

AMENDED ORDINANCE NO. 7-00

By: Mark R. Masser

An Ordinance to amend the Planning and Zoning Code by enacting Chapter 1223 to establish the Bexley Architectural Review District for the purposes of maintaining the quality and existing character of residential neighborhoods as they undergo redevelopment and to protect and preserve property values by regulating the exterior characteristics of new structures and significant modifications of existing structures in residential neighborhoods.

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

Section 1. That Chapter 1223 of the Planning and Zoning Code is hereby enacted as follows:

CHAPTER 1223
Bexley Architectural Review District

1223.01 ESTABLISHMENT OF DISTRICT; PURPOSE.

The Bexley Architectural Review District is hereby established to maintain the quality and existing character of residential neighborhoods in the City as such neighborhoods undergo redevelopment, to protect and preserve property values and to promote the general community welfare by regulating the exterior characteristics of new structures and significant modifications of existing structures throughout the District.

1223.02 APPLICATION OF DISTRICT.

The Bexley Architectural Review District shall be applicable to land presently or hereafter zoned within the Low Density Single-Family District, Intermediate Density Single-Family District, Medium Density Single-Family District, High Density Single-Family Residential District and Low Density Multifamily Residential District.

1223.03 ARCHITECTURAL REVIEW BOARD.

(a) Board of Zoning Appeals as Board. The Board of Zoning Appeals shall sit as the Bexley Architectural Review Board.

(b) Review. No new principal building or structure within the District shall be constructed, no existing principal building or structure within the District shall be enlarged and the architectural style and detail, including, but not limited to, the enclosure of a front porch, of an existing principal building or structure within the District shall not be changed, unless and until the plans and specifications for such structure or modification have been submitted to and reviewed by the Board, and the Board has issued a certificate of appropriateness. In the case of a new building or structure or a change to an existing structure which involves the removal of existing landscaping, a landscape plan shall also be submitted for review and approval. The

Board, in deciding whether to issue a certificate of appropriateness, shall determine that the proposed structure, modification and use would be compatible with existing structures and uses within the portion of the District in which the premises are located. In conducting its review, the Board shall examine and consider, but not necessarily be limited to, the following elements: the architectural design, including, in the case of an enlargement, the design of the existing structure; the exterior materials, texture and color; exterior detail and relationships; height and building mass; the arrangement of buildings and structures on the premises; existing grades; the relationship of the design to the visual perspective of a pedestrian and adjoining properties; and the use of landscape materials, when review of a landscape plan is required. The Board in the performance of these duties shall from time to time adopt and publish design guidelines; provided, however, that any such guidelines shall be subject to review and approval by Council.

(c) Delegation of Authority. The Board may delegate to a qualified employee of the City or of the City's planning consultant the authority to review and approve plans and issue a certificate of appropriateness with respect to changes to existing buildings or structures, without further review and approval by the Board, in cases involving compliance with routine, design guidelines previously established by the Board with the approval of Council. The guidelines shall specify the matters which may be reviewed and approved by the staff pursuant to this delegation. However, the staff may decline to review an application and submit it to the Board for its review. An applicant whose plans have been so reviewed by the staff may, upon request, have such plans reviewed and approved by the Board.

1223.04 CERTIFICATE OF APPROPRIATENESS.

(a) No certificate of appropriateness shall be issued until an application has been filed with the Board. Such application shall be on a form furnished by the Board and shall, at a minimum, contain information regarding the elements for review set forth in Section 1223.03 of this chapter.

(b) Subject to Section 1223.03(c), the responsibility of review and approval or denial of the application for approval shall rest with the Board. All applications requiring review by the Board, rather than the staff, shall be made to the Board or its designee at least 14 days before a regularly scheduled Board meeting; provided, however, that the Board may, for good cause, waive the 14 day advance filing requirement and, in the case of changes to a plan previously approved by it, may reduce any applicable time period for notice to other property owners, and consider a new or amended application at any regular or special meeting of the Board.

(c) The Board shall review and approve, approve with modifications or conditions or disapprove each such application. An application may be tabled at the request of the applicant or the Board. The City shall maintain, as an official record of the Board's decision on an application, minutes of the meeting at which the application was considered. Any applicant may appeal the decision of the Board to Council by filing a notice of appeal with the Clerk of Council within 14 days after the decision of the Board is journalized in minutes approved by the Board. The decision of Council shall be final.

1223.05 VIOLATIONS; EQUITABLE REMEDY.

(a) No person shall construct, reconstruct, alter, move, extend, raze, enlarge or change the external appearance of any building or structure within the Bexley Architectural Review District in violation of this chapter, including, without limitation, any condition imposed by the Board in its approval of an application.

(b) In the event that any structure or building which is located within the Bexley Architectural Review District is changed, or any construction occurs within the District, in violation of any of the provisions of this chapter or any condition imposed by the Board in its approval of an application, then in addition to the penalty provided in Section 1223.99, the City may institute an appropriate action or proceeding to restrain, correct or abate any such violation or to require compliance with the provisions of this chapter.

1223.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter, including, without limitation, any condition imposed by the Board in its approval of an application, 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 maintains such violation or noncompliance may be found guilty of a separate offense and suffer the penalties herein provided.

Section 2. Unless extended by action of Council, Chapter 1223 shall automatically expire two years from and after the effective date of this Ordinance set forth in Section 3.

Section 3. That this Ordinance shall take effect and be in force from and after the date on which Council approves initial design guidelines established by the Board as contemplated by Section 1223.03(b), which in no case shall be prior to the earliest period allowed by law.

Passed: 5-9, 2000

Anna H. Parker
President of Council

Attest: Richard A. Lewis
Clerk of Council

Approved: 5-9, 2000

David H. Madison
David H. Madison, Mayor

*5/9/00 Removed from table.
Amended Ordinance 7-00 substituted
for 7-00. Passed*