

CHAPTER 5:

Property Maintenance and Community Appearance Standards

The overall design of any development has a direct bearing on the economic value of the property. When public areas, business establishments, and residential communities exhibit good design, shoppers, businessmen, homeowners, and industrial developers tend to have strong confidence in the community. Poor design, congestion, and a lack of proper maintenance bring about blight, decay, decreased property values, and the loss of both private and public revenues. Good community design is the product of orderly and harmonious relationships established between man-made objects and nature. Good design results from the skillful combination and interrelation of these elements through both contrast and similarity.

What citizens experience daily in the community, both consciously and unconsciously, influences their lives. New building programs, along with the improvement and preservation of existing development, are necessary in order to maintain a healthy community. Expanded building programs and land development greatly reduce open space, resulting in an increased awareness of the importance of good design and land use.

The United States Supreme Court has recognized the importance of good design to community well-being. In the landmark case, *Berman v. Parker* {348 U.S. 26, (1954)}, in a decision without dissent, Justice Douglas stated:

"The concept of the public welfare is broad and inclusive....The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled."

The Court later re-emphasized this view in *Penn Central Transportation Co. v. New York City* {438 U.S. 104, 129, (1979)} when it stated:

"We emphasize what is not in dispute....This court has recognized in numerous settings, that states and cities may enact land use regulations or controls to enhance the quality of life by preserving the character and the desirable aesthetic features of a city...."

The city of Forest's natural environment is its most important asset in seeking to attract residents, businesses, and employment opportunities. The quality of that environment has a direct impact on the City's livability and its economic prospects. The City of Forest has acknowledged this vital linkage between the maintenance of a high quality of community design and the realization of the City's land use and fiscal objectives in its twenty-year master plan study, the General Development Plan. The importance of good design is reflected in the following six major goals of the General Development Plan.

5.1 Purpose and Intent.

The provisions of this part are based on the following findings:

- (1) The City of Forest is committed to retaining the architectural style and character of its older homes and neighborhoods.
- (2) Conversion of single family houses into rental housing has made a negative impact on the City.
- (3) The City has invested large sums of money to provide adequate infrastructure including street, curb, gutter and sidewalk repairs.
- (4) There is a legitimate municipal interest in preserving and promoting the City of Forest so that it's intrinsic value to the residents and to the community as a whole is maintained.
- (5) The absence of the regulations in this part will result in the continued decline and deterioration of existing neighborhoods, the diminution of land values, and the growth in the possibility of blight and crime.
- (6) Homeowners and landlords are likewise expected to invest money into the maintenance and upkeep of their property.
- (7) Provide a higher level of standards to maintain property values in the City of Forest.
- (8) Promote, preserve, and protect the health, safety, and general welfare of property owners and taxpayers of the City of Forest.
- (9) Protect and promote the visual quality of the area.
- (10) Restore the character and style of the older neighborhoods in the City of Forest.
- (11) Prevent the development of property that would be out of character with the predominant style in the area and which would adversely affect property values or hurt the potential for continued and prolonged prosperity of the area.
- (12) Provide code inspectors to identify and enforce city code through completion and to do so proactively.

5.2.1. Applicability.

- (1) **General Applicability:** The provisions of this Part shall apply to all buildings used for residential purposes within the City of Forest. All residential structures, and additions thereto, constructed within the City of Forest after the date of adoption of this Part, shall be constructed in accordance with the terms of this Part.
- (2) **Standards Conflict:** The provisions contained in this Part are in addition to, and supplemental to all other provisions contained in the Development Code. In case of conflicts between the standards in this Part or other rules, regulations, covenants and agreements, the provisions of this Part shall prevail.

5.2.2. Standards.

(1) Outdoor Storage of Materials:

(a) No storage of any kind shall be permitted on a porch, open carport, or yard, except in an enclosed porch, as defined in Chapter _ of this Ordinance. No refrigerators or similar appliances, or upholstered furniture, or similar items, may be stored or placed on the porch, unless the porch is enclosed.

(b) No laundry shall be placed on any fence, porch, or clothesline, except in the rear yard.

(c) All residential properties must be brought into compliance with terms of this part within six months after the adoption of this Part.

(2) Minimum Landscape Standards:

(a) Ninety percent (90%) of the front yard must be landscaped with proper materials including but not limited to grass, shrubs, and flowers. A maximum of 25 percent of the front yard may be concrete or paved, unless necessary to meet minimum parking requirement.

(b) Shrubs must be kept trimmed and shaped.

(c) All landscaping must be maintained with regard to the mowing of grass, raking of leaves, and maintenance of landscape beds on the property.

(d) All landscaping must be maintained so as to ensure its continued growth.

(e) All residential properties must be brought into compliance with terms of this part within six months after the effective date of this Part.

(3) Parking of Vehicles:

(a) The parking of vehicles, including recreational vehicles, will not be permitted in the front yard of a residence.

(b) All residential properties must be brought into compliance immediately following the adoption of this Part.

(c) Parking of vehicles will not be permitted on streets less than 24 feet from street edge to street edge in residential areas.

(d) Residential driveways shall be maintained to be free of holes, depressions, or projections that may cause tripping or may injure a person or otherwise present a hazard.

(4) Removal of Garbage Containers:

(a) All garbage collection containers must be removed from the curbside within 12 hours of collection by the Contractor.

(b) Residents are responsible for the cleanliness of the area around the garbage container both next to the house and at the curbside.

(c) All residential properties must be brought into compliance immediately following the effective date of this Part.

(5) Building Design Standards:

(a) To the greatest extent possible, the architectural and historical value of existing buildings, structures, and other historically significant areas are to be conserved.

(b) New structures, additions, and renovations shall be designed to be compatible with the existing structures in terms of architectural design and exterior building materials, colors and arrangements of buildings and other features.

(c) All exterior wall coverings shall be of consistent color, material, and style with neighboring buildings.

(d) All accessory buildings, as defined in Chapter 4 of the Development Code, must be maintained in sound structural condition. Any dilapidated accessory buildings must be removed within 30 days of the receipt of notice from the City of Forest. These structures are to be in rear yard, side yard and not visible from the street.

(6) Building Maintenance: It shall be unlawful and a violation of this code for any person to erect, maintain, use, place, deposit, cause, allow, leave or permit any of the following on any residential property:

(a) Any wood surfaces unprotected from the elements by paint or other protective treatment;

(b) Exterior painted surfaces with loose, cracked, scaling, chipping, or peeling paint, visible from a public area, in such amounts as to present a deteriorated appearance;

(c) Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated appearance.

(d) Property owners are responsible for maintenance of property and behavior of tenants in rental property.

(7) Junk Vehicles: Junk vehicles are prohibited from being located within the city except within completely enclosed buildings or garages or at vehicle salvage yards, vehicle repair shops and wrecker services complying with the terms of this ordinance. Within a residential zoning district no more than one junk vehicle may be stored behind opaque fencing or landscaping. This required screening shall completely block the view of the vehicle from all surrounding property.

(8) Junk: It shall be unlawful for the owner or occupant of any property within the City to utilize said property for the storage and accumulation of used, discarded or worn out materials or manufactured products, whether reusable or not, including but not limited to appliances, building materials, building rubbish, trash, garbage, waste products, metal products, and similar items.

(9) Open Storage: Open or outside storage of materials and products shall be prohibited in all zoning districts except Industrial, if within view from the street or if not screened from the view of neighbors by opaque fencing or landscaping.

(10) Screening of Junkyard: Within one year from the effective date of the ordinance, all existing junkyards, vehicle salvage yards, vehicle repair shops and wrecker services where junk or wrecked vehicles are stored shall be screened from view from adjacent properties by opaque fencing and landscaping .

(11) Corner Visibility: On a corner lot in any zoning district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

(12) Fences: Fences shall be maintained so that they do not constitute a hazard, blight, or condition of disrepair. Examples of hazard, blight, or condition of disrepair shall include but not be limited to: leaning, missing slats or blocks, graffiti, peeling paint, rotting or deteriorated materials, affecting five percent or more of the length of the fence.

5.2.3 Building Form and Materials.

1. Multi-family structures shall be designed to be compatible with the character of single-family residential structures within the community. Commercial and office structures shall be designed to be compatible with the character of single-family residential structures within the community in those instances where the subject property or overall development adjoins residentially zoned land. In all such cases, the compatibility of the multi-family, commercial, or office project shall be determined by comparing the consistency of the design elements, colors, materials, and landscaping of the proposed buildings with the existing design elements, colors, materials, and landscaping of the adjoining residential structures.

2. Building facades of an individual structure on a single lot should generally be oriented parallel to the streets they face, such that their main entrances are visible as a means of creating continuous streetscapes. Within office or commercial complexes, buildings shall be clustered so as to create plaza or pedestrian mall areas. Where the clustering of buildings cannot be achieved due to the size or shape of the lot, link the building pads together with pedestrian walkways that are defined by separate paving textures and accented by landscape areas.

3. "Stage-set" facades are prohibited. The continuity of design goes beyond the primary elevation of the building. The materials and colors of the street face shall continue on the sides and rear of the building.

4. Building Setbacks.

Building setbacks shall conform to the applicable zoning district requirements of the Zoning Ordinance for the City of Forest.

5. Building Height.

Building heights shall conform to the applicable zoning district requirements of the Zoning Ordinance for the City of Forest.

6. Building Massing.

With the exception of industrial uses, the maximum, unbroken facade plane shall be fifty (50) feet for residential uses and sixty (60) feet for commercial and office uses. The wall of any such building shall be interrupted through the use of projections or recesses, portals, courtyards, plazas, or other appropriate architectural convention. The design of off-setting wall plane projections or recesses shall have a minimum depth of eight (8) inches. Multi-story buildings with over twenty thousand (20,000) sq. ft. of gross floor area shall be designed with either off-setting wall planes or upper story setbacks of at least six (6) feet in depth.

7. Exterior Surfaces.

No flat-faced cement block or metal surfaces shall be visible upon the exterior of any building.

8. Pitched Roofs.

Where pitched roofs are utilized, the primary roof form shall be on a slope of no less than 6/12. Porches shall be on a slope of not less than 3/12. Pitched roofs shall be shingled in accordance with the materials list contained under the "Optional Requirements" of this section.

9. Parapet Facades.

Parapet facades may be used when of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be designed such that the reverse side of all elements shall not be visible to public view. False mansards are prohibited. Canopies are permissible provided they are an integrated part of the overall building design, are not used to create the impression of a false mansard, and are not used as a location or support for wall-mounted signage.

10. Colors.

No more than three (3) painted or applied colors may be used on the exterior of any building.

11. Doors and Windows.

The treatment of doors and windows shall be uniform throughout the building design, with the exception of designated fire doors located on the rear of the building.

12. Preferred Exterior Surface Material.

Building materials should suit the architectural style of the building, and should be consistent or complementary throughout the structure or total project. The use of high quality construction materials is important for long term durability and appearance. For the purposes of these standards, "predominate" means having the most publicly visible surface area. The term "walls" shall be any exterior surface on a building that are either vertical, or have a slope steeper than one half (½) foot of horizontal run for every twelve (12) feet of vertical rise. The preferred materials, in order of preference, are listed as follows:

Material
Brick (100%).
Cementous Stucco (100%).
"Split-Face" Concrete Block.
Limestone.
Integrally Colored Unit Masonry (ICUM).
Vertical Board and Batten Stone.
Wood Siding.
Wood Simulated Materials.
Clear or Neutral Tint Curtain wall.

The use of Flat-Faced Concrete Block, Mirrored Glass Curtain wall, or metal veneer as predominate material is strictly prohibited, however warehouse or manufacturing areas of industrial buildings may utilize metal veneer surface. The use of exposed Steel or other Metal as a major exterior design element shall be subject to the review and approval of the Design Review Advisory Committee.

13. Color of Predominate Exterior Surface Material.

Building colors should be subdued, with natural tones and neutral colors predominating.

Desired Colors
White, Off-White Earthtones.
Creams.
Pastels of Earthtone, including rose, peach, and terra cotta.
Dark, Subdued Green.
Pastel Colors of Non-Earthtone hues, yellows, greens and grayish greens.
Flat Matte Finish of Primary Colors

Use of the following colors is strictly prohibited in all districts:

High Intensity Colors, Metallic Colors, Gloss Colors, Finish Primary Colors, Red and Black Colors, Fluorescent and Full Chroma Colors. The use of uncolored pre-cast concrete panels or "tilt-up" slabs is strictly prohibited.

14. Exterior Surface Design.

Wall surfaces appear monolithic with at least seventy-five (75) percent of the total wall area, one material and one color. Non-solar fenestration, window and door awnings, applied trim and accent materials, colors and decorative bands, with the exception of stucco, masonry, or concrete control joints are used in such a way that they do not give a panelized or pre-fabricated appearance, or produce checkerboard patterns. Differing shades of the same general hue shall not be considered different colors. Fenestration and/or accent colors on wall surfaces under portals or canopies having a horizontal depth of at least six (6) feet shall be exempt from area calculations. The building is designed such that all loading docks, overhead doors, and truck parking are positioned upon the subject property to not be visible from the public street.

H. Doors and Windows.

An essential characteristic of architecture is a traditional appearance of buildings, walls and openings. Walls define the overall form of buildings, while openings give them a human scale and the appearance of being occupied. Treatment of the doors, windows, and glazed surfaces, with the exception of steel fire doors on the rear elevation of the building and doors, windows, and glazed surfaces which are located under portals or canopies with a depth of six (6) inches or more, have one or more of the following:

1. Frames recessed a minimum of four (4) inches.
2. Encased with trim.
3. Have divided lites.
4. Have exposed or otherwise articulated lintels.
5. All glazing is clear, tinted neutral gray, leaded, frosted, or decorative glass. The use of mirrored glazing is strictly prohibited.

6. Architectural Features.

Consideration is granted for the appropriateness of each feature. Use of decorative trim around the roof perimeter, all doors and windows, and signs. Decorative wrought iron used as gates, fencing, windows, and railings. Decorative use of brick, stucco, or stone accents around walls, columns, rooflines, doors and windows, including crown molding.

I. Roof Standards.

Roof design should be appropriate for the architectural style of the building. Material Enameled standing seam metal, flat tiles of concrete or clay, copper metal. All surfaces concealed from public view by parapets (flat, built-up, or pitched roofs), wood textured composition shingles, architectural shingles. The use of plastic, fiberglass, other metal, or glass, visible to public view is strictly prohibited. The use of bright, high intensity colors is strictly prohibited.

J. Landscaping.

Landscaping is used in parking areas to reduce heat radiated from paving, improve auto circulation and safety, and to screen parked automobiles from public view. To accomplish these goals, the following design standards are promulgated.

1. Methods.

All landscaping shall be installed in conformance with ANSI Z60.1, the "American Standard for Nursery Stock," and the accepted standards of the American Association of Nurserymen. Soil free of lime rock, pebbles, or other construction debris shall be provided.

2. Consistency.

A consistent landscape treatment along public streets enhances the appearance of the public domain, and provides an attractive, unified setting for variations among individual developments. Landscaped areas should dominate the frontage of any site where entries are the only interruption. Although the type and nature of the landscaping between individual properties may vary, the design and depth of landscape areas shall be consistent as they transition from one property to another.