

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
ARCHITECTURAL DISTRICT

NOTE: This application completed with the information required below must be filed with the Port Clinton Architectural Review Board by the second Thursday of each month to be considered for that month's agenda. Applications will not be accepted by the Port Clinton Architectural Review Board unless all information is complete.

Date _____

Name of Applicant _____ Telephone _____

Signature of Applicant _____

Email of Applicant _____

Mailing Address _____

Name of Property Owner _____ Telephone _____

(Please include a notarized authorization to alter structure or one copy of signed lease with authorization to alter existing structures)

Name of Business _____

Address _____ City _____ Zip _____

Checklist for Architectural Review Board Public Hearing

Please refer to the appropriate checklist for your hearing, failure to have all required materials prior to your review board hearing may cause your application to be delayed or denied.

1. Fences/Gates/Pergolas/Sheds/Garages/

_____ A site plan to scale of the property showing the location of the fence, gates, garages and/or Pergola. Plan must show the property's dimensions to scale

_____ A color picture of the Proposed Structure

_____ A description of the materials that will be used in the project

_____ Color photo of the yard(s) where the structure will be placed

_____ Application for fence or Zoning permit

2. New Construction/ Additions/ Revisions

_____ Drawings to scale of each façade indicating proposed alterations or additions. Drawing must clearly depict the existing building and proposed changes

_____ Site plan showing lot dimensions and locations of existing structures and the location and dimensions of proposed additions

_____ Description and/or samples of materials used to include color

_____ Color Photos of existing and adjacent structures and conceptual drawings of proposed additions

_____ Roof shape and materials which shall include type, form and materials;

_____ New additions, exterior alterations, or related new construction shall not destroy historic materials that characterized the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural featured to protect the historic integrity of the property and its environment.

3. Signs/Awnings

_____ Sketch or elevation drawing of the building façade with proposed sign/awning

_____ Dimensioned drawing of awning/sign. Dimensions for lettering and square footage of proposed signs

_____ Samples of Awning material and color sample

_____ Color Photo of Building

_____ Application for sign permit

_____ Application for awning permit

_____ Dimensioned drawing of sandwich board

_____ Description and/or samples of materials used to include color

4. Site Improvements/ Driveway/ Walkway/ AC/ Mechanical/ Lighting/ Painting

_____ A survey of the property is required

_____ Site plan showing lot dimensions, location and dimensions of existing building, location and dimensions of proposed improvements

_____ Color Sample of proposed color changes

_____ Type and placement of lighting of building signs

5. Outdoor Dining

_____ Layout of Proposed furniture drawn to scale to include proposed ingress and egress points

_____ Color Sample of Proposed Umbrella's and/or awnings

_____ Color Photos of proposed outdoor furniture

ACTION BY ARCHITECTURAL REVIEW BOARD

Name of Applicant: _____

Address of Property: _____

Hearing Date ___/___/___

Action: Approved: _____ Denied: _____

Suggestions/Notes of interest _____

Date referred to Port Clinton Planning Commission _____

Chairman

Secretary

CHAPTER 1323

Downtown Architectural District

- 1323.01 Purpose.**
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- 1323.10 Penalty.**
- 1323.11 Planning Commission jurisdiction; City board or commission power not limited.**

1323.01 PURPOSE.

The purpose of this chapter is to maintain a high character of community development, to protect and preserve property, to promote the stability of property values and to protect real estate from impairment or destruction of value for the general community welfare by reviewing any proposed changes of the exterior architectural characteristics of structures and preservation and protection of buildings of architectural or historical significance throughout the hereafter defined Architectural District. It is the further purpose of this chapter to recognize and preserve the distinctive historical and architectural character of this community which has been greatly influenced by the architecture of an earlier period in this community's history. These purposes will be served by the review and regulation of exterior design, use of materials, the finish grade line, landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, erected, enlarged or remodeled, removed or demolished in the defined Architectural District.

(Ord. 20-15. Passed 12-8-15.)

1323.011 DEFINITIONS.

For the purposes of this chapter and to promote the historic architectural preservation of the City of Port Clinton, the following definitions apply to the Architectural District. These definitions supplement and are in addition to the definitions in other portions of the ordinances of the City of Port Clinton, Ohio and apply to the implementation of the provisions of this Chapter.

- (a) **Alter or Alteration.** Any change to the exterior architectural features of a structure, to include exterior expansion of buildings, as visible from public streets.
- (b) **Architectural District.** Any area of the city designated by this Chapter as an "Architectural District" and any area that maybe so designated in the future by ordinance.
- (c) **Board.** The Architectural Review Board established by this Chapter.
- (d) **Zoning Permit.** A permit as defined in Chapter 1127.
- (e) **Construction.** Any activity for which a building permit is required.
- (f) **Demolish or Demolition.** Razing, removal, moving, or other destruction of any structure in whole or in part.
- (g) **Emergency Repairs.** Any temporary addition, modification, or other steps taken to prevent further damage to structures resulting from natural causes or other casualties(which would not require a Building Permit).
- (h) **Exterior Architectural Feature.** Any building element visible from a public street, to include but not limited to walls, roofs, windows, doors, porches; steps, signs, and decorative or ornamental elements.
- (i) **Financial Incentives.** Any benefit provided by any governmental entity, other than ordinary public services, to include tax credits, tax deductions, grants, or other valuable benefits available to property owners in connection with the preservation or restoration of structures.

- (j) **Historically Significant Structure.** Any structure which is at least 50 years old and is included in at least one of the following categories:
- (1) Any structure listed on the National Register of Historic Places.
 - (2) Any structure preliminarily determined to be eligible for listing on the National Register of Historic Places by the Ohio Historic Preservation Office.
 - (3) Any structure designated by the Board as a historically significant structure pursuant to this Chapter.
- (k) **Ordinary Repairs and Maintenance.** Restoration of any architectural features of a structure which do not involve a change in the design, material, or outward appearance of the structure, and which does not require issuance of a Building Permit.
- (l) **Preservation Easement.** A grant of an interest in real estate to the City of Port Clinton or a non-profit entity by a property owner which by its terms restricts the property owner from altering the appearance of the facade of any building located within an architectural district or a building designated as a historically significant structure.
- (m) **Reconstruction.** Rebuilding or restoration of a structure following demolition or damage of a significant portion of a structure.
- (n) **Sign.** Any structure included in the definition of a sign set forth in Chapter 1147.
- (o) **Street.** Any public way defined as a "street" in Chapter 301 of the Port Clinton Codified Ordinances.
- (p) **Substantial Hardship.** Either of the following conditions:
- (1) In an income producing building circumstances in which compliance with design standards would prevent a reasonable economic return when considering a reasonable period of amortization.
 - (2) Where the structure is not an income producing building, circumstances in which compliance with the design standards would be substantially disproportionate with the fair market value of the building after the proposed alteration, reconstruction or partial demolition.

(Ord. 20-15. Passed 12-8-15.)

1323.02 DISTRICT BOUNDARIES.

There is hereby established an Architectural District which shall include all of the following property:

- (a) The East Boundary is any property that fronts on the east right of way line of Adams Streets, and on that right-of-way line Adams Street, and on that right-of- way line extended from the North line of the Norfolk-Southern Railroad right-of- way line northerly to Lake Erie;
- (b) The West boundary is any property that fronts on the west right of way line of Laurel Avenue, and on that right-of-way line extended from the North line of the Norfolk-Southern Railroad right-of-way northerly to Lake Erie;
- (c) The South boundary is the North line of the Norfolk-Southern Railroad right-of- way, starting at the East right-of-way line of Adams Street and proceeding westerly to the West right-of-way line of Laurel Avenue;
- (d) The North boundary is the shoreline of Lake Erie from a point where the East right-of-way line of Adams Street extended intersects the shoreline, westerly to a point where the west right of way line of Laurel Avenue extended northerly intersects the shoreline.

A map depicting the boundaries of the Architectural District is included herein and attached as Exhibit A. (Ord. 06-08. Passed 3-25-08.)

1323.03 BOARD OF ARCHITECTURAL REVIEW.

(a) The Board of Architectural Review shall consist of seven (7) members, all of whom shall be residents of Ottawa County and who shall be appointed by the Mayor. One of the members of the board shall be the Program Manager of Main Street Port Clinton, Inc., if such organization is in existence and operating. One of the members of the board shall be the City's Director of Safety and Service. One of the members of the board shall be the City's Zoning Inspector. And other members of the board shall be selected by giving consideration to their personal, professional and technical skills in the areas of Architecture, City Planning, Property Development, History of the Community, and Downtown Property Ownership. In addition, the Review Board should be comprised of members who hold in aggregate a broad cross section of these areas of expertise. The board shall be chaired by the City's Zoning Inspector. The Board shall have the authority to appoint a Secretary who shall be the keeper of records of such Board and the Board shall have the further authority to enact By-Laws and Rules of Procedure governing its operation. The Board shall meet in such open public meetings at such times, days, and locations as shall be selected by the Board. Copies of all meeting notices, minutes of meetings, and reports prepared by the Board shall be delivered to the Clerk of Council.

(b) All meetings of the Board shall be open to the public and three members thereof shall constitute a quorum. A majority vote of all members of the Board shall be required to take action. (Ord. 23-20. Passed 10-13-20.)

1323.04 BOARD TERMS.

- (a) Length of Term and Appointing Authority. The terms of the Board members shall be as follows:
- (1) The City's Director of Safety and Service shall be appointed for a term that does not expire.
 - (2) The City's Zoning Inspector shall be appointed for a term that does not expire.
 - (3) All other Board members shall be appointed for a full two-year term.
 - (4) Board members may serve consecutive two-year terms at discretion of the Mayor.
- (b) Vacancies. Any vacancy shall be filled for the remainder of the unexpired term in the manner the original appointment was made.
(Ord. 23-20. Passed 10-13-20.)

1323.041 RESPONSIBILITIES OF ARCHITECTURAL REVIEW BOARD.

The Board shall carry out the following responsibilities:

- (a) Establishment of design standards and criteria for alteration and reconstruction of structures within the Architectural District and applicable to historically significant structures. Such standards shall include, as a minimum, the Secretary of the Interior's Standards for Rehabilitation. Such standards and criteria shall not be adopted by the Board until after they are submitted to, reviewed by and comments received from the City Planning Commission and until the criteria and standards are approved by City Council.
- (b) Establishment of design standards and criteria for new construction within the designated Architectural District. Such standards and criteria shall not be adopted by the Board until after they are submitted to, reviewed by and comments received from the City Planning Commission and until the standards and criteria are approved by City Council.
- (c) Designation of historically significant structures.
- (d) Establishment of standards for the acquisition and acceptance of preservation easements, which easements must be approved by action of City Council.
- (e) Consideration and action upon applications for certificates of appropriateness and requests for waivers of the provisions of this Chapter and any duly enacted design standards.
- (f) Provision of advice and assistance to property owners in applying for certificates of appropriateness.
- (g) Provision of advice and assistance to property owners on application for financial incentives related to preservation or restoration of buildings within the Architectural District or for preservation or restoration of historically significant structures.
- (h) Recommend legislation to Council, which may be appropriate to carry out the purposes of this Chapter.
- (i) Formulation of standards and procedures to meet Certified Local Government guidelines prescribed by the Ohio Historic Preservation Office.
- (j) Recommend to Council, the Mayor or other Municipal Officers, policies, practices or actions on aesthetic issues including "Green Spaces" related to the Architectural District.
- (k) Enforcement of provisions of this Chapter.
- (l) Submit a report to Council on a semiannual basis, stating the key activities and actions taken by the Board, including, but not limited to, the following for each six-month period:
 - (1) The number and summary of consultations had with property owners;
 - (2) The number and summary of applications received, evaluated, approved, and rejected, including justification;
 - (3) The number and summary of appeals.
 (Ord. 23-20. Passed 10-13-20.)

1323.05 APPLICATION AND NOTICE.

- (a) (1) Whenever a structure, as defined by the City's Zoning Ordinances, whether_ public or private, within the above described district is proposed to be constructed, or erected, and whenever an existing structure within the district is proposed to be altered, reconstructed, or enlarged, if such alteration, erection, construction; reconstruction or enlargement involves the exterior design, color(s), material, texture, outer appearance, sign(s), finish grade line, landscaping or orientation of the structure, an application for a certificate of appropriateness shall first be filed with the Secretary of the Architectural Review Board, unless such property is excepted in accordance with the exceptions permitted in Section 1323.08. Such exception shall be determined by the Zoning Inspector.

(2) For projects involving a structure located in a zoning overlay zone there shall be a coordination of applications for the project with the City Planning Commission serving as the lead reviewing agency, and its final action shall incorporate the concerns of the Board of Architectural Review.

(b) The application for a certificate of appropriateness shall be accompanied by a drawing indicating, at a minimum, the lot dimensions, size, shape, and dimensions of the structure, the location and orientation of the structure on the lot and the actual or proposed building setback lines. The application shall be accompanied by a detailed narrative description of the proposed design or change of design, use of materials, color(s), texture, outer appearance, sign(s), finish grade line, landscaping and orientation of the structure.

(c) Upon receipt of an application for a certificate of appropriateness, which is accompanied by the material required by the provisions of subsection (b) hereof, the Secretary of the Board of Architectural Review shall place such application on the Board's agenda for a hearing at its next regular meeting. The Secretary shall further cause to be published in a newspaper of general circulation in the City at least seven days prior to the hearing, a public notice of the scheduled hearing date of the application together with a general description of the nature of the application. The applicant shall be notified by mail of the date and time of the hearing.

In addition, there shall be a notice posted on the subject property stating that an application has been filed and the date and time of the hearing.

(d) The required certificate of appropriateness or waiver issued by the Board shall be obtained prior to the issuance of a Zoning Permit by the Zoning Inspector.

(Ord. 20-15. Passed 12-8-15.)

1323.06 STANDARDS FOR REVIEW; CERTIFICATE OF APPROPRIATENESS.

(a) The Board of Architectural Review, in deciding whether to issue a certificate of appropriateness, shall determine that the application under consideration is not detrimental to the interest of the District and promotes, preserves and enhances the distinctive historical City character of the community. In conducting its review, the Board shall make examination of and give consideration to the elements of the application including, but not necessarily limited to:

- (1) Height.
- (2) Building massing, which shall include the relationship of the building width to its height and depth, and its relationship to the viewer's and pedestrian's visual perspective;
- (3) Window treatment, which shall include the size, shape and materials of the individual window units and the overall harmonious relationship of window openings;
- (4) Exterior detail and relationships, which shall include all projection and receding elements of the exterior, including but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
- (5) Roof shape and materials which shall include type, form and materials;
- (6) Materials, texture and color, which shall include a consideration of material compatibility among various elements of the structure;
- (7) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
- (8) Landscape design and plant materials, which shall include, in addition to requirements of the zoning code, lighting and the use of landscape details to highlight architectural features or screen or soften undesirable view.
- (9) Signage, which shall include, in addition to the requirements of Chapter 1147, the appropriateness of signage to the building.
- (10) Sustainable Features, which shall include environmentally friendly details and conservation practices such as solar energy panels, bike racks and rain barrels.

(b) The Board shall also give consideration to the United States Secretary of the Interior Standards for Rehabilitation. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

The Standards for Rehabilitation are as follows:

- (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 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 characterized 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.

(c) In conducting its inquiry and review, the Board may request from the applicant additional information, sketches and data as it shall reasonably require. It may call upon experts and specialist for testimony and opinion regarding the matters under examination. It may recommend to the applicant changes in the plans that it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The Board shall keep a record of its proceedings and shall append to the application copies of information, sketches and data needed to clearly describe any amendment to it.

(d) When its review is concluded, the Board will determine by a vote of its members whether the application for certificate of appropriateness shall be approved. If approved by three (3) or more of its members, the Board shall return the application and appended material to the Secretary with the instruction that the certificate of appropriateness be issued, provided all other requirements for a building permit and zoning permit, if applicable, are met. A copy of the certificate of appropriateness shall be issued to the applicant and a copy delivered to the Zoning Inspector.

The certificate of appropriateness shall be valid for five years from the date of approval, or such extension as may be granted by the Board. If not approved, the Board shall return the application and appended material to the applicant with a detailed explanation of all rationale utilized by the Board regarding the reason for disapproval.

(e) The Board may waive compliance with this Chapter upon a finding that a substantial hardship would be imposed on the property owner if the property owner is required to substantially comply with the requirements of the Chapter. The Board may issue a waiver conditioned upon the applicant's performance of reasonable conditions imposed by the Board to carry out the purposes of this Chapter as reasonably practicable.

(Ord. 20-15. Passed 12-18-15.)

1323.07 PRESERVATION OF PROPERTY UPON DEMOLITION OF A STRUCTURE.

(a) Whenever a structure within the District is proposed to be demolished, an application for a certificate of appropriateness shall be filed with the Secretary of the Board of Architectural Review as provided in this Chapter. In considering such application, the Board of Architectural Review shall limit its inquiry to the proposal for grading, landscaping and other design treatment of the property once the structure has been removed.

(b) Nothing in this chapter shall be construed to prevent the demolition of a structure whether public or private, within the District.

(Ord. 25-96. Passed 9-24-96.)

1323.08 EXCEPTIONS.

(a) Ordinary Maintenance or Repair. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property which does not involve a change in design, material, color, signage, or outer appearance.

(b) Unsafe or Dangerous Conditions. Nothing in this chapter shall be construed to prevent any change which the City determines to be required for public safety because of an unsafe or dangerous condition.

(c) Churches. This chapter shall not apply to any property which is at the time of enactment of this chapter, owned by a church, and used as either a place of worship or a residence of the church's clergy.

(d) Private Residences. This chapter shall not apply to any real property which is occupied by the owner solely as his or her private residence and no portion of which is used for commercial purposes.

(e) Interior Arrangements. Nothing in this chapter shall apply to interior arrangements.

(Ord. 06-08. Passed 3-25-08.)

1323.09 APPEALS.

The Board of Architectural Review shall decide all applications for architectural review not later than thirty days after the hearing thereon.

(a) Any person, firm or corporation, or any officer, department, board or agency of the City who has been aggrieved by any decision of the Board involving an application for architectural review approval may appeal such decision to the Board of Zoning Appeals by filing a Notice of Appeal to the Board of Zoning Appeals with the Secretary of the Architectural Review Board within ten days from the date of service of the decision of the Architectural Review Board, setting forth the facts of the case.

(b) The Secretary of the Board of Architectural Review shall then forward the record of the proceedings before the Board of Architectural Review to the Board of Zoning Appeals who shall then hold a public hearing on the appeal as provided by law, and shall decide the matter pursuant to Section 1129.02 of the Codified Ordinances.

(c) In considering the appeal of the action of the Architectural Review Board, the Board of Zoning Appeals may take any of the following actions:

(1) Affirm the denial of the Certificate of Appropriateness or waiver; or

(2) Remand the application to the Architectural Review Board for further consideration of any issues raised for the first time on appeal or any other issue for which further consideration by the Architectural Review Board may be appropriate; or

(3) Reverse the decision of the Architectural Review Board, which reversal shall result in the granting of the Certificate of Appropriateness or waiver; or

(4) Issue a Certificate of Appropriateness or waiver with certain conditions to be carried out by the property owner.

(d) The Zoning Board of Appeals may reverse the decision of the Architectural Review Board or issue a Certificate of Appropriateness with conditions only where such action carries out the purposes of this Chapter.

(Ord. 20-15. Passed 12-8-15.)

1323.10 PENALTY.

It shall be unlawful to locate, construct, reconstruct, enlarge, change, or maintain any building or land in violation of this Chapter. Any person, firm, or corporation violating any regulation thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Every day during which such illegal location, erection, construction, reconstruction, enlargement, change, or maintenance continues may be deemed a separate offense.

(Ord. 20-15. Passed 12-8-15.)

1323.11 PLANNING COMMISSION JURISDICTION; CITY BOARD OR COMMISSION POWER NOT LIMITED.

This chapter does not alter or affect or infringe upon any of the jurisdiction of the Planning Commission of the City of Port Clinton and is intended to be a new regulation. Nothing in this chapter shall be construed to limit the power of any other City Board or Commission.

(Ord. 25-96. Passed 9-24-96.)

