

ORDINANCE NO. 36-79
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Jeffrey Siler ON THE 5th DAY
OF November, 1979.

AN ORDINANCE AMENDING ORDINANCE NUMBER 15-61, THE ZONING ORDINANCE, AS AMENDED BY ORDINANCE NUMBER 80-71, BY INCREASING THE MEMBERSHIP OF THE BOARD OF ARCHITECTURAL REVIEW FROM FIVE (5) MEMBERS TO SEVEN (7) MEMBERS.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. That Section 31 of Ordinance Number 15-61, as amended by Ordinance Number 80-71 is hereby amended as follows, with the portions in brackets thereof repealed and the underlined portions added:

SECTION 31.

C. Board of Architectural Review [- Creation and Organization] (BAR)

1. There is hereby created a Board of Architectural Review (BAR) which shall consist of [~~five (5)~~] seven (7) members who shall serve without compensation and who shall be specifically qualified by reason of training or experience in art, architecture, community planning, land development, real estate, landscape architecture, historical preservation, history or other relevant business or profession or by reason of civic interest and sound judgment to judge of the effects of a proposed building or the remodeling of an existing building upon the desirability, property values and development of surrounding areas. [At least one member of the Board shall be appointed based upon a recommendation from the Centerville Historical Society.]

2. The members of the Board of Architectural Review shall be appointed by the City Council [and shall elect a chairman and secretary from their own membership.]. The term of office [of] for each member shall be three (3) years [, except that the initial appointments of one member shall be for one year, two members for two years and of two members for three years]. A Chairperson and a Secretary shall be elected from the membership of the Board of Architectural Review.

3. In considering appointments to the Board of Architectural Review, the City Council will attempt to insure representation from the Centerville Historical Society and from the Merchants in the Architectural Preservation District.

4. The Council shall have the power to remove any member for cause after public hearing. Vacancies shall be filled for the unexpired term for any member whose place has become vacant by appointment made by the Council.

5. The [~~building inspector and city engineer~~] City Manager, City Engineer, Building Inspector, or their designees, shall serve as ex-officio members of the Board of Architectural Review and it shall be their duty to refer to the Board of Architectural Review plans for any building for which a permit (s) is sought for construction (including exterior remodeling), [~~zoning~~] or occupancy [and] as well as the other permits as may be required, for which building or proposed building is situated in the Architectural Preservation District.

6. Meetings of the Board of Architectural Review shall be held at such times as the [~~chairman~~] Chairperson of the Board of Architectural Review may determine for the purpose of acting on any application for building, [~~zoning~~] or occupancy permits[.], or other reasons as necessary. [The chairman or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.]

7. [Three (3)] Four (4) members of said Board of Architectural Review shall constitute a quorum for the transaction of business.

8. The Board of Architectural Review shall keep minutes of its proceedings [,] showing a vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official actions. For the purpose of appeal, appeal time shall commence to run on the date a decision of the Board of Architectural Review is voted upon by the Board of Architectural Review and not from the date the minutes including the facts of such decision are approved.

9. The Board of Architectural Review shall have power from time to time to adopt, amend and repeal rules and regulations not inconsistent with law or the provisions of this ordinance governing its procedure and the transaction of its business, and for the purpose of carrying into effect the standards set forth in this ordinance.

D. Power of the Board of Architectural Review

1. The Board of Architectural Review may approve, conditionally, subject to specified modifications or disapprove any application for a building, zoning or occupancy permit referred to it [by the building inspector or the city engineer] as provided for herein, provided that such action shall be by an affirmative vote of [three (3)] four (4) members of said Board, and provided that the Board finds that the building for which the permit was applied, if erected or remodeled, be consistent with the standards and specifications set forth in this ordinance if approved, or inconsistent if disapproved.

2. After the approval of the issuance of any permit requested, the Board shall have continuing jurisdiction to review the proposed construction or remodeling as to its conformity with the original plan submitted by the applicant. Such review shall relate to the exterior appearance of any building to be constructed or remodeled, its location upon the lot in accordance with a plot plan to be submitted with the application, landscaping or other screening, parking and walks requirements. If the Board should determine that construction, remodeling, landscaping, screening or parking is not in accordance with the original application, the Board may by an affirmative vote of [three (3)] four (4) members direct the building inspector to issue a stop order which shall order the applicant, his agent or contractor to cease all work until compliance with the original application and approval by the Board can be assured. Any applicant failing to cease construction upon receipt of a stop order shall be in violation of this ordinance and may be liable to a fine of Fifty (\$50.00) Dollars for each day that he fails to comply with the order.

3. The Board may, by an affirmative vote of [three (3)] four (4) members, modify any plan submitted by an applicant, and when modified, and agreed to by an applicant, said plan shall have full force and effect as the plan which shall govern said remodeling or construction project. If an applicant refuses to agree to any modification of any plan submitted in connection with an application, the Board may reject or disapprove the application as provided for herein.

4. The Board is also charged with the duty of preserving structures in the Architectural Preservation District which were erected prior to 1860. To preserve said structures, the Board may promote uses of said structures.

5. To assist [it] in carrying out the provisions of this ordinance, the Board of Architectural Review may retain an architect familiar with and interested in preservation of historical structures to act as an advisor to the Board of Architectural Review. Such architect/advisor need not be a resident of Centerville [.] ; however, the Board of Architectural Review shall assure that there is no conflict of interest in his activities. The Board of Architectural Review will include in its budget request for funds to cover the services of this individual.

SECTION 2. This Ordinance shall become effective from and after the earliest date allowed by law.

PASSED this 5th day of November, 1979.

Victor A. Green

Mayor of the City of Centerville, Ohio

ATTEST:

Marilyn M. Sandelin
Clerk of the Council

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance Number 36-79, passed by the Council of the City of Centerville, Ohio, on the 5th day of November, 1979.

Marilyn M. Sandelin
Clerk of the Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney