

CHAPTER 1133
Historic Preservation District

1133.01 PURPOSE.

(a) Purpose.

In order to promote the economic and general welfare of the people of the City of Painesville and of the public generally, and to ensure the harmonious, orderly and efficient growth and development of the municipality, it is deemed essential by the City Council that the qualities relating to the history of the City and a harmonious outward appearance of structures which preserve property values and attract tourists and residents alike be preserved. Qualities related to the above-stated purpose include:

- (1) To encourage the continued existence ~~and~~ preservation, and rehabilitation of historic areas and buildings;
- (2) To ensure the continued construction of buildings in historic styles with a general harmony as to style, form, proportion, texture and material between buildings of historic design and those of more modern design;
- (3) To recognize the importance of the preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which impart a distinct aspect to the City and which serve as visible reminders of the historical and cultural heritage of the City, the State and the nation.
- (4) To avoid demolition of historic structures.
- (5) To ensure compatible additions to historic structures.

(b) Intent.

It is the intent of these guidelines to promote and protect the public health, safety and welfare through:

- (1) The preservation and encouragement of varied architectural styles within the City, reflecting the distinct phases of the City's history. In addition, this chapter is intended to maintain and enhance the scale and basic character of the Historic Preservation District through:
 - A. Ensuring compatibility between new, renovated and old structures.
 - B. Promoting the improvement and upgrading of properties in a manner which will benefit property in the area.
 - C. Improving and promoting amenities for the pedestrian.
 - D. Encouraging the development of vacant and incompatibly developed properties in accordance with the character of the area.
 - E. Affording the widest possible scope of continuing vitality through private renovation and architectural creativity, within appropriate control and standards.
 - F. Encouraging the protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons important in local, state or national history, or which provide for this and future generations, examples of the physical surroundings in which past generations lived.
- (2) Supporting the economic, recreational, cultural and educational development of the City by:

- A. Stimulating business by making the City a more attractive location.
- B. Protecting and enhancing attractions to residents, tourists and visitors.
- C. Maintaining a high character of community development.
- D. Protecting real estate from impairment or destruction of value.
- E. Preserving, protecting, and improving the value, appearance and use of property.
- F. Improving the quality of life by enhancing the visual and aesthetic character, diversity and interest of the City.
- G. Promoting the use and preservation of historical locations, architecturally significant structures and other notable objects and sites for the educational enrichment and general welfare of the people of the City and the State.

1133.02 ESTABLISHMENT OF DISTRICT.

There is hereby established a Historic Preservation District, which shall correspond to the legal description and maps referred to as Appendix A, Appendix B, and Appendix C which are on file in the Community Development Department. The Historic Preservation District boundaries are shown on the Zoning Map and designated in Section 1113.06 (e)(2).

1133.03 CERTIFICATE OF APPROPRIATENESS REQUIRED.

- (a) Within the boundaries of the Historic Preservation District, the exterior appearance of any structure shall not be altered, new structures shall not be constructed, and existing structures or portions thereof shall not be demolished until a certificate of appropriateness has been issued.
- (b) However, a certificate of appropriateness shall not be required for:
 - (1) Ordinary maintenance and repair where the purpose of the work is to correct deterioration to the structure or where no change is made to the appearance of a building or grounds. Ordinary maintenance and repair includes:
 - A. Repainting a building in the existing color palette;
 - B. Replacement of window and/or glass (but not style or type of windows);
 - C. Caulking and weather-stripping;
 - D. Landscaping;
 - E. Repairs to walks, patios, fences, and driveways as long as replacement materials are compatible with the original or existing materials in style and appearance;
 - F. Replacement of small amounts of missing or deteriorated original or existing trim, roof coverings, porch flooring, steps, etc., as long as replacement materials are compatible with the original or existing materials in style and appearance;
 - G. Replacement of gutters and downspouts as long as the shape matches the original or existing; roof ventilators on rear slopes and chimney caps;
 - H. Installation of house numbers and mailboxes;
 - I. Repair of existing street or yard lighting; and
 - J. Similar maintenance items.
 - (2) Any construction, alteration, or demolition duly approved prior to the effective

date of this Code.

- (3) Any construction, alteration, or demolition which only affects the interior of the structure.
- (4) Any alteration or demolition which is necessary to correct or abate a condition which has been declared unsafe by the Chief Building/Zoning Official or the Fire Chief after notification of the Design Review Board and/or Administrator and consultation with the City staff and where emergency measures have been declared necessary by such departments.

1133.04 REVIEW PROCESS FOR ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS.

- (a) In reviewing an application for a certificate of appropriateness, the Design Review Board and/or Administrator shall follow these procedures and criteria:
 - (1) If the proposed work involves the alteration of an existing structure or site, including demolition of additions, the Design Review Board and/or Administrator shall first determine whether the structure or site is significant based on the following criteria:
 - A. Its value as reminder of cultural or archeological heritage of the City, State or nation;
 - B. Its location as a significant City, State or national event;
 - C. Its identification with person or persons who contribute to development of the City, State or nation;
 - D. Its value as work of a master builder, designer or architect that influenced the development of the City, State or nation;
 - E. Its value as recognized for quality of architecture and retaining sufficient elements showing architectural significance;
 - F. Its characteristic of an architectural style or period; or
 - G. Its character as contributing element in the District.
 - (2) If determined to be significant, the Design Review Board and/or Administrator shall state basis for such determination and may approve the application and issue the Certificate of Compliance upon a finding that:
 - A. The proposed work is consistent with the historic and architectural character of building, structure, appurtenance or site will be properly preserved and complies with standards established by Section 1131.05.
 - B. The Project-will not have a detrimental impact on historical or architectural character of the property or site.
 - (3) If determined not to be significant, the Design Review Board and/or Administrator shall find the proposed work does not increase the incompatibility of the existing structure in order to approve work.
 - (4) If the Design Review Board and/or Administrator does not make findings that are in accordance with Sections 1131.07(e)(2) and 1131.07(e)(3), then a certificate of appropriateness shall not be issued unless the Design Review Board and/or Administrator also find that:
 - A. Approval of the application and issuance of the Certificate of Appropriateness is necessary for the continued viability of the structure and the costs of making

the improvements in such a manner to meet the above findings render the building incapable of earning an economic return upon its value at the time or upon future sale of the property.

- B. Approval of the application and issuance of the Certificate of Appropriateness is required for the physical functioning of the building or health or safety reasons with no reasonable alternative available.
 - C. If Design Review Board and/or Administrator find that either of the latter two circumstances exists, every effort shall be made to minimize the adverse impact of the work and to allow for the work to be reversed in the future.
- (5) If the proposed work involves either infill or additions to existing structures, the Design Review Board and/or Administrator shall find that the proposed work is consistent with the design criteria established in Section 1131.05 prior to approval of the application and issuance of the Certificate of Appropriateness.
 - (6) Requests for approval of demolition shall follow the procedures established in Section 1131.13
 - (7) If the Design Review Board and/or Administrator recommend disapproval of the application and denial of the Certificate of Appropriateness,
 - (f) In reviewing an application for a certificate of appropriateness, the Design Review Board and/or Administrator shall not consider interior arrangement, detailed design, or features not subject to public view and/or view from surrounding properties.
 - (g) If the Design Review Board and/or Administrator approve an application, it shall issue a certificate of appropriateness which shall be signed by the Chairman, Vice Chairman, or Administrator attached to the application and transferred to the office of the Chief Building/Zoning Official. All prints approved by the Design Review Board and/or Administrator shall be stamped accordingly. The Chief Building Official shall thereupon process the application in the usual manner.
 - (h) If the Design Review Board disapprove the application, it shall state its reason for doing so and shall transmit a record of such action and reason to the Chief Building/Zoning Official and to the applicant. No further action shall be taken by the Chief Building/Zoning Official on the application. The applicant may modify the application to make it acceptable to the Design Review Board and/or Administrator and shall have the right to resubmit the application at any time or may appeal the decision to the Lake County Common Pleas Court in accordance with the laws of the State of Ohio.
 - (i) If the Administrator disapproves an application, he or she shall advise the applicant of any changes which would secure the approval. The applicant may resubmit the information and supporting materials for the Administrator's review or may appeal the decision to the Design Review Board within ten days of the decision of the Administrator.
 - (j) The Design Review Board and/or Administrator shall act within 60 days of receipt of a complete application. The failure of the Design Review Board and/or Administrator to approve or disapprove such application within such time, unless mutually agreed upon by the applicant and the Design Review Board and/or Administrator, shall be deemed to constitute approval and the staff to the Design Review Board and/or Administrator

shall thereupon process the application without regard to the certificate of appropriateness.

- (k) After the Certificate of Appropriateness has been issued, the Chief Building/Zoning Official shall, periodically inspect the work authorized by the Certificate for compliance in the field to review the construction, reconstruction, alteration, maintenance or repair. Necessary action shall be taken to assure compliance with the approved application.

1133.05 REVIEW CRITERIA.

Any application for a Certificate of Appropriateness shall be evaluated with respect to the following criteria:

- (a) Compatible reuse. Every reasonable effort shall be made to provide either a compatible use for a property consistent with the Comprehensive Plan, which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- (b) Preservation of features. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (c) Respect for period features. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (d) Respect for changes over time. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Sensitivity for distinctive features. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- (f) Repair of deteriorated architectural features. Deteriorated architectural features shall be repaired rather than replaced wherever possible. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures. Replaced features should match design, color, texture and visual qualities, however, alternate materials may be used.
- (g) Proper cleaning methods. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (h) Protection of archeological resources. Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- (i) Compatible contemporary additions. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural materials and such design is

compatible with the size, scale, color, material and character of the property, neighborhood or environment.

- (j) New additions. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

1133.06 DEMOLITION AND MOVING OF STRUCTURES.

- (a) The demolition of all or part of a designated historic structure or of an existing building within a designated Historic Preservation District shall require submittal of an application and the approval of the Design Review Board, in accordance with the following procedures:
- (b) The Design Review Board shall approve the demolition if any one of the following circumstances is found to exist:
 - (1) Demolition has been ordered by a public official for reasons of public health and safety (in the case of imminent danger, the Chief Building/Zoning Official may authorize such demolition prior to approval by the Design Review Board).
 - (2) The demolition is requested for an inappropriate addition or a non-contributing building, and the Design Review Board determines that the demolition will not adversely affect the character of the area, including the appearance of the streetscape in terms of the overall scale, rhythm, design or unity; or
 - (3) The demolition is consistent with plans or policies adopted by the City Council.
 - (4) In approving the demolition, the Design Review Board shall state the basis for approval, pursuant to one of the above findings.
- (c) If none of the circumstances listed in division (b) are found to exist, the Design Review Board shall approve the demolition only if the Design Review Board finds that the structure cannot be reused or cannot earn an economic return upon its value. If an owner requests approval of demolition for this reason, the Design Review Board shall follow these procedures:
 - (1) The Design Review Board shall hold a public hearing on the request in accordance with the provisions of Chapter 1111. Unless otherwise agreed by the applicant, the hearing shall be held at the next regular meeting of the Design Review Board.
 - (2) At the hearing, the applicant shall present reasons why the structure cannot be reused or cannot earn an economic return upon its value. The applicant shall also present a description of the anticipated reuse of the property and a site restoration plan that includes excavations filled to existing grades, topsoil of sufficient capacity to cover the filled material and support ground vegetation, and drainage directed in a manner that does not negatively impact surrounding properties. Any other persons may speak at this hearing, and may present evidence to demonstrate reuse potential or opportunities for an economic return upon its value.
 - (3) Following the hearing, the Design Review Board shall be given a period of time, not to exceed 90 days from the date of the original application, to identify a satisfactory plan for the preservation of the structure. If such a plan is presented, the demolition shall not be approved. In the event the Design Review Board does not identify an economically feasible plan, or otherwise concurs with the showing by the applicant,

the demolition shall be approved. If, prior to the expiration of the 90-day period, the Design Review Board identifies a preliminary plan for the preservation of the structure, the Design Review Board shall be given an additional period of time not to exceed 90 days to recommend a final plan.

- (4) If the Design Review Board has taken no action to approve or disapprove the request within the 90-day period, or 180-day period if extended, the demolition shall be allowed and permits shall be issued by the Chief Building/Zoning Official.
 - (5) During the time period that an application for demolition is under review, the applicant shall take measures to stabilize and secure the structure to prevent further deterioration. Upon request of the City, the applicant shall provide information to the Design Review Board regarding the actions that have been taken to explore alternatives to the proposed demolition.
- (d) As an alternative to demolition which has been approved pursuant to this section, the Design Review Board may approve the moving of an existing building where:
- (1) The new surroundings would be harmonious with the historical and architectural character of the building; and
 - (2) The relocation would help preserve and protect a building of historical interest.

1133.07 PROTECTIVE MAINTENANCE REQUIRED EMERGENCY CONDITIONS.

All buildings and structures in the Historic Preservation District(s) shall be properly maintained and repaired at the same level required elsewhere in the City. Should an owner deliberately omit essential maintenance and repairs, which would eventually result in the condition of the building becoming so deteriorated that it would be constitutionally unreasonable for the City to refuse to allow the owner to demolish the building, the Design Review Board and/or Administrator shall bring this matter to the attention of the Chief Building/Zoning Official, who shall immediately require of the owner or agent protective maintenance and repair to further the economic, health, safety and general welfare of the City, and nothing in this chapter shall be construed to prevent ordinary maintenance or repairs of any structures.