

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. 0-6-20

ORDINANCE AMENDING CHAPTER 151.025  
POWERS AND DUTIES OF THE ARCHITECTURAL REVIEW BOARD

WHEREAS, the Rules and Law Committee has been meeting at the request of Council to review the Mariemont Code and to recommend updates as appropriate; and

WHEREAS, the Rules and Law Committee has reviewed Section 151.025 regarding the Powers and Duties of the Architectural Review Board of the Mariemont Code of Ordinances and has made suggested changes to that code section; and

WHEREAS, Council believes it is in the best interest of the Village that Section 151.025 be amended to reflect said changes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, STATE OF OHIO, TWO THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING:

SECTION I. Chapter 151.025 of the Mariemont Zoning Code which reads as follows:

**§151.025 POWERS AND DUTIES OF THE ARCHITECTURAL REVIEW BOARD.**

**§ 151.025 POWERS AND DUTIES OF THE ARCHITECTURAL REVIEW BOARD.**

(A) *Architectural Review Board.*

(1) (a) The Architectural Review Board shall consist of seven members, the Mayor of the village, the Council Chairperson of the Planning, Zoning, and Economic Development Committee, and five members appointed by the Mayor and confirmed by Village Council. All appointments shall be for a period of two years each. Vacancies shall be filled within 60 days for the remainder of unexpired terms in the same manner as original appointments and confirmations. The Board shall include at least one registered architect and others with interest or special expertise in the historic preservation disciplines. At least one member shall be the owner of property within the Historic District. All members shall be residents of the village. Members shall be encouraged to attend an educational session relating to historic issues at least once a year. Any member of the Board shall be subject to removal for cause in the manner provided by the statutes of the state. In the case of temporary absence or disability of any member, a member may be appointed and confirmed in the manner above provided to serve during the temporary absence or disability. No member of the Board shall participate in the review of any work of which he or she, any partner or professional associate is the author, or in which he, she, or they may have any direct or indirect financial interest.

(b) This division (A)(1) shall go into effect at the earliest date allowed by law.

(2) There shall be at least four meetings a year. All meetings shall be public in conformance with requirements of R.C. § 121.22. The Village Fiscal Officer shall cause to be posted in the prescribed locations in the village a public notice of meetings (see § 151.021(E)(2)(a)2.).

(3) In exercising its duties, the Architectural Review Board shall adopt such general rules and regulations relating to its procedure as it may deem necessary, including designation of a member who shall preside in the absence of the Chairperson, and a member or members who shall prepare the certificate of appropriateness, the meeting minutes, and the annual report.

(4) Concise minutes and records shall be kept as to all official acts of the Board. A written annual report of the Board's activities, cases, decisions, and qualifications of members shall be kept on file and available for public inspection.

(B) *Board as the Historic Preservation Committee.* The Architectural Review Board shall be the Historic Preservation Commission of the municipality and shall have the following powers and duties:

(1) In conjunction with the Village Preservation Foundation and the State Historic Preservation Office, to conduct a continuing survey of cultural resources in the community. To make recommendations for designation of local historic districts, landmarks, and historic sites to the Village Council according to § 151.075(I);

(2) In conjunction with the Village Preservation Foundation, to advise Village Council regarding the protection of the village's cultural resources;

(3) In conjunction with the Village Preservation Foundation and other historic and archaeological experts, to review and facilitate all proposed National Register nominations for properties within the village;

(4) In conjunction with the Village Preservation Foundation, to work toward the continuing education of village citizens regarding historic preservation issues;

(5) To establish and use "standards for review" (see § 151.075(H)) for the conservation of designated local historic districts, landmarks, and historic sites in decisions on requests for permits for alterations, demolitions, or additions to listed landmarks and historic sites within historic district(s), whether ownership is private or public;

(6) To maintain a detailed map of the Historic District(s) and a detailed list of all historic sites and landmarks structures in the village at the Col. Donald L. Shanks Municipal Building and make it available for public inspection;

(7) To review and approve or deny applications for all landmark structures, historic sites and districts, including signage, for certificate of appropriateness based on the regulations of §§ 151.021(E) and 151.075 for landmark structures or structures within a historic district within the village. In considering a request for a certificate of appropriateness, the Architectural Review Board shall follow the design requirements in § 151.075(H) and ensure compliance with the district requirements in §§ 151.060 through 151.065 and any other guidelines adopted by the Village Council. The Architectural Review Board shall decide all landmark structure, historic site, and historic district applications by resolution (except initial signage approval, see § 151.021(E)(2)(c)). The Board shall, on the adoption of any resolution, date and record it, and forthwith mail or deliver a copy of that decision to the applicant. A denial of a certificate of appropriateness application may be appealed to the Village Council (see division (C) below, and also § 151.021(E)(2)); and

(8) (a) To review and approve or deny applications sent from the Building Commissioner and the Architectural Review Board Chairperson for all signage for landmark structures, historic sites, and historic districts for certificate of appropriateness based on the regulations of §§ 151.021(E) and 151.075 for landmark structures or structures within a historic district within the village.

(b) In considering a signage request for a certificate of appropriateness, the Architectural Review Board shall follow the design requirements in § 151.075(H) and ensure compliance with the district requirements in §§ 151.060 through 151.065 and any other guidelines adopted by the Village Council. The Architectural Review Board shall decide all signage applications by resolution. The Board shall, on the adoption of any resolution, date and record it, and forthwith mail or deliver a copy of that decision to the applicant. A denial of a certificate of appropriateness signage application may be appealed to the Village Council (see division (C) below and § 151.021(E)(2) and Appendix E)).

(C) *Appeal procedures.*

(1) Any person, firm, or corporation or any officer, department, board, or agency of the village who has been aggrieved by any decision of the Architectural Review Board involving an application for a certificate of appropriateness may appeal such decision to Council by filing notice of intent to appeal with the Village Fiscal Officer within ten days from the date of receipt of the decision, setting forth the facts of the case. No decision of the Architectural Review Board shall be reversed or modified by Council unless at least five-sixths of the full membership of the Council shall concur.

(2) An appeal regarding any section of this chapter other than § 151.075 shall be brought to the Planning Commission after the decision from the Architectural Review Board. Thereafter, appeals regarding the same property from the Planning Commission and the Architectural Review Board are to be taken simultaneously to the Village Council (see § 151.021(E) and Appendix E). (2000 Code, § 151.026) (Ord. O-4-96, passed 3-25-1996; Ord. O-5-98, passed 1-12-1998; Ord. O-11-14, passed 3-24-2014)

**SECTION II.** That the new Code Section 151.025 shall be amended and shall now read as follows:

**§ 151.025 POWERS AND DUTIES OF THE ARCHITECTURAL REVIEW BOARD.**

**(A) Architectural Review Board.**

(1) (a) The Architectural Review Board shall consist of seven members, the Mayor of the village, the Council Chairperson of the Planning, Zoning, and Economic Development Committee, and five members appointed by the Mayor and confirmed by Village Council. All appointments shall be for a period of two years each. Vacancies shall be filled within 60 days for the remainder of unexpired terms in the same manner as original appointments and confirmations. The Board shall include at least one registered architect and others with interest or special expertise in the historic preservation disciplines. At least one member shall be the owner of property within the Historic District. All members shall be residents of the village. Members shall be encouraged to attend an educational session relating to historic issues at least once a year. Any member of the Board shall be subject to removal for cause in the manner provided by the statutes of the state. In the case of temporary absence or disability of any member, a member may be appointed and confirmed in the manner above provided to serve during the temporary absence or disability. No member of the Board shall participate in the review of any work of which he or she, any partner or professional associate is the author, or in which he, she, or they may have any direct or indirect financial interest.

(b) This division (A)(1) shall go into effect at the earliest date allowed by law.

(2) There shall be at least four meetings a year. All meetings shall be public in conformance with requirements of R.C. § 121.22. The Village Fiscal Officer shall cause notice to be posted in five conspicuous places designated by the Council as places for posting ordinances, resolutions, and notices. (see § 151.021(E)(2)(a)2.).

(3) In exercising its duties, the Architectural Review Board shall adopt such general rules and regulations relating to its procedure as it may deem necessary, including holding a meeting in January to determine who will be the Chair and the Vice Chair, and a Secretary who shall prepare the certificate of appropriateness, the meeting minutes, and the annual report.

(4) Concise minutes and records shall be kept as to all official acts of the Board. A copy shall be kept in the Village office and a copy provided to Council. A written annual report of the Board's activities, cases, decisions, and qualifications of members shall be kept on file at the Village office and available for public inspection.

(B) *Board as the Historic Preservation Committee.* The Architectural Review Board shall be the Historic Preservation Commission of the municipality and shall have the following powers and duties:

(1) In conjunction with the Village Preservation Foundation and the State Historic Preservation Office, to conduct a continuing survey of cultural resources in the community. To make recommendations for designation of local historic districts, landmarks, and historic sites to the Village Council according to § 151.075(I);

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(3) In conjunction with the Village Preservation Foundation and other historic and archaeological experts, to review and facilitate all proposed National Register nominations for properties within the village;

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(5) To establish and use "standards for review" (see § 151.075(H)) for the conservation of designated local historic districts, landmarks, and historic sites in decisions on requests for permits for alterations, demolitions, or additions to listed landmarks and historic sites within historic district(s), whether ownership is private or public;

(6) To maintain a detailed map of the Historic District(s) and a detailed list of all historic sites and landmarks structures in the village at the Col. Donald L. Shanks Municipal Building and make it available for public inspection;

(7) To review and approve or deny applications for all landmark structures, historic sites and districts, including signage, for certificate of appropriateness based on the regulations of §§ 151.021(E) and 151.075 for landmark structures or structures within a historic district within the village. In considering a request for a certificate of appropriateness, the Architectural Review Board shall follow the design requirements in § 151.075(H) and ensure compliance with the district requirements in §§ 151.060 through 151.065 and any other guidelines adopted by the Village Council. The Architectural Review Board shall recommend to Village Council all landmark structure, historic site, and historic district applications by resolution (except initial signage approval, see § 151.021(E)(2)(c)). The Board shall, on the adoption of any resolution by Village Council, date and record it, and forthwith mail or deliver a copy of that decision to the applicant. A denial of a certificate of appropriateness application may be appealed to the Village Council (see division (C) below, and also § 151.021(E)(2)); and

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(b) In considering a signage request for a certificate of appropriateness, the Architectural Review Board shall follow the design requirements in § 151.075(H) and ensure compliance with the district requirements in §§ 151.060 through 151.065 and any other guidelines adopted by the Village Council. The Architectural Review Board shall decide all signage applications by resolution. The Board shall, on the adoption of any resolution, date and record it, and forthwith mail or deliver a copy of that decision to the applicant. A denial of a certificate of appropriateness signage application may be appealed to the Village Council (see division (C) below and § 151.021(E)(2) and Appendix E)).

(C) *Appeal procedures.*

(1) Any person, firm, or corporation or any officer, department, board, or agency of the village who has been aggrieved by any decision of the Architectural Review Board involving an application for a certificate of appropriateness may appeal such decision to Council by filing notice of intent to appeal with the Village Fiscal Officer within ten days from the date of receipt of the decision, setting forth the facts of the case. No decision of the Architectural Review Board shall be reversed or modified by Council unless at least two-thirds of the full membership of the Council shall concur.

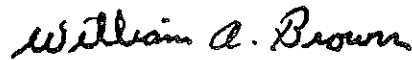
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(2000 Code, § 151.026) (Ord. O-4-96, passed 3-25-1996; Ord. O-5-98, passed 1-12-1998; Ord. O-11-14, passed 3-24-2014)

SECTION IV. In all other respects, §151.025 of the Mariemont Code of Ordinances shall remain unchanged and in full force and effect.

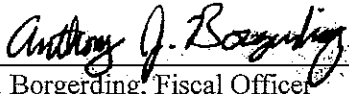
SECTION V. This Ordinance shall take effect at the earliest date allowed by law.

Passed: February 24, 2020.



William A. Brown, Mayor

ATTEST:



Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of Council of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 25<sup>th</sup> day of February 2020.



Anthony J. Borgerding, Fiscal Officer