

SUBSTITUTE ORDINANCE NO. 44 -92BY: John H. Offenberg

An Ordinance to amend the Codified Ordinances of the City of Bexley by deleting Chapter 1432 and re-enacting Chapter 1432, with certain amendments, as Chapter 1222 of the Bexley Planning and Zoning code, to establish controls and regulations regarding the character, design, placement and relationship of buildings, structures and spaces within the Bexley Environmental Review District.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the Codified Ordinances of the City of Bexley be amended by the deletion of Chapter 1432 and re-enacting Chapter 1432 as Chapter 1222 of the Bexley Planning and Zoning Code.

Section 2. That the re-enacted Chapter 1222 of the Bexley Planning and Zoning Code be amended as follows:

~~1432-01~~ 1222.03 ESTABLISHMENT OF DISTRICT; PURPOSE.

The Bexley Environmental Review District is hereby established to control, encourage and regulate the character, design, placement and relationship of buildings, structures and spaces within the boundaries of the District.

~~1432-02~~ 1222.02 APPLICATION OF DISTRICT.

The Bexley Environmental Review District shall be applicable to land presently or hereafter zoned within the Neighborhood Commercial District, Office Commercial District, Community Commercial District, General Commercial District, Commercial Service District, Planned Unit Commercial District or Open Space District.

~~1432-03~~ 1222.03 ENVIRONMENTAL REVIEW BOARD.

(a) Planning Commission as Board. The Planning Commission shall sit as the Bexley Environmental Review Board.

(b) Regulations. No building, structure or space within the Bexley Environmental Review District shall be constructed, reconstructed, altered, moved, extended, ~~raised~~ RAZED, enlarged or changed in external appearance unless and until the plans and specifications for such building or structure and the landscaping plan for the premises on which it is ~~to~~ OR WILL be located have been approved by the Board. The Board, in reviewing such plans and specifications, shall examine the architectural design, the exterior surface treatment AND COLOR, the arrangement of buildings and structures on the premises, the use of signage, the means of integrating parking, the use of landscape materials and the impact of the proposed project on the surrounding properties to determine the effect the project will have upon the appearance and environment of the District. The Board shall endeavor to assure that the exterior appearance and environment of such buildings, structures and spaces will enhance the attractiveness and desirability of the District in keeping with its purpose and intent, encourage the orderly and harmonious development of the District in keeping with the character of the District, improve residential amenities in any adjoining residential neighborhood and enhance and protect the public ~~in~~ AND private investment in the value of all land and improvements within the District and adjoining districts. THE BOARD IN THE PERFORMANCE OF THESE DUTIES MAY FROM TIME TO TIME ADOPT AND PUBLISH GUIDELINES WITH RESPECT TO OVERALL PROJECT DESIGN, USE OF MATERIALS, LOT LAYOUT AND OUTDOOR AREAS INCLUDING LANDSCAPING, PAVED AREAS, AND PEDESTRIAN AREAS.

(c) Architectural Style. The Board, in the performance of its duties, shall not attempt to prescribe the style of architecture so long as the architectural style and design under consideration meet the standards set forth above.

~~1432-04~~ 1222.04 CERTIFICATE--OF--APPROPRIATENESS ENVIRONMENTAL REVIEW BOARD APPROVAL.

(a) ~~A--certificate--of--appropriateness~~ APPROVAL must be obtained FROM THE BOARD prior to any new construction or any remodeling, reconstruction or other change which would come within the provisions of this chapter.

(b) The responsibility of review and approval or denial of the application for ~~a--certificate--of--appropriateness~~ APPROVAL shall rest with the Environmental Review Board. All applications for ~~a--certificate~~ APPROVAL shall be made to the Mayor or his or her designee at least six days before a regularly scheduled Board meeting. The applicant shall submit with their application drawings, materials, sketches and such other items that indicate or identify the proposed exterior and environment of any new or existing building or structure within the Environmental Review District.

(c) The Environmental Review Board shall review and approve, approve with modifications or conditions or disapprove such applications within forty-five days of the meeting UNLESS THE APPLICATION IS TABLED AT THE REQUEST OF THE APPLICANT OR THE BOARD. ~~Upon approval by the Board, the Mayor or his designee shall issue a certificate of appropriateness to the applicant within fifteen days thereafter. Upon disapproval by the Board, the Mayor or his designee shall not issue a certificate of zoning compliance for such project.~~ THE CITY SHALL MAINTAIN, AS AN OFFICIAL RECORD OF THE APPROVAL, MINUTES OF THE MEETING. Any applicant may appeal the decision of the Board to Council by filing a notice of appeal with the Clerk of Council within fourteen days after the decision of the Board is rendered. The decision of Council shall be final.

~~1432-05~~ 1222.05 VIOLATIONS; EQUITABLE REMEDY.

(a) No person shall construct, reconstruct, alter, move, extend, ~~raise~~ RAZE, enlarge or change the external appearance of any building, structure or use of land within the Bexley Environmental Review District, or maintain, change or install a sign in violation of this chapter. NO PERSON SHALL CONSTRUCT, RECONSTRUCT, ALTER, MOVE, EXTEND, RAZE, ENLARGE OR CHANGE THE EXTERNAL APPEARANCE OF ANY BUILDING, STRUCTURE OR USE OF LAND WITHIN THE BEXLEY ENVIRONMENTAL DISTRICT WITHOUT COMPLIANCE WITH, AND PERMITS AS REQUIRED BY, THE BUILDING AND HOUSING CODE OF THE CODIFIED ORDINANCES.

(b) In the event that any exterior change is made to any structure or building which is located within the Bexley Environmental Review District, or in the event that any construction occurs within the District in violation of any of the provisions of this chapter, then in addition to the penalty provided in Section ~~1432-99~~ 1222.99, the City may institute appropriate proceedings to enjoin such unlawful change or construction.

1222.99 PENALTY.

(A) WHOEVER VIOLATES OR FAILS TO COMPLY WITH ANY OF THE PROVISIONS OF THIS PLANNING CODE, INCLUDING VIOLATIONS OF CONDITIONS AND SAFEGUARDS ESTABLISHED IN VARIOUS SECTIONS OF THIS PLANNING CODE, SHALL BE FINED NOT MORE THAN TWO HUNDRED FIFTY DOLLARS (\$250.00). A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OR NONCOMPLIANCE

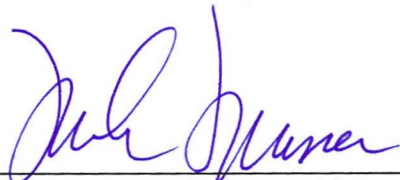
OCCURS OR CONTINUES AFTER RECEIPT OF A VIOLATION NOTICE. THE OWNER OR TENANT OF ANY BUILDING, STRUCTURE, PREMISES OR A PART THEREOF, AND ANY ARCHITECT, BUILDER, CONTRACTOR, AGENT OR OTHER PERSON WHO COMMITS, PARTICIPATES IN, ASSISTS IN OR MAINTAINED SUCH VIOLATION OR NONCOMPLIANCE MAY BE FOUND GUILTY OF A SEPARATE OFFENSE AND SUFFER THE PENALTIES HEREIN PROVIDED.

(B) THE APPLICATION OF THE PENALTY IN SUBSECTION (A) HEREOF SHALL NOT BE DEEMED TO PREVENT THE ENFORCED CORRECTION OF PROHIBITED CONDITIONS OR THE APPLICATION OF ANY OTHER EQUITABLE REMEDY.

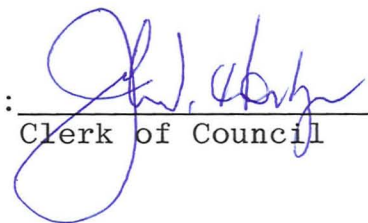
Section 3. That Chapter 1432 of the Codified Ordinances of the City of Bexley is hereby repealed in its entirety.

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: October 13, 1992




President of Council

Attest: 

Clerk of Council

Approved: 10/13, 1992



David H. Madison, Mayor

028/EnvironR

July 14, 1992 - 1st reading
July 28, 1992 - 2nd reading
Sept. 8, 1992 - 3rd reading
Tabled
Oct. 13, 1992 - Substituted
adapted