

## **Codified Ordinances of Pickerington, Ohio**

### **CHAPTER 1478**

Olde Downtown Pickerington Village District

1478.01 Definitions.

1478.02 Establishment.

1478.03 Purposes.

1478.04 District boundaries.

1478.05 Olde Downtown Pickerington Village Commission. (Repealed)

1478.06 Duties and powers of Commission.

1478.07 Certificates of appropriateness; application and review.

1478.08 Standards for review of certificates.

1478.09 Issuance of certificates.

1478.10 Designation of listed properties.

1478.99 Penalty.

#### ***CROSS REFERENCES***

Ohio Historical Society - see Ohio R.C. 149.30, 149.31

Historic and prehistoric sites - see Ohio R.C. 149.301, 1743.07

Registration of historic landmarks - see Ohio R.C. 149.55

Resignation procedure for board or commission members - see ADM. 248.04

Desecration - see GEN. OFF. 642.05

Planning and Zoning Commission - see P. & Z. 1272.04

Zoning districts generally - see P. & Z. Ch. 1274

#### **1478.01 DEFINITIONS.**

As used in this chapter:

(a) "Alter" and "alteration" mean any exterior visual or material change to any listed property or property located within the Olde Downtown Pickerington District. For purposes of this chapter, alterations shall include a change in design, current color, texture, material or exterior feature. Ordinary maintenance to correct any deterioration, decay or damage to a structure and to restore the structure to its condition prior to such deterioration, decay or damage, is excluded from the definition of the word "alteration," provided that such work does not involve a change in design, original color, texture, material or exterior feature.

(b) "Applicant" means any owner, person, association, partnership or corporation who or which applies for a certificate of appropriateness.

(c) "Certificate of appropriateness" means a certificate issued by the City to an applicant stating that a proposed alteration, demolition or new construction to a listed property or property within the District is appropriate under the provisions of this chapter.

(d) "Commission" means the Planning and Zoning Commission of the City, serving as the Design Review Board.

(e) "Council" means the City Council of the City of Pickerington, Ohio.

(f) "Demolition" means the substantial deterioration or the complete or substantial removal or destruction of any structure which is located within the District.

(g) "District" means the Olde Downtown Pickerington Village District or any other area which contains two or more properties of special character or historic, aesthetic or architectural value as part of the heritage, development or cultural characteristics of the City, the State or the United States, which has been designated as a listed property pursuant to the provisions of this chapter.

(h) "Environmental change" means any material alteration, removal, construction or addition of private or public improvements to a structure within the District, including any new construction.

(i) "Environmental feature" means any natural or man-made object, attachment or landscaping that is intended as part of the visual composition of a street or site, including, but not limited to, fences, sidewalks, driveways, exterior lighting fixtures, street trees, curbs, streets and paving materials.

(j) "Exterior architectural feature" means the architectural style, general design and general arrangement of the exterior of a building or other structure, including, but not limited to, windows, doors, porches, storefronts, cornices, siding materials, decorative trim, signs and other features appurtenant to the exterior of a building.

(k) "Landscaping" means and includes only major landscaping work that is to be on open tracts of land, parking lots, streets, alleys and other large open areas, but not including the planting or arrangement of flowers and plants incidental to the enhancement of single properties.

(l) "Listed property" means any property which has special character or historic, aesthetic or architectural value as part of the heritage, development or cultural characteristics of the City, the State or the United States and which has been designated as a listed property pursuant to the provisions of this chapter.

(m) "Member" means any member of the Planning and Zoning Commission.

(n) "Nonconforming" means property, the character of which does not conform to the characteristics of the District.

(o) "Ordinary restoration" includes the repair of existing, or in the case of historic structures, original, exterior architectural features, including, but not limited to, the color, roof, eaves, downspouts, siding, windows and doors of a listed property or a property located within the District, provided that such repair does not result in a change of design, current color, texture, material or exterior architectural feature. For purposes of this chapter, power washing or chemical cleaning of masonry is considered ordinary maintenance, but the sandblasting of masonry is not considered ordinary maintenance. Owners of nonconforming properties are encouraged to take advantage of maintenance to improve and upgrade the character of their properties to better conform with the character of the District. (See "Simple repairs and upkeep.")

(p) "Owner" means the owner of record, and the term shall include the plural as well as the singular.

(q) "Property" means any area, place, site (including an archaeological site), building, structure, object or work of art.

(r) "Reconstruction" means reproducing, by new construction, the exact form and detail of a vanished structure, or a part thereof, as it appeared at a specific period of time.

(s) "Simple repairs and upkeep" includes paint touch-up, repainting in original recommended colors, gutter or roof repairs, window glass or screen replacement, trim repairs, masonry repointing, routine gardening and work that does not significantly affect the appearance of the property.

(t) "Substantial hardship" means a condition unique to the property under consideration and a condition under which an action by the Commission would force the applicant to suffer practical difficulty and denial of the reasonable use of the property.

(u) "Verbal boundary description" means a detailed description which delineates the physical extent of a listed property or the Olde District. If the boundaries do not coincide with legally recorded boundaries (lot or parcel number, deed book and page number), then street names, property lines, geographical features and other lines of convenience which clearly distinguish the listed property or District from its surroundings may be used. The term "verbal boundary description" is also frequently referred to as a "metes and bounds" description.

(Ord. 94-46. Passed 7-5-94; Ord. 2000-77. Passed 8-1-00.)

### **1478.02 ESTABLISHMENT.**

In recognition of the need for the establishment of a public procedure that will provide for the protection and enhancement of the distinctive character of the original resources of the commercial/historic section of the City and for the objective review of proposed alterations and/or demolition of notable structures or sites within the City, Council hereby adopts this chapter and establishes the Olde Downtown Pickerington Village District.

(Ord. 94-46. Passed 7-5-94.)

### **1478.03 PURPOSES.**

The purposes of this chapter are to:

(a) Establish procedures whereby a high character of community development can be encouraged and maintained to protect and preserve property, to promote the stability of property values and to protect real estate from impairment or destruction of value, for the general community welfare, by regulating the exterior architectural characteristics of structures throughout the District. It is the further purpose of this chapter to recognize and preserve the distinctive environmental and architectural character of this community which has been greatly influenced by the architecture of an earlier period in this community's history. These purposes will be achieved by the regulation of exterior design, use of materials, landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, erected, enlarged or remodeled in the District.

(b) Achieve the following objectives:

(1) Safeguard the heritage of the City by preserving areas, places, sites, buildings and structures which reflect elements of the City's cultural, social, economic, political or architectural heritage.

(2) Maintain and enhance the distinctive character of historic buildings and historic areas in the designated area.

(3) Afford and encourage the widest possible scope of continuing vitality through private renewal and architectural creativity within appropriate controls and standards.

(4) Seek alternatives to demolition of architecturally important buildings or incompatible alterations before such acts are performed.

(5) Safeguard the architectural integrity of the City's listed properties and historic resources within the designated District and listed properties.

(6) Encourage development of vacant properties and redevelopment of blighted or nonconforming properties within the District in accordance with the character of the designated District and listed properties.

(7) Maintain the "Village" character from which the City originated.

(c) Contribute to the economic, recreational, cultural and educational development of the City by:

(1) Promoting the use and preservation of historic sites and structures for the education and general welfare of the people of the City.

(2) Protecting and enhancing the City's attractions to prospective residents, tourists and visitors.

(3) Facilitating the reinvestment in and revitalization of certain older buildings.

(4) Fostering civic pride in the beauty and notable accomplishments of the past.

(5) Providing support and stimulus to business and industry.

(6) Stabilizing and improving property values.

(7) Strengthening the economy of the City.

(d) Designate the Planning and Zoning Commission for the enforcement of the regulations applicable to the District.

(Ord. 94-46. Passed 7-5-94; Ord. 2000-77. Passed 8-1-00.)

#### **1478.04 DISTRICT BOUNDARIES.**

The boundaries of the Olde Downtown Pickerington Village District shall be as provided in the map attached to original Ordinance 94-46, passed July 5, 1994, from which this chapter was derived. All residential homes in the specified area are excluded as long as they remain residential and are occupied by a relative of the immediate family that presently owns the property, and anyone who would like to be included in the downtown revitalization effort can be included with a letter of request.

All of these areas, collectively, shall be known as the Olde Downtown Pickerington Village District.

(Ord. 94-46. Passed 7-5-94.)

#### **1478.05 OLDE DOWNTOWN PICKERINGTON VILLAGE COMMISSION. (REPEALED)**

(EDITOR'S NOTE: This section was repealed by Ordinance 2000-77, passed August 1, 2000.)

#### **1478.06 DUTIES AND POWERS OF COMMISSION.**

The Planning and Zoning Commission, in order to effectuate the purposes of this chapter, shall have such duties and powers as may be imposed by ordinance and these Codified Ordinances, including the following:

(a) Establishment of Criteria, Rules and Regulations for Evaluation of Applications. The Commission shall establish criteria, rules and regulations not otherwise included in this chapter for evaluating applications for certificates of appropriateness submitted to it and the manner in which such applications shall be processed.

(b) Use of Standards for Rehabilitation and Other Guidelines. The Commission shall use the Secretary of the Interior's Standards for Rehabilitation and any other written guidelines the Commission may adopt for making decisions on requests for certificates of appropriateness submitted to it.

(c) Assistance of Applicants. The Commission shall help applicants understand and comply with the criteria established in this chapter.

(d) Review and Action Upon Applications. The Commission shall review and act upon all applications for certificates of appropriateness as required by this chapter. Approval or denial shall occur within thirty days, unless tabling is requested by the applicant.

(e) Consideration of Hardships and Other Consequences of Approval and Disapproval. The Commission shall consider whether the failure to issue a certificate of appropriateness will institute a "substantial hardship" to the applicant, and whether the certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the provisions and purposes of this chapter.

(f) Use of Experts. The Commission may employ technical experts and such other employees as may be required to perform its duties, within the appropriations made available therefor, and to perform such other related tasks within its capabilities as may be required by Council.

(g) Cooperation With Planners, Developers, Etc. The Commission shall work cooperatively with planners, developers, the City and others in long-range planning efforts to insure the inclusion of historic preservation values in such planning efforts.

(h) Surveying of Properties. The Commission shall conduct, cause to be conducted or assist in the conduct, of a continuing survey of all structures or areas of architectural, historic or aesthetic interest in the City, which the Commission believes, on the basis of information available or presented to it, are or will be eligible for designation as a listed properties.

(i) Designation of Listed Properties; Registration. The Commission shall make recommendations for the designation of listed properties to Council and keep a current register of all listed properties. All listed properties shall be given a number, a description accompanied by a photograph and the reasons for the listing. This register shall also include verbal boundary

descriptions of the listed properties. The register will be made available to the public and to any other interested party.

(j) Education of Members. The Commission shall conduct or encourage members to attend educational sessions at least once a year pertaining to the function of the Commission or relating to specific historic preservation issues.

(k) Education of Citizens. The Commission shall work for the continuing education of the citizens of the City with respect to the architectural and historic heritage of the City and the listed properties and District designated under the provisions of this chapter, and shall make every effort to improve the overall design and environmental awareness of the citizens of the City.

(l) Review of National Register Nominations. The Commission shall review proposed National Register nominations for properties within its jurisdiction and forward its comments to the State Historic Preservation Officer.

(m) Minutes. The Commission shall maintain written minutes of its actions and decisions and shall make such minutes available for public inspection.

(n) Achievement of Purposes of Chapter. The Commission shall improve the quality of life in the City by striving to further and achieve the spirit and purposes of this chapter.

(o) Amendments. The Commission shall make recommendations to Council for additions or revisions to this chapter.

(Ord. 94-46. Passed 7-5-94; Ord. 2000-77. Passed 8-1-00.)

#### **1478.07 CERTIFICATES OF APPROPRIATENESS; APPLICATION AND REVIEW.**

(a) In General.

(1) Applications for certificates of appropriateness are available from the Planning Commission.

(2) A certificate of appropriateness must be obtained by all persons proposing a change in zoning or the physical appearance of any property within the boundaries of the District. All properties, buildings and permanent signs within the District are subject to the provisions of this chapter.

(3) All projects, except simple repairs, require a certificate of appropriateness. If, however, a simple repair will change the appearance of the building (in the opinion of the Director of Planning and Zoning), a certificate of appropriateness will be required as described in this chapter.

(4) No building or occupancy permit shall be issued unless the applicant has been issued a certificate of appropriateness as provided in this chapter.

(5) No construction, reconstruction, alteration or demolition of any structure or significant exterior architectural feature of any listed property or property within the District shall be undertaken prior to obtaining a certificate of appropriateness from the Planning and Zoning Commission.

(b) Informal Review of Applications.

(1) Ordinary restoration, renovation and site improvements. A certificate of appropriateness may be issued by the Planning and Zoning Commission for the following projects:

A. Restoration and/or renovation of an existing property to return it to its original condition.

B. Removal of prior improvements and repairs for the purpose of restoring the property's original character with materials and details consistent with the design guidelines provided for in this chapter.

C. Landscape improvements consistent with the design guidelines of this chapter.

The Director of Planning and Zoning is authorized, at his or her sole discretion, to require that a certificate of appropriateness be obtained before any work that exceeds simple repairs or ordinary restoration is begun.

(2) Contents of applications. Any person desiring to make an improvement or change, including any change determined by the Building Official, in his or her sole discretion, to be reviewed by the Commission, to the exterior of any structure within the Olde Downtown Pickerington Village District, shall make application to the Planning Commission on a form provided by the Commission. At a minimum, the application shall include the following:

- A. The property address.
- B. The applicant's name and address.
- C. A photograph of the front and rear of the property.
- D. The owner's name and address, if different from the applicant's.
- E. The name, address and telephone number of the applicant's representative.
- F. A general description of the property and its current use.
- G. A detailed description and drawings of the proposed changes.
- H. Such other information as the Commission or the Building Official deems necessary.

(c) Formal Review of Applications by Commission.

(1) Changes in zoning or use. Any person desiring to change the use of any property within the District shall make application to the Planning Commission on a form provided by the Commission. At a minimum, the application shall include the following:

- A. The property address.
- B. The applicant's name.
- C. A photograph of the front and rear of the property.
- D. A description of the proposed use.
- E. A description of the current use of the property.
- F. The name of the owner and his or her address if different from the applicant's.
- G. The name, address and telephone number of the applicant's representative.
- H. Such other information as the Commission or the Chief Building Inspector deems necessary.

I. The names and addresses of all property owners within 200 feet of any portion of the subject property within the District.

The Director of Planning and Zoning shall cause notice to be given in the manner set forth in subsection (d) hereof.

(2) Significant changes in appearance of exteriors. If the proposed architectural change involves any of the following, then the Municipal Clerk shall schedule the application for a public hearing before the Commission:

- A. Changes in parking.
- B. The addition of fences.
- C. The demolition of structures.
- D. Landscaping related to parking.
- E. Additions to existing structures.
- F. The construction of new structures.
- G. Any exterior work requiring a building permit.
- H. Any improvement that the Commission instructs the Director of Planning and Zoning to refer to it.

I. Any change that the Director of Planning and Zoning determines, in his or her sole discretion, should be reviewed by the Commission.

The Commission shall cause notice to be given in the manner set forth in subsection (d) hereof.

(d) Hearings; Notice; Approval of Applications; Appeals; Commencement of Construction.

(1) When a hearing is required as provided in subsection (c) hereof, the Commission shall schedule the application for a public hearing before it, subject to the following notice requirements:

A. A summary of the application, together with the date, time and place of the hearing, shall be published in a newspaper of general circulation in the City at least two weeks prior to the scheduled public hearing.

B. Written notice with a summary of the application, together with the date, time and place of the hearing, shall be sent by regular first class mail to all property owners within 200 feet of any portion of the subject property within the District at least ten days prior to the scheduled public hearing.

(2) At the time and place scheduled for the hearing, the Commission shall conduct a public hearing, consistent with all rules adopted by it, to take testimony regarding the proposed application.

(3) The Commission shall take into consideration the testimony from the public hearing, the purpose of the District and the guidelines provided for in this chapter when making its decision.

(4) Following the public hearing, the Commission shall vote to approve, approve with modifications or disapprove the application.

(5) Any application approved with modifications or disapproved may be appealed to Council.

(6) Council shall hear the appeal, provided that it is filed, in writing, with the City within thirty days after the Commission's decision.

(7) The Director of Planning and Zoning shall not issue a certificate of appropriateness until the application has been approved by the Commission or by Council.

(8) Any approved improvement or series of improvements not commenced within one year after the same is granted shall be void unless an extension is granted by the Commission. Any series of improvements not completed within five years shall be void unless an extension is granted by the Commission.

(e) Purpose of Section; Other Review Requirements.

(1) The purpose of this section is to encourage owners and residents to make meaningful improvements to properties within the District and to provide assistance to the applicant in making selections and working through the process. Nothing herein shall be interpreted as giving the Commission authority to approve or disapprove the application unless the Commission, after reviewing the application, determines, by a majority vote, that the applicant's request involves a significant architectural change as provided for in subsection (c) hereof. In such case, the application shall be referred to the Municipal Clerk for processing consistent with the terms of this section.

(2) Applications shall be scheduled for review by the Commission at its next regularly scheduled meeting, consistent with any required specific notice.

(3) The Commission shall review the application at the scheduled meeting and provide guidance and comments to the applicant based on information in the application, information obtained at the meeting, the purpose of the District and the guidelines provided for in this chapter.

(4) No exterior work, except ordinary maintenance, shall be commenced on any structure in the District until the same has been reviewed by the Commission.

(Ord. 94-46. Passed 7-5-94; Ord. 2000-77. Passed 8-1-00.)

#### **1478.08 STANDARDS FOR REVIEW OF CERTIFICATES.**

(a) Information Required. The Planning and Zoning Commission, in deciding whether to issue a certificate of appropriateness, shall determine that the application under consideration promotes, preserves and enhances the distinctive Village character of the community and would not be at variance with existing structures within the Village or the community or that portion of

the District in which the structure is, or is proposed to be. In conducting its review, the Board shall make examination of and give consideration to, the elements of the application, including, but not necessarily limited to, the following:

- (1) Building height, which shall be a maximum of two stories with attic (approximately thirty-five feet from the grade to the top of the ridge).
  - (2) Building massing, which shall include, in addition to the requirements of these Codified Ordinances, the relationship of the building width to its height and depth and its relationship to the viewer's and pedestrian's visual perspective.
  - (3) Window treatment, which shall include the size, shape and materials of the individual window units and the overall harmonious relationship of window openings.
  - (4) Exterior detail and relationships, which shall include projecting and receding elements of the expression which is conveyed by these elements.
  - (5) Roof shape, which shall include the type, form and materials.
  - (6) Materials, texture and color, which shall include a consideration of material compatibility among various elements of the structure.
  - (7) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details.
  - (8) Landscape design and plant materials, which shall include, in addition to the requirements of this chapter, lighting and the use of landscape details to highlight architectural features, or screens to soften undesirable views.
  - (9) Pedestrian environment, which shall include the provision of features which enhance and protect pedestrian movement and the environment and which relate to the pedestrian's visual perspective.
  - (10) Signage, which shall include, in addition to requirements of these Codified Ordinances, the appropriateness of signage to the building.
- (b) Additional Guidelines. Additional guidelines shall be as provided in the Olde Downtown Pickerington Village Design Guidelines, which is attached to original Ordinance 94- 46, passed July 5, 1994.
- (c) Additional Information. In conducting its inquiry and review, the Commission may request from the applicant such additional information, sketches and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding the matters under examination. It may recommend to the applicant changes in the plans that it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes.
- (d) Records. The Commission shall keep a record of its proceedings and shall append to the application copies of information, sketches and data, needed to clearly describe any amendment to it.
- (Ord. 94-46. Passed 7-5-94; Ord. 2000-77. Passed 8-1-00.)

#### **1478.09 ISSUANCE OF CERTIFICATES.**

(a) Application. When the owner of a property within the District or the owner of a listed property desires to make any change as described in Section 1478.07, such owner or his or her agent shall apply for and secure a certificate of appropriateness from the Planning and Zoning Commission. The application for the certificate of appropriateness shall be filed with the Secretary of the Commission, in such form and with such plans, specifications and other material as the Commission may, from time to time, prescribe.

(b) Changes Not Involving Architectural or Environmental Features. The Commission shall consider such application, plans, specifications and other material at the next regularly scheduled meeting of the Commission, provided that a completed application is filed at least ten days prior to the meeting. If the Commission determines that no architectural or

environmental feature is involved, the Director of Planning and Zoning shall issue a certificate of appropriateness without a formal hearing.

(c) Changes Involving Architectural Features; Determination of Appropriateness. In the event that the Commission finds that an architectural feature is involved, the Commission shall determine whether or not the proposed construction, reconstruction, alteration or demolition is appropriate. In making such determination, the Commission shall refer to the Secretary of the Interior's Standards for Rehabilitation and to the design guidelines adopted by the Commission.

(d) Approval of Applications. In the event that the Commission finds the proposed construction, reconstruction, alteration or demolition is appropriate, then the Secretary of the Commission shall issue a certificate of appropriateness.

(e) Denial of Applications. In the event that the Commission finds that such proposed construction, reconstruction, alteration or demolition is not appropriate, then the Commission shall deny issuance of a certificate of appropriateness.

(f) Statement of Reasons for Denial. In the event that the Commission determines that a certificate of appropriateness will not be issued, it shall forthwith state in its records the reasons for such determination and may include recommendations respecting the proposed construction or reconstruction, alteration, demolition or change to any listed property or any property located within any Historic District. The Secretary of the Commission shall notify the applicant of such determination and transmit to him or her the reasons for denial and recommendations, if any, of Council.

(g) Waiting Period for Demolition. The Commission shall establish a waiting period not to exceed one year, during which time no action shall be taken on the issuance or denial of a certificate of appropriateness in cases involving the demolition of a listed property within any Historic District. During such waiting period, the Commission or its designee shall negotiate with the owner of the property in order to develop a compromise proposal acceptable to both. The first meeting between the Commission and the owner shall take place within thirty days from the date of denial of the certificate of appropriateness, and both parties must continue to have good faith meetings at least every forty-five days after the initial meeting. If a compromise proposal is accepted by both parties, then the Commission may cause a certificate of appropriateness to be issued.

(h) Conflicts Between Standards. In the case of a conflict between any of the standards provided for in this chapter and the Standards for Rehabilitation of the Secretary of Interior, the Standards for Rehabilitation shall prevail.

(Ord. 94-46. Passed 7-5-94; Ord. 2000-77. Passed 8-1-00.)

#### **1478.10 DESIGNATION OF LISTED PROPERTIES.**

(a) Certain properties in the District are unique or valuable because of their age, character or role in history. A responsibility of the Commission is to officially designate such property in the City as a listed property of a Historic District. The Commission shall apply one or more of the following criteria with respect to such property:

(1) The property's relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural or architectural innovation.

(2) The property's unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood or community of the City.

(3) The property's embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.

(4) The property's character, interest or value as part of the development, heritage or cultural characteristics of the City, the State or the United States.

(5) The property's portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

(6) The property's identification as the work of an architect or master builder whose individual work has influenced the development of the City.

(7) The property's identification with a person or persons who have significantly contributed to the culture and development of the City.

(8) The property's having yielded, or likelihood of yielding, information important to the understanding of pre-history or history.

(9) The property's exemplification of the cultural, economic, social, archaeological or historic heritage of the City.

(10) The property's embodiment of distinguishing characteristics of an architectural type or specimen.

(11) The property's location as the site of a significant historic event.

(b) The Commission shall notify the owner of any proposal to list his or her property. The Commission shall secure the owner's written consent for the proposed designation and, upon receipt of such consent, the property shall be listed upon favorable recommendation of the Commission to Council and upon approval by Council at a regular or special session of Council. (Ord. 94-46. Passed 7-5-94.)

#### **1478.99 PENALTY.**

Whoever violates any provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.