

Rules and Regulations of the Uptown Review Board City of Westerville

The Uptown Review Board of the City of Westerville, Ohio, constituted pursuant to Section 1107.05 of the Planning and Zoning code, adopts these Rules and Regulations to govern its proceeding in accordance with Section 1107.05.

The Uptown Review Board serves the Community by maintaining and enhancing the distinctive character of the Uptown District through its process of design review.

SECTION I. ORGANIZATION

- A. The Board shall be organized in accordance with Section 1107.05 (a) of the Planning and Zoning Code.
- B. The members of the Uptown Review Board shall serve three-year terms that are staggered.
- C. The Uptown Review Board shall annually, at its first meeting of the year, choose from its membership a Chairman and Vice-Chairman. The Vice-Chairman shall act as Chairman in the event the Chairman is absent and while acting as Chairman, shall have and exercise the same powers and duties, as are herein granted to the Chairman.
- D. If a vacancy shall occur in the office of Chairman or Vice-Chairman, the Board shall choose a new Chairman or Vice-Chairman at the next regularly scheduled Board meeting.
- E. In the absence of both the Chairman and Vice-Chairman of the Board, the Board may appoint from its members a Temporary Chairman who shall perform the duties of the Chairman until the arrival of the Chairman or Vice-Chairman.
- F. If a vacancy occurs on the Board, Council shall appoint a new member. Such appointment shall be for the remainder of the term, unless Council determines on motion that extenuating circumstances require a different period.

SECTION II. MEETINGS

- A. The Board shall hold one regular monthly meeting on the first Thursday of each month except in January. If a holiday occurs in the first week of the month, the meeting may be held on another date acceptable to the Board. Upon approval of the Chairman, regular monthly meetings may be cancelled if the Secretary determines there may not be a quorum or if there is insufficient business for the Board to consider. The Board shall hold no fewer than four (4) meetings in a calendar year following the published meeting schedule.
- B. All meetings of the Board shall be published to the City of Westerville website, and may be published in any other manner as requested by the Board, Council, or as determined by Staff.

- C. Records of the Board's proceedings shall be kept in the form of minutes which shall be duly adopted at a subsequent meeting. The minutes shall be drafted by the Secretary and/or his designee. Any additions or amendments must be approved by the majority of the Board.
- D. Each regular meeting shall be held at 6:30 p.m. in City Council Chambers at 21 South State Street unless otherwise specified at least seven (7) days prior to the meeting.
- E. All meetings shall be generally conducted in accordance with the most recently published edition of Robert's Rules of Order, except as otherwise provided in these Rules and Regulations or at the discretion of the Chairman.
- F. Special meetings (including but not limited to work sessions) of the Uptown Review Board may be held as determined by the Board at a time, date, and place determined by the Board and are subject to the same notice requirements and open meeting laws.

SECTION III. PROCEDURES.

- A. A representative from the Planning Division will serve as Secretary to the Uptown Review Board and shall act as a liaison between the City administration, staff, public, and the Board and shall:
 - a. Attend all regular and special meetings of the Board;
 - b. Forward complete application materials and staff evaluation to the Board; and
 - c. Maintain a record of the Board's proceedings.
- B. Certain applications do not require approval by the Board and may be administratively approved. Such items require issuance of an Administrative Certificate of Appropriateness by the Secretary to the Board. Those are limited to applications that the Secretary determines propose no change in material, design, texture, color or outer appearance and include routine maintenance, alterations for public safety, and some exterior alterations. Examples include but are not limited to:
 - Repainting using same color(s);
 - Repairs using in-kind materials, as well as matching shapes and profiles;
 - Awning fabric replacement using same color and fabric type;
 - Awning signage replacement using same lettering color and height;
 - Certain limited window signage such as applied lettering and simple graphics, limited to one sign per business, that does not exceed 25% of the area of the window to which it is applied or 10 square feet whichever is less, and does not use colors other than white, tan, or gold as appropriate.
 - Informational signage at business entrances limited to business name/logo and hours of operation, not to exceed 2 square feet in area;
 - Small "Open"/"Closed" signs limited to one per tenant space, and if illuminated, must be operated either on or off, without flashing, movement, etc.;

- Roof Replacement with substantially similar materials, color, and design.
- C. The Secretary shall not include on the agenda or submit to the Board for consideration any application that the Secretary determines is incomplete or is not submitted by the application deadline. If the Secretary determines that adequate materials have been submitted with sufficient time for Staff to complete its review and prepare a staff report, the Secretary may, but is not required to, add the application to any agenda after notifying the Applicant..
- D. The Board may disapprove any application that it finds is not complete according to Section 1149.05 (d) of the Codified Ordinances of the City of Westerville.
- E. The agenda, staff report, and all relevant information shall be available to the public and the Board through the Board packet, which should be sent out during the calendar week preceding the Board meeting.
- F. All decisions shall occur during a meeting.
- G. The Chairman of the Uptown Review Board shall in written entry form sign all decisions, findings, or recommendations by the Board. Decisions are issued in the form of a Certificate of Appropriateness pursuant to Sections 1107.05 (d) and 1149.05 of the Planning and Zoning Code. A copy of the Certificate of Appropriateness shall be delivered to the Applicant.
 - a. Upon application of the Applicant or written request of the Secretary of the Uptown Review Board, the Chairman of the Board may amend any Entry to remedy any error, omission or ambiguity provided that such Amended Entry is filed in the office of the Secretary of the City of Westerville Uptown Review Board as soon as practical.
- H. Authority to proceed pursuant to a Certificate of Appropriateness shall lapse unless the action authorized is commenced within 12 months after the Certificate is issued, and once commenced is continuously pursued to completion with reasonable promptness and diligence.
- I. The Secretary shall notify the Board of any Board decision that is under consideration by City Council as the result of an appeal.
- J. If the Secretary determines that an application is substantially the same as any previous application pertaining to the same site that has been denied by the Board within the previous two (2) years, the Secretary may refuse to place it on the agenda.
- K. For certain projects, applicants might benefit from presenting their proposal to the Uptown Review Board prior to filing a formal application, thereby affording the Board, the applicant, and Staff the opportunity to discuss the project prior to formal consideration – called a conceptual review. All comments in a conceptual review are preliminary only. Comments received by the applicant are for initial guidance, but are not binding on the Board or Staff or to be relied upon by the Applicant. Boardmembers’ and Staff’s final opinion upon consideration of the formal application may change from the comments in the conceptual review at their sole discretion.

SECTION IV. ORDER AND CONDUCT OF BUSINESS

- A. The Chairman shall conduct meetings in the order outlined in the agenda. The order of the Agenda shall be determined by the Secretary and/or his designee and the Chairman.
- B. Each application shall be read by title by the Clerk, followed by the Staff Report presented by the Secretary. The applicant may then provide any additional information.
- C. All individuals speaking before the Board shall be sworn in. As an individual steps forward to make comments, the Chairman may request that the individual confirm that he or she has been sworn in, and the Chairman may require the individual to be sworn in again at that time before the individual may continue to speak.
- D. All Applicants will be granted a maximum of 10 minutes to make their presentation. Additional time may be granted at the discretion of the Chairman.
- E. Any public comment is subject to the complete discretion of the Chairman.
- F. The Board may table an agenda item. An applicant may request that their item be tabled. Unless otherwise specified, a tabled item shall be scheduled for consideration at the next regularly-scheduled meeting.
- G. Any motion of reconsideration must be made by a member who voted on the prevailing side of the motion and the opportunity for reconsideration is restricted to the same meeting as the vote for which reconsideration is being sought.

SECTION V. MISCELLANEOUS

- A. When so directed by the Board, the Secretary shall prepare and the Board shall approve a written annual report of Board activities, cases, decisions, special projects and qualifications of the members, etc., to be kept on file and made available for public inspection.
- B. Conflict of Interest. A Board Member shall not participate in the review, analysis, deliberation, decision, or enforcement of any application for which the Board Member has an appearance of a conflict of interest, or where the Board Member's ability to remain objective may be difficult. A Board Member shall be aware of, and comply with, all requirements of Ohio's Ethics Laws and the appropriate interpretations or opinions thereof.

SECTION VI. AMENDMENTS

- A. These rules shall not be altered except by a vote of the majority of all members of the Board, and at a regular meeting.

Adopted by the Westerville Uptown Review Board on August 3, 2017

Case No: URB 2016-29

Amended by the Westerville Uptown Review Board on December 6, 2019

Case No. URB 2018-36