

# CITY OF OBERLIN, OHIO

## ORDINANCE NO. 19-39 AC CMS

AN ORDINANCE AMENDING CHAPTER 1187 OF THE OBERLIN CODIFIED ORDINANCES TO ADDRESS TERM LIMITS FOR THE COMMISSION MEMBERS, UPDATE DEFINITIONS AND STANDARDS FOR DESIGNATING A HISTORIC LANDMARK OR HISTORIC DISTRICT, UPDATE PROCEDURES FOR THE DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS AND TO CLARIFY THE PENALTIES FOR VIOLATIONS.

WHEREAS, the Historic Preservation Commission recently conducted a review of the regulations contained in Chapter 1187 Historic Landmarks and Buildings because of concerns related to how historic landmarks were designated and the penalties for not obtaining a Certificate of Appropriateness prior to exterior alterations to a designated historic landmark structure; and,

WHEREAS, after its review, the Commission determined that modifications need to be made to the regulations in Chapter 1187; and,

WHEREAS, it is recommended by the Historic Preservation Commission and City staff that the amendments to Chapter 1187 as set forth in Exhibit A be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1: That the amendments to Chapter 1187 of the Oberlin Codified Ordinances as are set forth on Exhibit A be and are hereby adopted.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1<sup>st</sup> Reading: June 17, 2019

2<sup>nd</sup> Reading: July 1, 2019 (A) (S)

3<sup>rd</sup> Reading: \_\_\_\_\_

ATTEST:

  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
BRYAN BURGESS  
PRESIDENT OF COUNCIL

POSTED: 07/01/2019

EFFECTIVE DATE: 07/31/2019

## **EXHIBIT A**

### **1187.01 STATEMENT OF PURPOSE.**

(a) The purpose of this Chapter is to preserve Oberlin's distinctive character and its cultural, social, residential, commercial, industrial, educational, political or architectural heritage for the enjoyment, enrichment and benefit of the citizens of Oberlin.

(b) To foster economic vitality by publicly encouraging both private and public investment in Oberlin's older buildings, neighborhoods and districts.

(c) To foster civic pride in the beauty and notable accomplishments of the past.

(d) To provide guidance for preservation and enhancement of existing historical structures and new structures in historic districts.

(e) To act as liaison on behalf of the City of Oberlin to individuals and groups concerned with historic preservation, and help property owners to make judicious and historically sensitive decisions relating to proposed modifications and/or repairs to historic structures.

(f) To provide available preservation, restoration, and rehabilitation information to the citizens of Oberlin.

### **1187.02 OBERLIN HISTORIC PRESERVATION COMMISSION.**

(a) The Oberlin Historic Preservation Commission is hereby created and shall consist of five (5) residents of Oberlin. Members shall be appointed in accordance with Section XIX of the Charter of the City.

(b) Commission members shall each serve three-year staggered terms. Any vacancy during the unexpired term of any appointed member shall be filled, within sixty (60) days if possible, by Council for the remainder of the term.

(c) All Commission members shall have a demonstrated special interest, experience, or knowledge of historic preservation, history, architecture or related disciplines. At least two members of the Commission shall be preservation related professionals in a field such as architecture, architectural history, history, archeology, planning or a related area, if such are available in Oberlin.

However, no more than two members shall be employees of or policy makers for any one non-governmental organization.

(d) Upon appointment, the Commission shall convene and select a chair and vice chair. The Commission may establish its own rules and regulations, subject to City Council approval.

(e) The Commission shall establish its schedule of meeting times and places, and shall meet at least four (4) times a year.

(f) All Commission meetings shall comply with federal, state, and local laws dealing with public meetings and shall provide adequate advance notice of meetings. Written minutes of Commission meetings shall be kept and made available for public inspection.

(g) Commission members shall be subject to Oberlin ordinances regarding conflict of interest and ethics as well as provisions on these subjects in the Ohio Revised Code.

(h) At least once a year the Commission shall submit a written report to City Council that summarizes its activities, cases, special projects, recommendations, and the qualifications of its members. Such reports shall be available for public inspection.

(i) All Commission documents and materials shall be available for public inspection in compliance with federal, state, and local "Freedom of Information" laws and policies.

### **1187.03 DUTIES OF THE COMMISSION.**

The Oberlin Historic Preservation Commission shall have the following responsibilities:

(a) It will promote interest in historic preservation and educate Oberlin citizens about historic preservation by holding workshops and preparing informational material, as appropriate.

(b) The Commission shall recommend to City Council the designation of landmarks and historic districts according to the procedures set forth for such matters in Sections 1187.07 and 1187.08. It shall keep a list of designated landmarks and historic districts; furnish the list to the Oberlin City Manager, the Clerk of Council, and pertinent City Commissions; and make it available to the public.

(c) It shall issue Certificates of Appropriateness in response to applications for construction, preservation, restoration, reconstruction, rehabilitation, and/or demolition of any building, object or feature within any historic district, or of any designated landmark, according to the procedures set forth for such matters in Section 1187.09.

(d) It shall use the Secretary of Interior's Standards for Rehabilitation (See Appendix A) and apply them within the City of Oberlin as deemed appropriate by the Commission.

(e) It shall work with property owners to designate eligible Oberlin landmarks, buildings or structures on the National Register and to participate in the Ohio Historic Inventory (See Appendix B).

(f) It shall review all proposed National Register nominations for properties within its jurisdiction and act as a liaison to the Ohio State Historic Preservation Office.

(g) It shall advise other officials and departments in Oberlin's city government regarding the protection of local cultural resources.

(h) It shall act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.

(i) When the Commission considers a National Register nomination, or other action, which is normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Commission, the Commission may, upon authorization of City Council, seek expertise in this area before rendering its decision. It may be advised by technical consultants, under contract executed by the City Manager, as City finances permit, to assist it in performing its functions.

(j) It shall encourage its members to attend workshops, seminars, and other educational programs on historic preservation.

(k) It shall be responsible for maintaining a system for the survey and inventory of historic properties and cultural resources. All inventory material shall be recorded according to Ohio Historic Preservation Office guidelines, maintained securely and made accessible to the public. The inventory shall be updated periodically to reflect alterations and demolitions.

#### **1187.04 DEFINITIONS.**

(a) "Alteration" means any material change in the external architectural features of any building or structure which is a Designated Historic Landmark. Nothing in this Chapter shall be construed to prevent ordinary maintenance or repair of any Designated Historic Landmark, (defined below), provided that such work involves no change in material, design, texture or exterior appearance; nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Chief Building Official, Residential Building Official, Fire Chief or other office having jurisdiction is required for the public safety because of an unsafe, insecure or dangerous condition.

(b) "Certificate of Appropriateness" means a certificate issued by the Oberlin Historic Preservation Commission indicating that a proposed alteration or demolition of a Designated Historic Landmark or of a building or structure within a Historic District, (defined below), is in accordance with the provisions of this Chapter.

(c) "Cultural Resources" means the building, sites, objects, and districts that embody or convey Oberlin's history.

(d) "Demolition" means the removal or destruction in whole or in part of any designated landmark, building or structure, including those in historic districts.

(e) "Designated Historic Landmark" is any building, structure or real property that has been designated as a Historic Landmark under the provisions of this chapter.

#### **1187.05 STANDARDS FOR DESIGNATING A HISTORIC LANDMARK.**

(b) Historically or culturally significant buildings, structures or properties that:

(1) Are associated with an event(s) that has (have) made a significant contribution to the broad patterns of history; or,

(2) Are associated with the life of a significant person or persons in the past; or,

(3) Embody the distinctive characteristics of a type, period or method of construction; or which embody the distinguishing characteristics of an architectural style, or a work of a noted architect or builder; or,

(4) Have yielded or are likely to yield information important to prehistory or history.

(c) Cemeteries, birthplaces or graves of historic figures, properties or buildings or structures owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties or buildings or structures primarily commemorative in nature, and properties or buildings or structures that have achieved significance

within the past fifty (50) years shall not be considered to be of historic significance unless they fall within the following categories:

- (1) A building which has a high degree of architectural significance or which is the primary building or structure associated with an individual or an event; or,
- (2) A cemetery primarily important because of its age, distinctive design features, association with the graves of persons of historical importance, or which is associated with significant historic events; or,
- (3) A reconstructed building or structure when accurately represented in a suitable environment as part of a restoration master plan and when no other building or structure with the same association has survived; or,
- (4) A property, building, or structure primarily commemorative in intent if design, age, tradition or symbolic value have given it significance; or,
- (5) A property, building, or structure achieving significance within the past fifty (50) years if it is of exceptional importance or is unique in the City of Oberlin.

#### **1187.06 STANDARDS FOR DESIGNATING A HISTORIC DISTRICT.**

(a) A Historic District is any area which has been designated a Historic District under the provisions of this Chapter.

(b) In addition to meeting at least one of the above criteria for Designated Historic Landmarks, Historic Districts must also meet the following criteria:

- (1) The proposed area must be defined by boundaries;
- (2) The proposed area must have a high degree of historic integrity, without excessive loss of architectural or historic character;
- (3) The proposed area must have an internal historic cohesiveness in the sense of a shared common history of its inhabitants, historical development according to a master plan, shared architectural styles or designs, or a body of architecture illustrating the evolution of architectural styles over a period of time.

#### **1187.07 PROCEDURES FOR DESIGNATION OF HISTORIC LANDMARKS.**

(a) When a proposal to designate a property, building, or structure as a Designated Historic Landmark is received from a property owner or initiated by the Commission, the Commission shall consider the proposal in terms of the criteria defined in Section 1187.05 and make a recommendation to City Council.

(b) For proposed Designated Historic Landmarks the following procedure shall be followed:

(1) The owner(s) shall be notified by certified mail of the proposed designation. The notice shall include the date, time, and place of a public hearing relative to the proposed designation. The owner(s) shall be invited to comment in writing. Notice of the public hearing shall be published in a newspaper of general circulation.

(2) No sooner than thirty (30) days after sending its notice to the owners and publishing a legal notice in the newspaper, the Commission shall conduct a public hearing and review any written comments received. The hearing shall be open for public comment. At the close of the hearing, the Commission shall forward a copy of the minutes of the hearing, along with its recommendation for designation to City Council. The Commission shall specifically identify in its recommendation to Council the specific buildings, structures, or properties or portions thereof that are to be designated as Historic Landmarks.

(3) At the next regular City Council meeting occurring subsequent to the receipt of a recommendation from the Historic Preservation Commission to designate a Historic Landmark, Council shall vote by motion on the proposed designation.

(4) If Council does not adopt the recommendation of the Commission, then the Commission may revise and/or resubmit the recommendation to Council with any revisions or any additional supportive information. The property owner shall be notified as to the date that City Council will consider the revised recommendation.

(c) Immediately after the approval of the Historic Landmark by City Council, the Chair of the Commission shall provide written notification to the property owner(s) of the designation and shall forward a copy to the City Manager, the Planning and Development Director and such other boards or commissions that the Commission deems to be appropriate. The Historic Preservation Commission shall add the newly designated property to the Designated Historic Landmarks List.

(d) At any time, the Commission may recommend to Council the removal from the Designated Historic Landmarks list any building, structure or property that ceases to meet the criteria of this Chapter in accordance with the procedures set forth in Section (b)(3) above.

#### **1187.08 PROCEDURES FOR DESIGNATION OF HISTORIC DISTRICTS.**

(a) When a proposal to create a Historic District is received or initiated by the Commission, the Commission shall consider the proposal in terms of the criteria defined in Section 1187.06 and make a recommendation to City Council.

(b) For designating Historic Districts, the following procedures shall be followed:

(1) All property owners within the proposed Historic District shall be notified by certified mail that the property is being considered for designation as or part of a Historic District. The notice shall include the date, time, and place of a public hearing relative to the proposed designation. The owners shall be invited to comment in writing. Notice of the public hearing shall be published in a newspaper of general circulation.

(2) No sooner than thirty (30) days after sending its notice to the owners and publishing a legal notice in the newspaper, the Commission shall conduct a public hearing and review any written

comments received. The hearing shall be open for public comment. The Commission shall explain the effects of designation, why landmark status is being sought, and record the comments of persons in attendance. At the close of the hearing, the Commission shall forward a copy of the minutes of the hearing, along with its recommendation for designation to City Council.

(3) At the next regular City Council meeting occurring subsequent to the receipt of a recommendation from the Historic Preservation Commission to designate a Historic District, Council shall vote by motion on the proposed designation of the District.

(4) If Council does not adopt the recommendation of the Commission then the Commission may revise and/or resubmit the recommendation to Council with any revisions or any additional supportive information. The property owners shall be notified as to the date that City Council will be acting on the revised recommendation.

(c) Immediately after the approval of the Historic District by City Council, the Chair of the Commission shall provide written notification to all property owners in the District of the designation and forward a copy to the City Manager, Planning and Development Director and such other boards or commissions that the Commission deems to be appropriate. The Historic Preservation Commission shall keep a copy of the list of properties in the newly designated Historic District on file for public inspection.

#### **1187.09 PROCEDURES FOR REVIEW OF PROPOSED ALTERATIONS TO HISTORIC LANDMARKS AND PROPERTIES WITHIN HISTORIC DISTRICTS.**

(a) The Commission, assisted by City personnel, shall be available to applicants as a source of information and assistance before an application is made. Applicants are encouraged to make use of this service.

(b) No person shall make any exterior alteration to or demolish any Designated Historic Landmark or part thereof or any building or structure located within a Historic District without first obtaining a Certificate of Appropriateness. A Certificate of Appropriateness must be obtained for new construction on vacant sites within Historic Districts.

(c) Application(s) for a Certificate of Appropriateness shall be filed with the Planning and Development Director in such form as may be prescribed by the Commission and approved by the City Manager. The Planning and Development Director is responsible for ensuring that any construction to be undertaken is in accordance with the Certificate of Appropriateness.

(d) The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days of the filing of a complete application. If the Commission fails to act within the time period, the application for a Certificate of Appropriateness shall be deemed approved.

(e) Each case will require careful consideration of all relevant factors, including earlier changes, existing conditions and surrounding properties. Some flexibility is often necessary to accommodate the property owner. The Commission shall approve, or approve with conditions, the Certificate of Appropriateness if it finds that the proposal conforms to the Secretary of the Interior's Standards for Rehabilitation in Appendix A of this Chapter.

(f) In the case of the denial of a Certificate of Appropriateness, the Commission shall state the reasons for denial in writing and include findings of fact in support of the decision. Copies of the decision shall be mailed to the applicant within five (5) days of the date of the Commission's decision. The Commission may suggest changes which can result in approval, and offer to continue to meet with the owner to achieve a mutually satisfactory compromise. The property owner may appeal the decision of the Commission pursuant to Chapter 1173 of the City Code.

**1187.99 PENALTY.**

Any person or entity who violates any of the provisions of this Chapter shall be guilty of a minor misdemeanor and, upon conviction thereof in a court of competent jurisdiction, be fined an amount not to exceed one hundred fifty dollars (\$150.00) for each violation. Each and every day that a violation continues shall constitute a separate offense, up to a period of one year.

In addition, the City may institute a civil action in a court of competent jurisdiction to enjoin any violations of this Chapter.



## **APPENDIX A**

### **THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION**

The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## **APPENDIX B**

### **THE NATIONAL REGISTER OF HISTORIC PLACES AND**

#### **THE OHIO HISTORIC INVENTORY DEFINED**

The National Register of Historic Places is the official list of properties recognized by the federal government as worthy of preservation for their local, state, or national significance in American history, architecture, archaeology, engineering, or culture.

The Ohio Historic Inventory is an accurate, continuing record of the architectural and historic properties of the state. The Ohio Historic Inventory form records basic information on historic properties in Ohio. The form succinctly and accurately describes a building, site, structure or object and its history. By including a photo and a map, each form summarizes both graphic and written information about a property.