

**ORDINANCE NO. 11-99**  
**CITY OF CENTERVILLE, OHIO**

Sponsored by Councilmember P. Mark Kingswood on the 15<sup>th</sup> day of November, 1999.

**AN ORDINANCE AMENDING SECTION 17, APD,  
ARCHITECTURAL PRESERVATION DISTRICT,  
SECTION 32, VARIANCE AND SECTION 33, APPEALS OF  
ORDINANCE NO. 11-86, ZONING ORDINANCE OF THE  
CITY OF CENTERVILLE, OHIO.**

**PREAMBLE AND PURPOSE**

**WHEREAS;** The Centerville City Council has appointed a task force, the Architectural Preservation Task Force, to evaluate the procedural and public hearing requirements of the Zoning Ordinance as they apply to properties located within the Architectural Preservation District (APD), and

**WHEREAS;** The Architectural Preservation Task Force has evaluated these procedural and public hearing requirements for Special Approval, Variance, and Appeal applications including the role of the Board of Architectural Review, Planning Commission and City Council in these proceedings, and

**WHEREAS;** The Architectural Preservation Task Force has recommended to the City Council procedural changes to the Zoning Ordinance that increase the efficiency and minimize the redundancy of these proceedings.

**NOW THEREFORE;** The Municipality of Centerville hereby Ordains:

Section 1. Ordinance Number 11-86 passed on the 21st day of July, 1986 and as subsequently amended, by, and the same hereby is revised as follows with text to be added in *italics* and deleted text in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

By amending Section 17. APD, Architectural Preservation District

**D. Uses requiring Special Approval**

2. Planning Commission Special Approval *The Board of Architectural Review shall serve in place of the Planning Commission when reviewing applications within the Architectural Preservation District.*

c. Site Plan Alterations Subject to this Procedure

~~The Board of Architectural Review (BAR) shall serve in place of the Planning Commission when reviewing applications within the Architectural Preservation District (APD) that involve the following Site Plan Alterations:~~

~~1. Minor Additions to Principal Buildings~~

~~An addition containing twenty-five (25) percent or less of gross floor area of the existing principal building to which the addition is to be attached and not exceeding one thousand (1,000) square feet in gross floor area.~~

~~1) A New Principal Building~~

~~2) Addition to a Principal Building~~

~~2) 3) Major Exterior Alterations to an Existing Building~~

~~3) 4) Painting or repainting of exterior building surfaces with Colors not from the BAR Color Chart and not conforming with the requirements of this ordinance.~~

~~4) 5) Signs~~

~~5) 6) Accessory Buildings~~

~~6) 7) Demolition or Moving of Buildings~~

~~d. The BAR shall review and recommend action to the Planning Commission on a Site Plan that involves the following alterations:~~

~~1) A New Principal Building~~

~~2) Major Addition to a Principal Building~~

~~An addition to a principal building containing more than twenty-five (25) percent of the gross floor area of the existing principal building to which the addition is to be attached or an addition exceeding one thousand (1,000) square feet of gross floor area.~~

~~e. The BAR, in acting for the Planning Commission, shall be subject to all requirements of the Special Approvals Section (Section 31) of the Zoning Ordinance applicable to the Planning Commission.~~

**H. Duties and Powers of the Board of Architectural Review**

**1. Special Approval Applications**

*The BAR shall serve in the place of the Planning Commission for Special Approval applications pertaining to property located in the Architectural Preservation District. See the Special Approval Section (Section 31) of this Ordinance.*

- 1: 2. Site Plan Review
- 2: 3. Design Review Criteria Booklet
- 3: 4. Demolitions
- 4: 5. Adoption of the BAR Color Chart
- 5: 6. Granting of a Variance
- 6: 7. Hiring of a Consultant
- 7: 8. Establish Rules of Procedure
- 8: 9. Education of the Community
- 9: 10. Additional Powers

By amending Section 31. Special Approvals

**F. Planning Commission Special Approval**

2. Role of the Board of Architectural Review in a Planning Commission Special Approval (for properties located in the Architectural Preservation District)

~~See the Architectural Preservation District Section (Section 17) of this Ordinance.~~

*The Board of Architectural Review (BAR) shall serve in the place of the Planning Commission for a Planning Commission Special Approval application where the application pertains to property located in the Architectural Preservation District.*

**G. Conditional Use Special Approval**

3. Role of the Board of Architectural Review in a Planning Commission Special Approval (for properties located in the Architectural Preservation District)

~~The Planning Commission shall forward an application for Conditional Use Special Approval which pertains to a property located within the Architectural Preservation District (APD) to the BAR for their review and recommendation.~~

*The Board of Architectural Review (BAR) shall serve in the place of the Planning Commission for a Conditional Use Special Approval application where the application pertains to property located in the Architectural Preservation District.*

By amending Section 32.     Variance

~~G.     Role of the Board of Architectural Review in Reviewing Variances within the Architectural Preservation District~~

- ~~1.     Where a variance application involves only questions concerning requirements that are subject to Planning Commission Special Approval review and approval by the BAR, the Board of Architectural Review (BAR) shall serve in the place of the Planning Commission in hearing and deciding such a variance application pertaining to property located within the Architectural Preservation District (APD).~~
- ~~2.     The BAR shall be subject to all requirements and procedures of this Variance Section (Section 32) of the Zoning Ordinance in hearing and deciding on any such variance applications.~~

By amending Section 33.     Appeals

~~D:     Appeals to the Planning Commission or BAR~~

*D.     Appeals to the Planning Commission or Board of Architectural Review (BAR)*

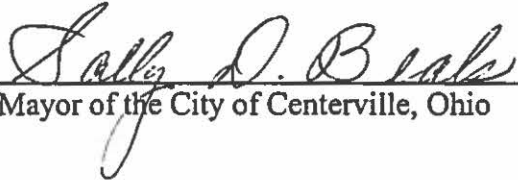
1.     Appeal of a staff decision
  - a.     The Planning Commission shall hear an appeal made by any person claiming to be aggrieved by a decision of a staff person administering the provisions of this ordinance.
  - b.     The Planning Commission shall hear and decide an appeal where it is alleged there is error of law in any interpretation, judgement, decision, or determination made by an administrative officer in the enforcement of this Zoning Ordinance.
  - c.     The BAR shall serve in the place of the Planning Commission for an appeal of a decision of a staff person administrating a provision of this ordinance applicable to the Department of Development Special Approval Section of the Architectural Preservation Zoning District regulations (Section 17).
- ~~2.     Appeal of a Board of Architectural Review (BAR) Decision~~
  - ~~a.     The Planning Commission shall hear and decide an appeal made by any person claiming to be aggrieved by a decision of the BAR.~~
- 3: 2.    Interpretation of the Zoning Ordinance

**E. Appeals to City Council**

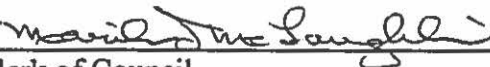
City Council shall hear an appeal made by any person claiming to be aggrieved by a decision of the Planning Commission *or the Board of Architectural Review*.

**Section 2:** This Ordinance shall become effective at the earliest date allowed by law.

PASSED THIS 15<sup>th</sup> day of November, 1999.

  
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Mayor of the City of Centerville, Ohio

ATTEST:

  
\_\_\_\_\_  
Clerk of Council  
City of Centerville, Ohio

## CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 11-99, passed by the Council of the City of Centerville, Ohio on the 15<sup>th</sup> day of November, 1999.

  
Clerk of Council

Approved as to form, consistency  
with existing ordinances, the charter  
and constitutional provisions.

Department of Law  
Robert N. Farquhar  
Municipal Attorney