

**CHAPTER ????  
ARCHITECTURAL DESIGN REVIEW OVERLAY DISTRICT**

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**???? PURPOSE**

The purpose of the Chapter is to define the process for project review, the design standards and other procedures related to the Architectural Design Review Overlay (ADRO) District as defined and designated by the Kent City Council. Additionally, the application and enforcement of this Chapter and related Kent Codified Ordinance sections shall be to encourage physical modifications to buildings and properties, including the installation of signage, which is compatible with surrounding properties and consistent with the architectural and historical function of the building itself.

**???? DESIGN GUIDELINES**

For the purposes of this Chapter, the Design Guidelines for the Kent Design Overlay District & Listed Properties (GUIDELINES) as adopted by Kent City Council on ????, and as subsequently amended shall be the design guidelines utilized and referred to herein.

**???? APPLICABILITY**

The provisions of this Chapter and related sections of the Kent Codified Ordinances shall be applicable to properties located within the ADRO District. All projects subject to review, as defined in Section ???? herein, shall be reviewed for compliance with the requirements set forth herein. All such projects shall obtain a Certificate of Appropriateness (COA) from the Design Review Commission (DRC) prior to submitting applications for other additional reviews which may be required, including Site Plan Review, Conditional Zoning Certificates, Zoning Permits or Building Permits.

**???? ARCHITECTURAL DESIGN REVIEW OVERLAY DISTRICT**

The Architectural Design Review Overlay (ADRO) District shall include the downtown area of the City of Kent and certain areas adjacent to the downtown. The boundary of the area shall be described as follows and the District shall include all properties within the described area, as well as any properties with frontage on the described streets which abut the described area:

Beginning at a point located at the intersection of North Mantua Street and Crain Avenue (Fairchild Avenue), south along the centerline of North Mantua Street and continuing south past West Main Street, along the centerline of South Mantua Street, and continuing south past Haymaker Parkway to a point where the imaginary centerline of South Mantua Street would intersect the centerline of Stow Street. (continues on next page).

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Thence, east along the centerline of Stow Street and continuing along that centerline to a point where Stow Street becomes West Summit Street and continuing along the centerline of West Summit Street and continuing past South Water Street, along the centerline of East Summit Street to a point where it intersects the centerline of South Lincoln Street. Thence, north along the centerline of South Lincoln Street to a point where it intersects the centerline of East Main Street. Thence, west along the centerline of East Main Street to a point where it intersects the centerline of North Willow Street. Thence, north along the centerline of North Willow Street to a point where it intersects the centerline of Columbus Street. Thence, west along the centerline of Columbus Street and continuing west past North Depeyster Street along the centerline of Columbus Street to a point where it intersects the centerline of North Water Street. Thence north along the centerline of North Water Street to a point where it intersects the centerline of Crain Avenue (*Fairchild Avenue*). Thence, west along the center line of Crain Avenue (*Fairchild Avenue*) bridge to a point where it intersects North Mantua Street, this being the point of true beginning.

**???? SEVERABILITY**

If a court of competent jurisdiction shall adjudge any provision of this Chapter invalid or unenforceable, then the remaining provisions of this chapter shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

**???? DEFINITIONS**

The following definitions shall apply to the provisions of this Chapter including the criteria to be applied by the Design Review Commission (DRC) in the implementation of this Chapter:

(a) Alter or Alteration - any change in the external architectural features of a building or structure.

(b) Certificate of Appropriateness (COA) - a Certificate issued by the City which is authorized by the DRC and applicable to projects and improvements within the ADRO District and as may be otherwise defined herein. The issuance of a COA indicates that the DRC has reviewed and approved the proposed improvements but does not constitute a building or zoning permit.

(c) Community Development Director – the Community Development Director of the City of Kent.

(d) Design Guidelines (GUIDELINES) - the Design Guidelines for the Kent Design Overlay District and Listed Properties as adopted by Kent City Council and any amendments thereto.

(e) Design Review Commission (DRC) - the Design Review Commission shall be responsible for reviewing projects and improvements conducted on buildings, structures and

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sites within the ADRO Overlay District and shall have the authority to issue Certificates of Appropriateness for those projects which it finds to be in compliance with the Design Guidelines (GUIDELINES).

(f) Demolition - the complete razing or removal of any structure or portion of a structure.

(g) Listed Historic District – an area or grouping of structures as determined by the Design Review Committee and approved by Kent City Council as an architecturally or historically significant group and located within the corporate limits of the City of Kent. Individual buildings or structures within such Districts may not be individually so designated. Listings of said Districts shall be maintained in the Community Development Department.

(h) Listed Historic Property – any individual building or structure determined by the Design Review Committee and approved by Kent City Council as architecturally or historically significant and located within the corporate limits of the City of Kent. Listings of said buildings shall be maintained in the Community Development Department.

(i) National Register of Historic Places – the national listing of significant buildings, structures or districts. Listings must have architectural, archaeological or historical significance.

**???? DESIGN REVIEW COMMISSION (DRC)**

(a) Composition - The Design Review Commission shall be comprised of seven (7) members, appointed by Kent City Council. To the extent possible, members of the DRC should have an interest or expertise in the fields of architecture, planning, landscape architecture, history or historic preservation, urban design or related discipline. Of the seven (7) members, composition to the extent feasible shall be as follows:

(1) A minimum of two (2) professionals practicing in one or more of the following fields: architecture, planning, landscape architecture, history or historic preservation, urban design.

(2) A minimum of two (2) property owners or business owners who own property and/or businesses within the ADRO District.

(b) Term - Members shall serve a term of three years, however the initial appointments made to the Commission may be made for a longer time frame in order to allow for the structuring of staggered terms. The staggered terms should be structured in a manner to ensure that no more than three (3) of the terms are open at the same time.

(c) Quorum – A quorum of the Commission shall be comprised of a simple majority of the seated (appointed) membership. Any business of the Commission may be transacted by a simple majority vote of those members attending the meeting.

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(d) Meetings - The Commission will meet as needed but generally at least once a month at a time to be determined by the Chairperson, in consultation with Community Development Department staff. All meetings shall be considered public meetings subject to local and state law.

(e) Records – Record of all Commission meetings and decisions will be made public in accordance with public record laws. The Community Development Department will provide staff support for the DRC and will supply and individual who will be responsible for keeping minutes of all meetings.

(f) Amendments – The Commission may recommend from time to time changes to this Chapter as well as changes to the GUIDELINES. In the event that any changes to this Chapter or to the GUIDELINES are requested by persons or groups separate from the DRC, the DRC shall review all such amendments and shall recommend to Kent City Council whether such changes shall be adopted. Kent City Council shall have the final authority to amend this Chapter or the GUIDELINES.

(g) Conflict of Interest – Prior to the beginning of the discussion of any application or request for COA, any Commission member whose participation would constitute a conflict of interest shall disclose the nature of the conflict and recuse himself / herself from any discussion and subsequent vote on the application. Any member believing that they may have a conflict of interest should disclose this concern with the Community Development Director, who may in turn seek counsel from the City’s Law Department.

**???? DESIGN REVIEW COMMISSION DUTIES**

It shall be the responsibility of the Design Review Commission (DRC) to promote interest and appreciation in historic preservation and compatible building design within the City of Kent. The Commission shall have the following specific responsibilities and duties:

(a) Certificates of Appropriateness (COA) – The DRC shall have the responsibility of reviewing all proposed projects, building modifications, modifications to existing signage as well as all new signage within the ADRO for the purpose of issuing Certificates of Appropriateness. The DRC shall also review for the purpose of issuing a COA, any building or structure which by itself or as part of a larger project is being provided financial assistance, loans, tax incentives through the City of Kent or from other local, State or Federal programs.

(b) Advisory Comments – The DRC shall advise the City of Kent of any efforts which should be considered directed at the protection of local historic or architecturally significant resources. The DRC may provide advisory comments (non-binding) to any project being undertaken in the City which is not otherwise subject to review under the provisions of this Chapter.

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(c) Certified Local Government – The DRC may assist with the application for Certified Local Government status should the City of Kent seek certification. Should the certification be granted, the DRC may assist with the implementation of the program if so designated by the City of Kent.

**???? CERTIFICATES OF APPROPRIATENESS**

The rules of the DRC and its procedures are governed by the Codified Ordinances of the City of Kent and its Charter. The rules and procedures for the processing of applications for Certificates of Appropriateness (COA's) are as follows:

(a) Exclusions - Nothing in this Chapter or in the approved GUIDELINES shall be construed to prevent the ordinary maintenance or repair of any building or structure which is subject to review under the provisions of this Chapter, provided such work involves no alteration to the exterior architectural features of the building, structure or sign which would be subject to review.

(b) Applicability – Refer to Section ????.

(c) When Required - A COA is required for all proposed projects, building modifications, modifications to existing signage as well as all new signage located within the Architectural Design Review Overlay ADRO.

(d) Amended COA's – At any time after an initial COA is issued to a project, an applicant may seek an amendment to the COA or its conditions in the event that the design is altered or if the site plan presented as part of the COA is significantly altered as determined by the Community Development Director. The applicant shall be required to pay all fees required herein and submit the information relevant to the proposed project changes that require amending the COA.

(e) Expiration – Once a COA has been issued, all other permits (excluding mechanical permits) shall be obtained within twelve (12) months of the date the COA is issued, and construction shall begin within eighteen (18) months of the date the COA is issued. The DRC, upon application as described herein, may grant extensions to either of the above two expiration dates up to twelve (12) additional months.

**???? COA APPLICATION REQUIREMENTS / FEES**

The following application requirements and fees shall apply to applications for COA's, amendments to COA's and requests for extensions:

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(a) Fees -

(1) Application Fee – The fee for a COA application shall be \$100 for projects involving building construction or modifications. The fee for projects involving new or modified advertising signs shall be \$50.

(2) Amendment Fee – The fee for requesting an amendment to an existing COA shall be the same as the Application Fees stated above.

(3) Extension Fee – The fee for requesting an extension to an existing COA where there are no modifications proposed shall be 50% of the Application Fee. Extensions only apply to COA's where no modification or amendment to the initial COA is requested. In the event that the extension involves a modification to the COA, the application shall be treated as an amendment.

(b) Initial Application Submission Requirements – In order to an application to be reviewed and approved, the applicant shall submit drawings, photographs, specifications and material samples as required by the Community Development Department. The Community Development Department shall maintain a list of such requirements as part of its Rules and Procedures for implementing the provisions of this Chapter and shall review such rules and procedures or any modifications to those rules and procedures with the DRC. Applications shall be filed in a timely manner in regard to the scheduling of DRC meetings and must be complete at the time of submission.

(1) Informal Review – Applicants are encouraged to review the GUIDELINES (current version) and the Rules and Procedures applicable to the review process in order to be familiar with requirements that will be applicable to their project. Applicants are also encouraged to discuss their project and relevant COA requirements with the appropriate Community Development Department staff prior to making any formal submissions. An informal review with the DRC may be requested but is not mandatory.

(2) Formal Review - Upon the submission of a complete application for a COA, the Community Development Department will schedule a meeting date for the DRC to review the application. The meeting will be scheduled within 30 days of the application's submission. In the event that the meeting cannot be scheduled within 30 days of the date of application, the applicant will be notified in writing of the delay and the reason for the delay. During the time the between the submission of the application and the formal review of the DRC, City staff shall review the plan conceptually for issues regarding the basic layout of the project. Staff shall advise the applicant and the DRC of any potential concerns regarding public safety or other code compliance that it is able to determine given the information provided with the application.

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The applicant, at any point in time prior to DRC action, may request that their project be continued, postponed or otherwise delayed for any reason. Such requests shall be made in writing to the Community Development prior to the scheduled DRC meeting or may be made in public session at the DRC meeting at which the project is being reviewed.

(3) DRC Action – After completing its review of the application and the information provided by the applicant, along with any input received from City staff or the general public, the DRC shall make a determination of whether to issue a COA within 30 days of the initial meeting date for the application. In the event that the DRC denies the COA, it shall provide specific reasons for the denial in writing to the applicant.

(4) Appeal – An applicant may appeal any decision of the DRC to the Board of Zoning Appeals within 15 days of the date of the DRC decision. The appeal will be scheduled at the next available Board of Zoning Appeals meeting as long as it is submitted at least fourteen (14) days prior to the scheduled meeting date. The applicant will be notified of the tentative meeting date at the time the appeal is filed. The application for appeal shall state the reason(s) for the appeal and the requested resolution should the Board of Zoning Appeals decide to overturn the DRC's decision.

(5) Re-application - Any applicant who has been turned down for a COA by the DRC may submit a new application with changes that they believe will address the previous reasons for denial without a waiting period. In the event that an applicant intends to re-apply with the same plan as was previously denied by the DRC, the applicant must wait one (1) year from the date of the previous denial.

(6) Concurrent Submissions - Projects which require separate reviews by the Planning Commission and/or Board of Zoning Appeals may submit applications for those procedures and the COA at the same time. Where such concurrent submissions are made, the applicant assumes all risk and responsibility in the event that the COA is not issued or the project plans are modified as part of the COA process. The applicant shall be responsible for any and all costs related to plan preparation or revision in these cases.

When a concurrent submission is made, the COA must be approved before the case can appear at a Planning Commission or Board of Zoning Appeals meeting. Neither the Planning Commission nor the Board of Zoning Appeals can approve a project which is subject to the issuance of a COA before the COA is issued.

(7) Issuance of Permits – Projects which do not require Planning Commission or Board of Zoning Appeals approval must obtain their COA (when a COA is required) before a Zoning Permit and/or Building Permit is issued.

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(8) COA Decisions Binding – COA's and conditions attached to a COA are binding on City staff and the City's Boards and Commissions unless it can be demonstrated that they are in conflict with applicable building and zoning code requirements, unless variances to those other requirements have been requested by the applicant and granted by the appropriate authority.

**???? PENALTIES**

The following provisions for penalties shall apply to violations pertaining to the provisions of this Chapter, the GUIDELINES or the conditions of a COA which is issued for a project.

(a) Violation Order - In the event that any provisions of this Chapter are being violated, all work shall cease upon notification and no work shall be performed except to correct the violation. All violations shall be corrected within the time frame specified in the violation order. Any violations not corrected within the specified time frame may be enforced as a Civil Infraction under Section ???? of the Kent Codified Ordinances, or pursued through a court of appropriate jurisdiction. Compliance with any previously given violation order shall be indicated in writing by the Community Development Department.

(b) Failure to Comply - Anyone who constructs, reconstructs or alters any exterior architectural feature without a COA shall be assessed fees and other penalties as specified for Civil Infractions under Section ???? of the Kent Codified Ordinances. Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to restore and reconstruct such features in full detail. Restoration or reconstruction shall be in addition to any civil infraction fees and penalties as well as any costs imposed by a court.

(c) Failure to Perform – Anyone who receives a COA and constructs , reconstructs, or alters any exterior architectural feature other than in accordance with the requirements of the COA shall be assessed fees and other penalties as specified for Civil Infractions under Section ???? of the Kent Codified Ordinances. Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to make all changes and additions needed to comply with the COA . Changes or additions shall be in addition to any civil infraction fees and penalties as well as any costs imposed by a court.