

**PERRY TOWNSHIP**  
**ARCHITECTURAL REVIEW CODE**

October 3, 2017

**PERRY TOWNSHIP ARCHITECTURAL REVIEW BOARD**

**Architectural Review Code**

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## **ARTICLE I**

### **PURPOSE**

#### **1.01 PURPOSE**

Under Ohio Revised Code (R.C.) Section 519.171, the purpose of this Architectural Review Code is to provide landscaping and architectural standards and procedures in accordance with the authority of the Perry Township Board of Trustees (the “Board of Trustees or the “Trustees”) to establish the Architectural Review Board (the “ARB”) and to encourage, create, and maintain high-quality buildings and developments in Perry Township, ensuring the desirability and attractiveness of property in the Township.

## **ARTICLE II**

### **TITLE**

#### **2.01 TITLE**

These standards and procedures shall be known as the “Perry Township Architectural Review Code” or the “Architectural Review Code” and is herein referred to as the above or as the “Code.”

## ARTICLE III

### DEFINITIONS

#### 3.01 CONSTRUCTION OF LANGUAGE

For the purpose of this Code, certain words or terms shall be interpreted as follows:

- A. Words used in the singular shall include the plural, and the plural the singular;
- B. Words used in the present tense shall include the future tense;
- C. Words in any gender shall include all genders and neuter;
- D. The word "shall" is mandatory and not discretionary;
- E. The word "may" is permissive;
- F. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- G. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; and
- H. The word "dwelling" includes, but is not limited to, the word "residence."

#### 3.02 DEFINITIONS

All words used in this Code shall have their customary meanings, except those specifically defined in this Section.

**APPLICANT:** The individual or entity filing the Application. If different from the property owner of record, each property owner of record shall indicate, by his/her/its signature, the Applicant's authority to so act on the Application.

**APPLICATION:** The document(s) required by the ARB to submit the zoning permit proposal or determination to the ARB for its review, including, but not limited to, any necessary and/or required attachments and application fee.

**COMMERCIAL MIXED-USE:** A commercial development containing more than four (4) residential units falling under the county building code.

**DWELLING, SINGLE-FAMILY:** *[shall have the same definition as provided in the Perry Township Zoning Resolution.]*

DWELLING, TWO-FAMILY: *[shall have the same definition as provided in the Perry Township Zoning Resolution.]*

PREMISES: A tract, lot, plot, or parcel of land including all grounds and buildings, which is used for a purpose or purposes other than 1) a Single-Family Dwelling, Two-Family Dwelling, or three (3) or fewer residential dwellings and related accessory uses or 2) agriculture as it is defined by the Ohio Revised Code.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attachment to something having location on the ground, which is used for a purpose or purposes other than 1) as a Single-Family Dwelling or Two-Family Dwelling and related accessory uses or 2) agriculture as it is defined by the Ohio Revised Code.

## ARTICLE IV

### ADMINISTRATION AND ENFORCEMENT

#### **4.01 APPLICATION OF ARCHITECTURAL REVIEW CODE**

In addition to the provisions of the Perry Township Zoning Resolution, all amendments thereto, and all other applicable laws and regulations, the provisions of this Architectural Review Code shall apply to all Premises and Structures within Perry Township, unless otherwise provided by law.

The Code shall not apply to properties used exclusively for a) Single-Family Dwellings, b) Two-Family Dwellings, or c) three (3) or fewer residential dwellings, and their related accessory uses, or to agricultural uses and related structures. This Code shall apply to all other properties, including, but not limited to, Commercial Mixed-Use Structures and developments.

Any building, structure, or the use thereof, legally existing and conforming at the effective date of this Code may be continued as a legal non-conforming building, structure, or use, even though such building, structure, or use may not conform to the provisions of this Code. If and when such a non-conforming building, structure, or use changes or ceases altogether, except as provided otherwise in Section 6.02 of this Code, all provisions of this Architectural Review Code shall apply.

#### **4.02 CONFLICT OF LAWS**

In any case where a provision of this Code is found to be in conflict with a provision of any zoning, building, fire, safety, or health regulation or other regulation, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

#### **4.03 EXISTING REMEDIES**

Nothing in this Code shall be deemed to abolish, impair, or prevent the execution of any existing remedies of Perry Township or its officers or agents existing under any law, statute, regulation, resolution, ordinance or common laws of the State of Ohio.

**ARTICLE V**  
**PROCEDURES**

**5.01 PLAN REVIEW AND APPROVAL**

Prior to seeking any and all required zoning approvals, each Applicant whose Structure(s) and/or Premises is/are subject to this Code shall obtain the approval of the ARB.

The ARB shall review all plans to or for all Structures and Premises within the Township. Upon completing its review of the plans, the ARB shall approve, approve with conditions, or deny such plans. For properties being rezoned to a district to which this Code otherwise would apply, the ARB shall review, and the applicant shall obtain the ARB's approval or approval with conditions, of such plans, before the application is submitted to the Zoning Commission for its review. .

**5.02 INITIATING PLAN REVIEW**

To begin the plan review process, the Applicant shall contact the Perry Township Zoning Inspector, or such other designee, to schedule a hearing before the ARB. The Applicant shall provide all necessary information, documentation, and/or materials (the "Application") required by the ARB to the Perry Township Zoning Inspector, or such other designee. Once the Application has been submitted in full to the Perry Township Zoning Inspector, or such other designee, the Perry Township Zoning Inspector, or such other designee, shall set the Application for the regular meeting of the ARB not less than thirty (30) days in advance unless the ARB, in its sole and unfettered discretion, determines to hold the hearing sooner.

**5.03 APPLICATION OF PROPERTY STANDARDS**

The following standards are applicable to all Structures and Premises located in the unincorporated areas of the Township.

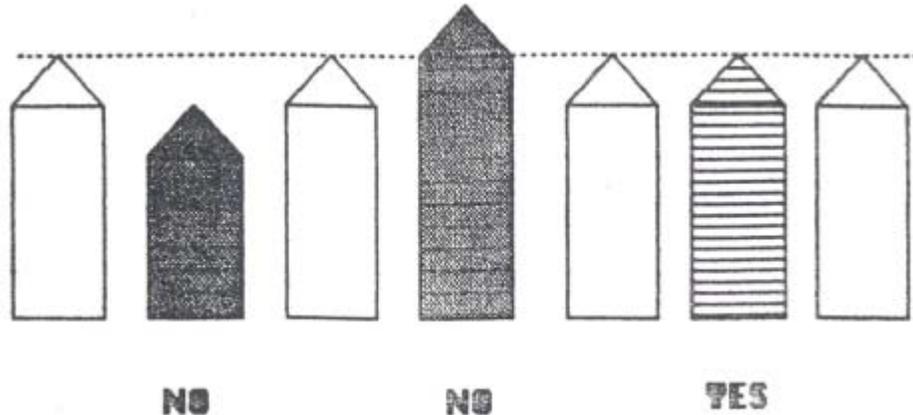
## ARTICLE VI

### ARCHITECTURAL STANDARDS

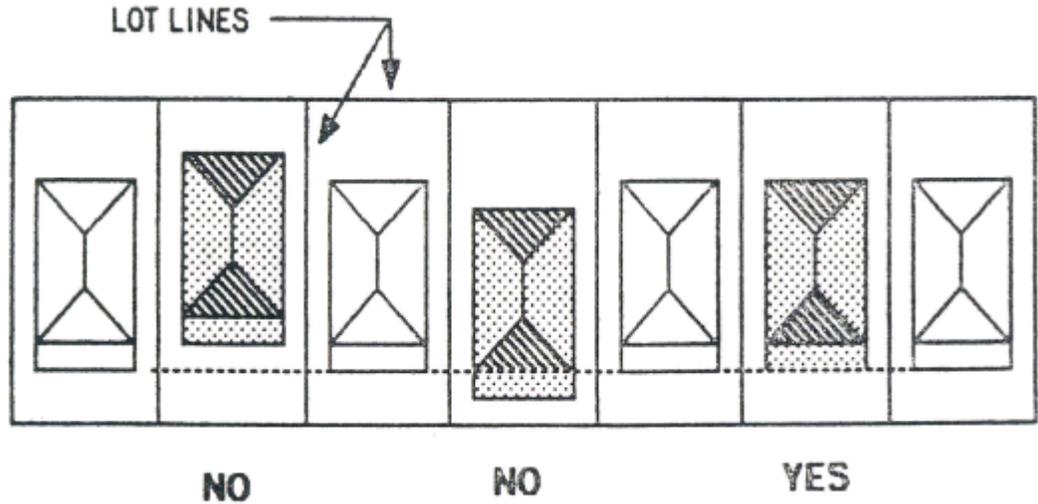
#### 6.01 NEW CONSTRUCTION – ROAD FRONTAGE OF LESS THAN 500 FEET

##### A. Height.

1. If located in the center of a block, the new structure will not exceed the average height of the principal structures on either side of the new construction site.
2. If located on the corner of an intersection of two (2) or more roads, the new structure will not exceed the average height of the principal structures on each of the sites immediately adjacent to the new construction site.
3. If immediately adjacent site(s) is (are) vacant, the new structure shall not exceed the average height of the principal structures in the affected block.



- ##### B. Setbacks.
- The front of the Structure shall be set back from the street the same distance as the front of the structures on the immediately adjacent properties, unless the ARB determines that the front of the original structure on the site was closer to or farther from the street than the front of the structures on the immediately adjacent properties. Notwithstanding the foregoing, the front of the Structure shall be set back from the sidewalk or anticipated sidewalk area on the Premises.



For the purposes of this section, if the proposed Structure has a porch, the furthest forward point of the porch will be considered the front of the Structure that must meet these setback requirements.

This Code does not affect the applicability of the Perry Township Zoning Resolution, including, but not limited to, side and rear yard requirements.

**C. Windows and Doors.**

1. For any proposed new principal structure located in the center of a block, its windows and doors shall conform to the average window and door dimensions, styles, and locations of the principal structures on either side of the new construction site.
2. For any proposed new principal structure located on the corner of an intersection, its windows and doors shall conform to the average window and door dimensions, styles, and locations of the principal structure(s) on immediately adjacent site(s).
3. If the immediately adjacent site(s) is (are) vacant, windows and doors shall conform to the average window and door dimensions, styles, and locations on the principal structures near or in the vicinity of the structure(s) that is (are) the basis for the particular Application.
4. The foregoing notwithstanding, the determination of which existing principal structure(s) to which to refer and/or compare a proposed new structure shall be in the sole and absolute discretion of the ARB, with regard to the facts and circumstances of the particular Application.
5. Front door areas shall be beautified with well-maintained greenery and/or planters or flower boxes.

**D. Parking.** Whether parking shall be located to the front, rear, or other orientation of the Structure shall be determined by the ARB on a case-by-case basis and situated so that signage can be easily viewed.

- E. Seating. The Applicant shall provide patio- or café-type seating in the front of the Structure, where such is appropriate and otherwise permitted.
- F. Style. All styles shall match or enhance any existing Structure on the Premises.
- G. Connectivity. Where appropriate, the Applicant shall provide for and/or address pedestrian and bicycle accessibility of the Structure or Premises from any sidewalk located on or near the Premises. Where a sidewalk is already in the vicinity of the Premises or is reasonably anticipated to be in the vicinity, the Applicant shall provide for the extension and/or installation of the sidewalk across the Premises. If such accessibility is exceptionally well provided, in the sole and absolute discretion of the ARB, the ARB may (but shall not be obligated to) consider accessibility against any other requirements of this Code that the Applicant seeks to be relieved from or its obligation otherwise changed.

## **6.02 NEW CONSTRUCTION – ROAD FRONTAGE OF 500 FEET OR MORE**

- A. Style. If the Application seeks to develop a previously undeveloped parcel with a Structure(s) and/or other improvements, the architectural style of any new construction shall be harmonious with Structures and Premises located within a quarter-mile radius of the Premises that is the subject of the Application, taking into consideration any combination of the following: height of the Structure(s), setbacks, windows and doors, parking, patio- or café-type seating (where appropriate and otherwise permitted), roof pitch, connectivity, and any other relevant consideration(s). Whether the proposed architectural style is harmonious shall be in the discretion of the ARB, as determined on a case-by-case basis.

## **6.03 REDEVELOPMENT, ADDITION, EXPANSION, OR CHANGE**

A change to an existing Structure or Premises, where, in the determination of the ARB, the change is valued at fifty percent (50%) or more of the Franklin County Auditor's assessed valuation at the time of the Application, shall be subject to the provisions of this Code. A change to any primary elevation, regardless of the value of the change, shall be subject to the provisions of this Code, including the prior approval of the ARB. For the purposes of this subsection, "primary elevation" means any portion of the Structure that faces any road frontage. If, in the sole and absolute discretion of the ARB, full compliance with this Section of the Code would be too onerous or otherwise inequitable, when looking at the situation as a whole, the ARB may reasonably deviate on a case-by-case basis. Based on its highly fact-specific nature, such determination by the ARB to deviate or not deviate shall not create a precedent subject to reliance.

- A. Additions to existing structures. Each Application for a zoning permit involving an addition or additions to an existing structure(s) will be treated by the ARB as follows:
1. The height of any addition shall not exceed the highest point of the existing original structure for which the addition is proposed.
  2. The design and appearance of any addition shall match and/or complement the existing original structure so as to blend as closely as possible with the finished appearance of the original structure.
  3. Window and door dimensions, style, and placement in the addition should replicate the dimensions, styles, and placement of those in the original structure.
- B. All additions, expansions, and/or changes to an existing structure shall match or improve, in the determination of the ARB, the existing materials (excluding exterior building materials), colors, roof pitch, windows, and architectural style of the existing primary building; and shall substantially increase the amount of landscaping material; unless otherwise approved by the ARB.

#### **6.04 APPEALS**

An appeal from a determination of the ARB shall be governed by the provisions of R.C. Chapter 2506.

## ARTICLE VII

### ORGANIZATION

#### 7.01 MEMBERS

- A. Architectural Review Board. The ARB shall consist of no more than three (3) residents of the unincorporated territory of the Township, and all members of the ARB shall be appointed by resolution of the Board of Trustees. At least one (1) member shall be a licensed architect or engineer; if a licensed architect or engineer does not reside in the unincorporated territory of the Township, that member of the ARB may be a resident of Franklin County outside of the unincorporated area of the Township.
- B. Regular Members. The three (3) regular members shall serve three-year terms, staggered such that one-third (1/3) of the terms expire each year. The initial three (3) regular members may serve a combination of one-, two-, and three-year terms so as to begin the staggered terms, but any subsequent term shall be for three years. A regular member is removable by a majority vote of the Board of Trustees. Unless a regular member earlier resigns, dies, ceases to be qualified, or is removed from the ARB, then, following the expiration of a regular member's term, such member shall continue to serve until a successor is appointed and qualified.
- C. Alternate Members. The two (2) alternate members shall serve two-year terms. Upon expiration of such term, the alternate member shall continue to serve until the alternate member's successor is appointed and qualified. Each alternate member shall meet the same appointment criteria as that of a regular member of the ARB, except that an alternate member need not be a licensed architect or engineer. The alternate member may be removed in the same manner and for the same reasons as regular members of the ARB.

The alternate member shall take place of a regular member at any meeting of the ARB when a regular member is absent. A regular member shall be deemed absent when such member is not physically present for all or any portion of the meeting or when such regular member expresses an intention to abstain from discussion and vote on a particular matter. If a regular member is unable to attend a meeting, such member should notify the Perry Township Zoning Inspector or designee at least twenty-four (24) hours prior to the meeting. The Perry Township Zoning Inspector or designee should then notify the alternate member that his or her presence at the meeting is requested.

When the alternate member takes the place of an absent regular member, he or she will receive the stipend, if any, of the absent regular member for such meeting. If a regular member is present for only a portion of such meeting, the stipend shall be split equally between such regular member and the alternate member.

The alternate members should be placed on the ARB mailing list for receipt of the same information normally forwarded to regular members. When attending a meeting on behalf of an absent regular member, the alternate member may vote on any matter on which the absent regular member is authorized to vote.

## **7.02 OFFICERS**

The ARB shall elect a Chairman and Vice Chairman at its first meeting following the confirmation of Regular Members for that calendar year by the Board of Trustees.

## **7.03 CONFLICTS OF INTEREST**

No member of the ARB shall participate in the review of any work of which the member or any partner or professional associate of the member is the author, or in which the member has any direct or indirect financial interest; nor shall any member participate in the review of any project which is to occur on property abutting property owned by that member. The foregoing notwithstanding, the ARB shall be governed by all applicable provisions of Ohio and federal law, including, but not limited to, the Ohio Ethics Law (R.C. Chapter 102).

## **7.04 MEETINGS**

- A. The ARB may adopt rules necessary to the conduct of its affairs, but such rules shall not supersede the Zoning Resolution or Ohio or federal law.
- B. Notice of meetings – meetings of the ARB shall be noticed in accordance with the Perry Township Zoning Resolution.
- C. At any meeting, only three (3) ARB members may vote on any question. Upon the absence of any regular member(s), the first alternate and then the second alternate, in that order, shall vote in the place of the absent member(s) for that meeting.
- D. All meetings shall comply with the Ohio Open Meetings Law. The ARB shall keep a record of proceedings, showing the vote of each member upon each question, or if abstaining, indicating such fact, and shall keep records of its

examinations and other official actions, all of which shall comply with the Ohio Public Records law.

- E. Two (2) members of the ARB shall constitute a quorum. The ARB shall act by resolution and the concurring vote of two (2) members of the Board shall be necessary to take action on the plans of the Applicant in any matter over which this Board has jurisdiction. The Board shall issue its approval or denial of the Application.

## ARTICLE VIII

### MISCELLANEOUS

#### 8.01 CAPTIONS

The captions of the various provisions of this Declaration are not part of the context hereof, but are merely labels to assist in locating the various provisions hereof.

#### 8.02 SEVERABILITY

If for any reason any one (1) or more sections, sentences, clauses, or parts of this Code are held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Code but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Code held invalid and the invalidity of any section, sentence, clause, or part of this Code in any one (1) or more instances shall not attest to or prejudice in any way the validity of the Code in any other instance.

#### 8.03 SAVING CLAUSE

This Code shall not affect violations of any other resolution, ordinance, code, or regulation existing prior to the effective date of this Code, and any violation of such shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.