

RECORD OF ORDINANCES

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 2806-A

Ordinance No. 80-71

Passed January 17, 1972

ORDINANCE NUMBER 80-71

CITY OF CENTERVILLE

SPONSORED BY COUNCILMAN J. V. STONE ON THE 17th DAY OF JANUARY, 1972.

AN ORDINANCE TO AMEND ORDINANCE NUMBER 15-1961, THE ZONING ORDINANCE BY ESTABLISHING AN ARCHITECTURAL PRESERVATION DISTRICT, PROVIDING FOR USES THEREIN AND PROCEDURES RELATING THERETO.

WHEREAS, the City of Centerville, Ohio is interested in preserving the historical and architectural heritage of the City but recognizes that the pressures of modern economic life are such that the most historic area of the City is becoming less fit for residential purposes under the present zoning for those areas; and

WHEREAS, the City of Centerville, Ohio is of the opinion that the public health, safety, morals and general welfare of the citizens of Centerville Ohio can best be served if a zoning plan and ordinance is adopted which would encourage and permit development and uses in the historic area which would be compatible to either residences or businesses, and

WHEREAS, the City of Centerville is of the opinion that a similar architecture and other controls would allow for a greater variety of uses while at the same time protecting the interests of all citizens and thus promote the public health, safety, morals and general welfare.

NOW, THEREFORE,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Section 6A. of Ordinance number 15-61, the Village of Centerville, Ohio, known as the "zoning ordinance of Centerville, Ohio", as amended, passed on December 11, 1961, shall be amended as follows:

A. The City of Centerville is hereby classified and divided into [nine] (9) Ten (10) districts designated as follows:

R-1 Residents District	B-2 Roadside Business District
R-2 Residents District	B-3 Shopping Center District
R-3 Residents District	I-1 Industrial District
R-4 Residents District	EC Entrance Corridor District
B-1 Local Business District	<u>AP Architectural Preservation District</u>

Section 2. Section 5 of Ordinance number 15-61 shall be amended as follows:

1. Construction - shall include the erection of a new building or the exterior remodelling of an existing structure.

2. Parking - shall mean area on applicants own property available for the parking ~~10%~~ of vehicles and shall not include any area on a public street or alley.

3. Screening - shall mean a visual obstruction between applicants property and adjoining properties and shall be made of brick or wooden walls or shrubbery of a height designated by the specifications of this ordinance relative thereto.

Section 3. Ordinance Number 15-61, the Village of Centerville, Ohio known as the "zoning ordinance of Centerville, Ohio" passed on December 11, 1961, is hereby amended by adding the following:

Section 31.

A. Preamble - Findings of Fact. The City of Centerville hereby finds that inappropriateness or poor quality of design in the exterior

RECORD OF ORDINANCES

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 2806-A

Ordinance No. 80-71 continued Passed 19

appearance of buildings erected in any neighborhood adversely effects the desirability of the immediate area and neighboring areas for residential and business purposes or other use and by so doing impairs the benefits of occupancy of existing property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development of such area, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, morals and general welfare of the inhabitants thereof and destroys a proper relationship between the taxable value of real property in such areas and the cost of municipal services provided, therefore. It is the purpose of this section to prevent these and other harmful effects of such exterior appearances of buildings erected in any neighborhood and thus to promote and protect the health, safety, morals and general welfare of the community, to promote the public convenience and prosperity, conserve the value of buildings and encourage this most appropriate use of land within the City. Further the public interest calls for the preservation and protection of significant architectural records from Centerville's, Washington Township's and America's history wherever possible that lie within this municipality and especially to preserve buildings erected prior to 1860 and to promote styles of said period in all new and remodeled buildings. Buildings and places that tell us of our forebearers on this ground add meaning and livability to a community as much as do handsome residential areas and orderly business districts. To accomplish this it is necessary to provide a method whereby, with careful consideration for the rights of private property and only after thorough analysis of the objects to be achieved) certain public controls over changes to be made in meaningful buildings and other adjacent buildings or neighborhoods can be established.

B. Purpose. This section is intended to establish a procedure for the determination, designation, and regulation, after careful survey and deliberation, of those buildings and structures, or neighborhoods or both, in which the preservation of particular architectural features are of historical importance to the citizens of Centerville and can be preserved, restored, or developed without significant adverse impact upon the use and enjoyment of the property or properties so affected.

C. Board of Architectural Review - Creation and Organization. There is hereby created a Board of Architectural Review which shall consist of five (5) 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, 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. The members of the Board shall be appointed by the Council and shall elect a chairman and secretary from their own membership. The term of office of 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. 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. The building inspector and city engineer shall serve as ex-officio members of the Board and it shall be their duty to refer to the Board plans for any building for which a permit is sought for construction (including exterior remodeling), zoning or occupancy and for which building or proposed building is situated in the Architectural Preservation District. Meetings of the Board of

RECORD OF ORDINANCES

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 2806-A

Ordinance No. 80-71 continued

Passed _____ 19__

public hearing. Vacancies shall be filled for the unexpired term for any member whose place has become vacant by appointment made by the Council. The building inspector and city engineer shall serve as ex-officio members of the Board and it shall be their duty to refer to the Board plans for any building for which a permit is sought for construction (including exterior remodeling), zoning or occupancy and for which building or proposed building is situated in the Architectural Preservation District. Meetings of the Board of Architectural Review shall be held at such times as the chairman of the board may determine for the purpose of acting on any application for building, zoning or occupancy permits. The chairman or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. Three (3) members of said Board shall constitute a quorum for the transaction of business. The Board 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. The Board 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. Powers of the Board of Architectural Review. 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) 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. 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 plat 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) 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. The Board may, by an affirmative vote of three (3) 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. 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.

To assist it in carrying out the provisions of this ordinance, the Board may retain an architect familiar with and interested in preservation of historical structures to act as an advisor to the Board. Such architect-advisor need not be a resident of Centerville.

E. Effect of Board Action. The building inspector shall refuse any permit application disapproved by the Board as provided in Paragraph D above. He may approve any application conditionally approved by the Board as soon as the conditions specified in such conditional approval have been fulfilled. If the Board shall have approved any building, zoning or occupancy permit, then the building inspector shall, at the expiration of seven (7) days from the date of Board approval issue the permit applied for. He shall likewise issue the permit as applied for in the case of any building, zoning or occupancy permit application referred to such Board which such Board has failed to approve or disapprove within forty (40) days of the date of filing of the application. If any appeal to Council is filed within seven days from the

RECORD OF ORDINANCES

Ordinance No. 80-71 continued Passed 19

date of Board approval of an application, no permit shall be issued until such appeal has been finally determined by Council.

F. Appeal to Council. Any person aggrieved by the action of the Board of Architectural Review in approving or disapproving a building, zoning or occupancy permit application may take an appeal therefrom to the City Council, within five (5) days after Board action, in the same manner as is provided for in Section 30. H., and such Council after proceeding in the same manner as is provided for therein and with the same power and authority there invested in passing upon appeals before it under the provisions of law and this ordinance and in the exercise thereof may reverse, affirm or modify and affirm as modified the action of the Board of Architectural Review.

G. Board of Architectural Review - Procedure on Applications - Public Hearing. Upon the filing of an application for building, zoning or occupancy permit for any property located in an Architectural Preservation District, the building inspector shall forthwith transmit a copy of said application to the Chairman or Secretary of the Board of Architectural Review together with any recommendation by him or the City Engineer relative to compliance of any proposed building, or changes in the exterior of any existing building with the standards set forth in this Ordinance or relative to any parking, walks or screening necessary to protect the City and surrounding properties. The Board shall then set the matter for hearing, said hearing to be within 30 days from the date of filing of the application and cause notice of said hearing to be given by letter to the applicant, the building inspector, the City Engineer and all property owners whose property adjoins the property which is the subject of the application. Any of the foregoing persons who attend the Board hearing in person or by counsel shall be considered as a person aggrieved for the purpose of any desired appeal provided for herein.

The Board at the hearing shall review the application relative to the specifications of this ordinance, shall review the comments and recommendations of the building inspector and City Engineer and shall hear and receive in evidence the comments, exhibits or other relevant information presented by any other interested persons attending the hearing in person or by counsel.

H. Contents of Application. Each application for a building, zoning or occupancy permit shall be on a form prescribed by Building Inspector. At the time of filing of said application, the applicant shall also file a plot plan showing the location of the proposed building to be built or remodeled and other fixtures and signs on the lot, the dimensions of the lot, the location of parking facilities and walks and the width, height and type of proposed screening around the lot; an artist's or architect's drawings of all sides of the proposed building to be constructed or remodeled if applicable; a statement as to the proposed use of said property; and the names and mailing addresses of all adjoining property owners. Each application shall also be accompanied by the payment of a permit fee based upon the following schedule:

- (1) Building Permits:
(2) Zoning Permits:
(3) Occupancy Permits:

I. Permitted Uses. Any use permitted in the R-1, R-2, R-3, R-4 or B-1 Districts shall be permitted in the Architectural Preservation District.

RECORD OF ORDINANCES

Ordinance No. 80-71 continued

Passed

19

J. Exceptions as to Existing Structures. Any existing structure which, in the judgment of the Board of Architectural Review, is of significant historical or architectural value as it exists and especially those erected prior to 1860, need not be altered to comply with the specifications and standards of this ordinance; (building code requirements for proposed occupancy excepted) provided, however, the Board may condition its approval of the application upon remodeling deemed necessary in order to restore the exterior of said structure and may also condition said approval upon parking, walks and screening requirements consistent with the proposed use and for the protection of adjoining property owners and the community.

K. Signs. Any sign erected in an Architectural Preservation District shall comply with the sign specifications and standards of this ordinance as to size and type and the remainder of the zoning ordinance as to location unless otherwise ordered by the Board of Architectural Review.

L. Specifications and Standards. Attached hereto and made a part hereof are standards and specifications of typical exterior designs for buildings, plot plans and signs which are hereby deemed to be consistent with building, plot plans and signs appropriate for the Architectural Preservation District.

M. Exceptions to Subdivision Regulations. The provision of the Subdivision Regulations requiring that a lot front on a public or private street shall not apply in the Architectural Preservation District; provided, however, that all lots in the Architectural Preservation District must front on any of the following: private or public street, private or public alley.

O. Permits Required. (1) In the Architectural Preservation District before any use of an existing or proposed building can be made, except single family residential use, a zoning and occupancy permit must be obtained, upon proper application made, in accordance with the provisions of this ordinance. (2) Any construction work in an Architectural Preservation District shall not be commenced until a building permit has been applied for and issued in accordance with the terms of this ordinance.

Section 4. This ordinance shall become effective on the earliest date allowed by law.

Passed this 17th day of January, 1972.

/s/ Paul C. Hoy
MAYOR - City of Centerville, Ohio

ATTEST:

/s/ Marilyn J. McLaughlin
Clerk of the Council of the City of Centerville, Ohio

C E R T I F I C A T E

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of an ordinance passed by the Council of the City of Centerville, Ohio, on the 17th day of January, 1972.

/s/ Marilyn J. McLaughlin
Clerk

Ordinance No. 80-71 continued

Passed _____ 19__

STANDARDS AND SPECIFICATIONSA. Buildings

Proposed new buildings and remodeling of existing buildings shall be acceptable as to style if they are similar in design and appearance to buildings depicted in the following publications:

Historic Midwest Houses - John Drury, 1947, L.C. Card #47-12011

Early Homes of Ohio - I. T. Frary, 1936, L.C. Card #76-110298

Copies of the aforesaid publications or advice as to locations of same may be obtained from the City of Centerville. Any copies obtained from the City of Centerville shall be on a loan basis.

B. Signs

All signs must be an integral part of the development. Not more than one sign shall be permitted for each occupancy.

All signs shall be constructed of a solid opaque material, shall have no moving parts and no back illumination.

All exterior lighting and fixtures must conform to the architectural period of the development.

Set back requirement for front, rear and side yard spaces shall conform to those historic buildings presently adjacent to the proposed use.

C. Plot Plan

The plot plan submitted with the application must show the location of the building on the plot with scale dimensions showing the length of all property lines and the distance of structures and signs from property lines.

The plan shall also show the locations of all exterior lighting, walks, parking area (including location and number of spaces) and landscaping or other screening.

D. Landscaping and Screening

All uses, other than small single family residences, shall be screened from all adjoining properties by: (1) solid masonry wall at least five feet in height and no more than eight feet in height. Concrete or concrete block walls shall not be permitted;

Or (2) a dense evergreen hedge at least seven (7) feet thick and at least five (5) feet in height.

Or (3) a wooden fence, the design of which is consistent with the architectural period of the development. The fence shall completely hide the adjoining properties and shall be at least five feet and not more than eight feet in height.

E. Walks

All walks shall be constructed of brick or stone block or stone slabs.

F. Parking

All Parking shall be behind the rear building line and the spaces shall be designated by painted lines. All parking areas shall be constructed of blacktop or concrete. The number of spaces required shall conform to the number required by Ordinance 15-61, the Zoning Ordinance, for any particular use.