

Sec. 2-169. Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Board shall mean the architectural review board established under this article.

Building shall mean any structure erected for the support, shelter or enclosure of persons, chattels or property of any kind.

Facade shall mean the front or chief face of a building.

Material change in the exterior appearance shall mean a substantial or significant change in the nature of the design or outward appearance of the applicable building component, which is readily discernible to the eye of the average person.

Economic Development Director shall mean the officer or his designee charged with the administration and interpretation of this article.

Redevelopment district shall mean the Cherryville Downtown Central Business District as adopted by city council and on file with the Planning and Zoning department.

Show window shall include the building face and the entrance area leading to the door; the door and sidelights and transoms and all display platforms and devices, including lighting and signing designed to be viewed from the public rights-of-way; and/or the areas visible to the public prior to entering the interior portion of the structure.

Storefront shall mean the street-level portion of a commercial building front that includes display windows and entrances. The detailing and proportions distinguish the design of a storefront from the appearance of the upper portions of the building.

Structure shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work, artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words "or part thereof."

Upper facade shall mean those portions of a commercial building front above the storefront, which includes windows, roofline, fascia and a lintel separating it from the "storefront" below.

Sec. 2-170. Purpose

- (a) The revitalization of today's Downtown Business District has the following main objectives:
 - (1) To improve both contemporary retailing, business and community activities by creating a more attractive and more functional environment;
 - (2) To give the Downtown Business District a stronger personality by creating a more pleasing visual whole from the present collection of often unrelated building facades and land uses;
 - (3) To improve economic conditions by promoting an increase in persons drawn to redevelopment districts;
 - (4) To recognize, protect, enhance and use the Downtown Business District resources and thereby benefit the health, safety, morals and economic, educational, cultural and general welfare of the public, since these efforts result in the enhancement of property values; the stabilization of neighborhoods and areas of the city; the increase of economic benefits to the city and its inhabitants; the promotion of local interest; the enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs; and the fostering of civic pride in the beauty and noble accomplishments of the past;
 - (5) To encourage beautification and general improvement of and cleanliness within the city;
 - (6) To encourage redevelopment of the original Downtown Business District.
- (b) Recognizing the need for redevelopment, the city has adopted guidelines and standards for storefront improvements, architectural renovation, sign quality and new development. These guidelines and standards will enable tenants and building owners to coordinate future renovations. The guidelines provide standards for cost-efficient, private reinvestment within the redevelopment district. The ultimate goal is to upgrade the architectural quality of our Downtown Central Business District.

Sec. 2-171. Establishment

There is hereby established an architectural review board, hereinafter referred to as "board." The board's purview shall be limited to the redevelopment of the Downtown Central Business District.

Sec. 2-172. Composition; procedures; authority

- (a) *Membership.* The board shall consist of five (5) members and two (2) alternate members who shall be appointed by the council. Alternate members may act in the temporary absence, disability or disqualification of any regular member. Members shall be chosen on the basis of experience or interest in the fields of architecture, city planning and conservation of architectural, historical or cultural resources. Any person may be appointed to serve as a member; provided, that said person is a resident of the city or is engaged in business within the redevelopment area. Engaged in business shall mean owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged. The board shall also include one (1) resident member who is an architect and one (1) resident member who is a general or construction contractor.
- (b) *Terms of office.* All appointments shall be made for a term of three (3) years. Terms shall be staggered and subject to ongoing reappointment.
- (c) *Officers rules of procedure; employees and salaries.* The board shall elect from its membership a chairperson and vice-chairperson. The chairperson shall preside over the board and shall have the right to debate and vote. In the absence or disability of the chairperson, the vice-chairperson shall perform the duties of the chairperson. The city manager shall provide from city staff such clerical, technical and other resources as the committee may reasonably require for the effective and efficient execution of its duties. An individual from city staff shall serve as recording secretary to the committee and that individual shall be charged with maintaining committee records. The board may adopt rules for transaction of its business and shall keep a record of its resolutions, transactions, finding and determinations, which record shall be a public record. Meetings of the board shall be held at the call of the chairperson, the vice-chairperson, the economic development director or his designee, or at such

times as the board may determine. No business shall be conducted by the board without the presence of a quorum of four (4) voting members. No application for a certificate of appropriateness shall be denied except by the affirmative vote of a majority of those members present, except that at least three (3) members must vote in order for any action to be official.

Sec. 2-173. Establishment of redevelopment district boundaries

The Downtown Central business District as adopted by city council and on file with the Planning and Zoning department, shall be under the purview of the board.

Sec. 2-174. Reserved

Sec. 2-175. Certificate of appropriateness—Application

Application for a certificate of appropriateness shall be made in the economic development department on forms provided therefor. Detailed drawings, plans or specifications shall not be required, but each application shall be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed exterior alterations, additions, changes, renovations, rehabilitations or new construction as are reasonably required for the board and the economic development director to make a decision. The sketches, drawings, photographs, descriptions or other information shall be of sufficient detail to show, as far as they relate to exterior appearance, the architectural design of the building (both before and after the proposed work is done) including proposed materials, textures and colors, and the site plan layout, including all site improvements or features such as walls, walks, terraces, planting, accessory buildings, signs, lights and other appurtenances.

Sec. 2-176. Action on application

The economic development director shall transmit the application for a certificate of appropriateness, together with the supporting information and material, to the board for approval. The board shall act upon the application as soon as practical but in no case more than forty-five (45) days after the filing thereof; otherwise the application shall be deemed to be approved and a certificate of appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been made, and the board may advise the applicant and make recommendations in regard to the appropriateness. If the board approves the application, a certificate of appropriateness shall be issued. If the certificate of appropriateness is issued, the application shall be processed in the same

manner as application for building permits. If the board denies the application, the certificate of appropriateness shall not be issued. The board shall state its reasons, in writing, together with a copy of any recommendations for changes necessary to be made before the board will reconsider the application. In a case where the board has denied the application, the economic development director shall furnish the applicant with a copy of the board's written order, together with a copy of any recommendations for changes necessary to be made before the board will reconsider the application. Such recommendations may be general in scope, and compliance with them shall qualify the plans of the applicant for reconsideration by the board. If the application is denied, no permit shall be issued and no work shall commence.

Sec. 2-177. Prerequisite to other permits; standards for consideration

(a) A certificate of appropriateness issued by the economic development director after approval by the board shall be required before a permit issued for or work commences on any of the following in the redevelopment district:

- (1) All material changes in the exterior appearance of existing buildings, by additions, reconstruction, alteration, renovation, rehabilitation or maintenance involving exterior color change and for all material changes in existing signage.
- (2) All proposed new building construction and/or new signage.

(b) The board shall be concerned with all aspects of the designs affecting exterior appearance and, in particular, with the following:

- (1) Design of show windows and entrance areas including choice of materials and types of security devices;
- (2) Design of signs, methods of illumination, colors, materials, methods of suspension;
- (3) Design of awnings and canopies;
- (4) Refuse collection details;
- (5) All other exterior materials and colors;
- (6) Landscape materials and design.

(c) The board shall not consider interior design or plan. The board shall not exercise any control over land use, such as is governed by the zoning ordinance or over construction such as is governed by the building code.

Sec. 2-178. Architectural guidelines

Architectural guidelines for the Downtown Central Business District shall be adopted by resolution of the city council. The guidelines shall be known as the "Downtown District Architectural Guidelines." Those guidelines may be revised from time to time by resolution of the city council.

The Downtown District Architectural Guidelines shall be considered by the board in making its decision on an application for a certificate of appropriateness in the Downtown Central Business District.

Sec. 2-179. Appeal

Any person aggrieved by a ruling of the board in its decision on an application in the Downtown Central Business District shall have the option to appeal the decision of the board at its next scheduled meeting. During the interim period between the issuance of the board's order and the hearing of the appeal, no work or other use may be made of the property inconsistent with the order of the board. The board may hear evidence and reports in testimony with regard to the ruling of the board and may, by majority vote, repeal or modify the previous order(s) of the board.

Sec. 2-180. Reserved

Sec. 2-181. Violations

All structural and decorative elements of any building or signage in the Downtown Central Business District shall be kept in a neat and maintained condition. All exteriors shall be clean and in good repair. All peeling, faded, or flaking paint shall be repaired as well as broken or missing window panes. When there are no exterior changes in building design, facade or color, a certificate of appropriateness shall not be required. Violations of this article may be referred to the code enforcement board for disposition.

Further, if an applicant violates the terms and conditions of a certificate of appropriateness, the property may be subject to code enforcement board action.