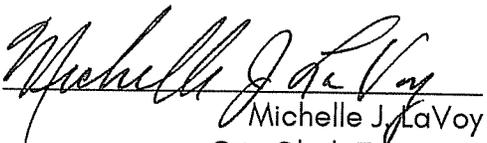
SECTION 3. SEVERABILITY.

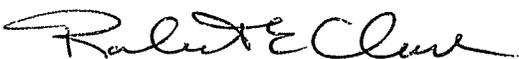
If any section, subsection, sentence, clause or phrase of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such decision or holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be in full force and effect Twenty (20) days after final passage and publication.

First Reading	March 19, 2018
Public Hearing	April 2, 2018
Second Reading	April 2, 2018
Adoption	April 2, 2018
Publication	April 9, 2018


Michelle J. LaVoy
City Clerk-Treasurer


Robert E. Clark
Mayor

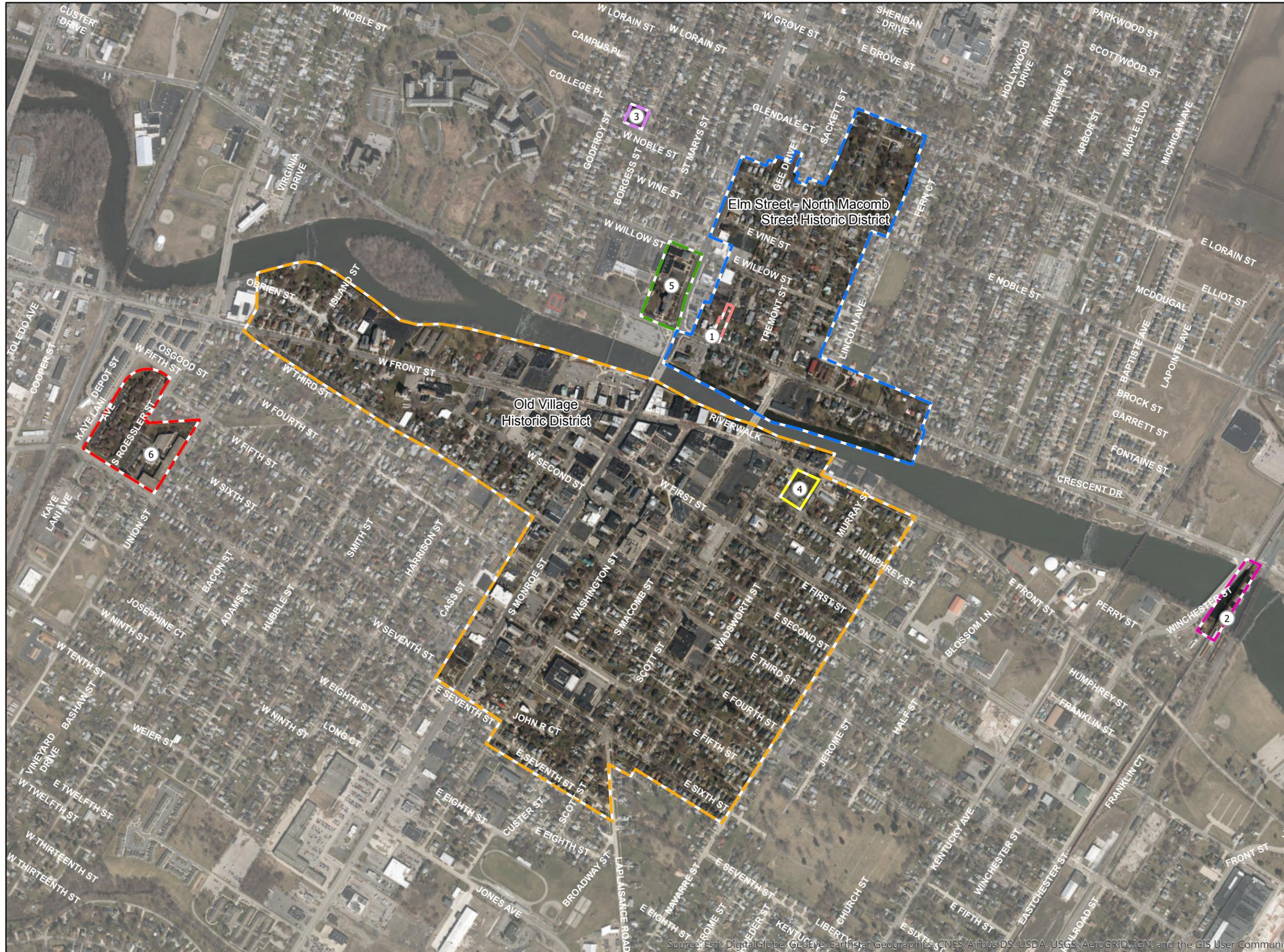
Historic District Boundaries

City of Monroe, Michigan

February 2, 2018

Single Site Historic Districts

- 1 - McClelland house
- 2 - New York Central Raisin Railroad Bridge
- 3 - Nims, Rudolph House
- 4 - Sawyer House
- 5 - St. Mary's Church Complex
- 6 - Weis Manufacturing Company



Communities for real life.



Aerial Source: ESRI 2017
Data Source: City of Monroe Community Development

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Secretary's Standards for Rehabilitation

Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as "certified rehabilitations" eligible for the 20% rehabilitation tax credit. The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

The Standards apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.