

CHAPTER 1131

DESIGN REVIEW

1131.01 PURPOSE

The purposes of this Chapter are to establish procedures whereby the above Design Review District is afforded protection from actions that would be detrimental to preserving established historical and cultural resources in the community; and to follow the Standards and Guidelines of the United States Secretary of Interior for rehabilitating buildings within this district, which are incorporated in this Chapter.

1131.02 DEFINITIONS

The following definitions shall apply only to this Chapter:

ALTER or ALTERATION: Any material change in external architectural feature of any commercial/industrial property which lies within a Design Review District, including demolition, removal, construction, modification to existing signage or placement of new signage, roofs, windows, siding, awning/canopies, additions, doors/entrances, murals, works of art, and painting that changes the color of the paint, but not including the landscaping of real property.

APPLICANT: Any owner(s), person(s), association, partnership, or corporation who applies for a Certificate of Appropriateness in order to undertake any change on property subject to this Chapter.

COUNCIL: Members of the Council of the City of Orrville, Ohio.

DESIGN REVIEW BOARD: The Design Review Board established under the provisions of this Chapter.

DESIGN REVIEW DISTRICT: Any area within the corporation limits of Orrville, Ohio, designated by Council to be subject to the provisions of this Chapter.

EXTERNAL ARCHITECTURAL FEATURE: The architectural style, general design and arrangement of the exterior of a structure including, but not limited to: the type, color, and texture of the building material, doors, windows, roof, porches, and other appurtenant fixtures.

NORMAL AND ORDINARY MAINTENANCE: Repairs that do not alter the appearance of the building, structure, works of art, or painting that does not change the existing color.

MEMBER: Any member of the Design Review Board, as established under the provisions of this Chapter.

1131.03 ESTABLISHMENT OF DESIGN REVIEW BOARD

There is hereby established a Design Review Board, which shall have the powers and duties as are hereinafter set forth in this Chapter. The Board shall consist of seven members, who shall be appointed by the Mayor, subject to confirmation from Council. Design Review Board members shall be appointed with due regard for the need to include Design Review District property owners as members and members with professional expertise in the fields of architecture, engineering, history, archaeology, urban planning, landscape architecture, art design or other related disciplines. The Design Review Board shall consist of 1) an architect; (2) a real estate agent; (3) a Council member or designee; (4) a historian; (5) a member of the Orrville Main Street organization; and (6) two Design Review District property owners. If the Board does not have members from all these disciplines at any particular time, that board member seat may remain vacant until filled, and the City can enter into contracts for technical/professional assistance in the discipline not represented. All members shall be residents of the City of Orrville except that the architect and the two Design Review District property owners may be non-residents.

Members shall be appointed to serve three-year terms, except in the initial year when two members shall have one-year terms, two members shall have two-year terms, and three members shall have three-year terms. Members shall serve until their successors have been named and qualified. A majority of the membership of the Board shall constitute a quorum, and any action or decision of the Board shall have the support of such a majority of its members.

1131.04 POWERS AND DUTIES OF THE DESIGN REVIEW BOARD

The Design Review Board shall annually select one of its members to serve as chairperson and one as vice-chairperson. The Safety-Service Director shall provide such staff assistance as is necessary and available. All municipal departments and agencies shall cooperate in expediting the work of the Design Review Board.

The Design Review Board may adopt rules and regulations, consistent with this Chapter, governing its procedures and transactions. The Design Review Board shall meet as required to carry out the review of applications for Certificates of Appropriateness, and such other related work as may be accepted through the request of Council or undertaken on its own motion. Meetings shall be held at least once each month when there are applications to be considered and not less than once every three months in any event. Special meetings may be held at the call of the chairperson of the Design Review Board.

Within the boundaries of the Design Review District, the Design Review Board shall review any proposed new construction, reconstruction, alterations, and demolition to property as herein defined. The Board's approval of such new construction, reconstruction, alteration, or demolition shall be secured before any owner of property may commence work thereon. In reviewing proposed alterations to property, the Design Review Board shall at a minimum use as evaluative criteria the ten federal standards established by the Secretary of the U.S. Department of the Interior, which are as follows:

1. Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The historic character of a property shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. 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.
4. 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, which may have acquired significance, shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure, or site, shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visible qualities. Repair or replacement of missing architectural features should be substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
9. 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.
10. Whenever 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.

The Design Review Board shall also utilize the U.S. Secretary of Interior's Guidelines for Rehabilitating Historic Buildings in their review and deliberation.

The Design Review Board may amend and/or impose more refined design review criteria with Council approval based on the Design Review District's predominant architecture, historical significance, and its cultural/archeological attributes.

1131.05 TRIGGERING MECHANISM FOR DESIGN REVIEW

Once a property owner applies for a zoning permit for an alteration within the Design Review District, the permit application will be deemed as an application to the Design Review Board. All property owners (with the exception of solely residential property) within the Design Review District must receive Design Review Board approval prior to zoning permit issuance. All alterations, as defined in Section 1131.02, shall require a zoning certificate.

**1131.06 LIMITATIONS ON ISSUANCE OF CERTIFICATES OF
APPROPRIATENESS, CERTIFICATE OF OCCUPANCY, AND
DEMOLITION PERMITS**

No new construction, reconstruction, alteration, or demolition of any structure (or any significant exterior architectural feature thereof) in any designated Design Review District shall be undertaken prior to obtaining a Certificate of Appropriateness from the Office of the Safety-Service Director. No zoning certificate shall be issued by the Safety-Service Director for the construction, reconstruction, alteration, modification, or demolition of any area, place, site, building, structure, object, or work of art within a designated Design Review District unless the application for such permit is approved by the Design Review Board through the issuance of a Certificate of Appropriateness in the manner prescribed herein.

1131.07 CERTIFICATE OF APPROPRIATENESS

When the owner of a property within a Design Review District proposes new construction, reconstruction, alteration, or demolition to any structure, or portion of a structure within the District, he/she shall first apply for (through the Safety-Service Director) and secure a Certificate of Appropriateness from the Design Review Board. The application for a zoning certificate shall be considered an application for the Certificate of Appropriateness. The application shall include plans, specifications, and other material as the Design Review Board may from time to time prescribe.

Within forty-five (45) days of filing, the Design Review Board shall consider the application, plans, and specifications.

If the proposed new construction, reconstruction, alteration, or demolition is determined by the Design Review Board to have no adverse effect on the Design Review District, and does not violate the spirit and purpose of these regulations, then the Safety-Service Director shall issue the Certificate of Appropriateness. If the Design Review Board fails to act on an application within sixty (60) days of filing, the application shall be deemed approved.

If the Design Review Board determines that the proposed new construction, reconstruction, alteration, or demolition will have an adverse effect on the Design Review District, and does violate the spirit and purposes of these regulations, then the Board shall deny issuance of the Certificate of Appropriateness.

In the event that the Design Review Board determines within the sixty (60) day review period that a Certificate of Appropriateness shall not be issued, it shall forthwith state in its records reasons for such determination and may include recommendations respecting the proposed construction, reconstruction, alteration, modification, or demolition of any area, place, building, structure, site, object or work of art. The Safety-Service Director shall forthwith notify the applicant of such determination and transmit to him/her a certified copy of the reasons for denial and recommendations, if any, of the Board.

Upon denying a Certificate of Appropriateness, the Board shall impose a waiting period of at least thirty (30) days, but not to exceed six (6) months from the date of disapproval, during which time the Board shall negotiate with the owner of the property in order to develop a

compromise proposal acceptable to both. The first meeting between Board and applicant shall be held thirty (30) days from the date of disapproval. If a compromise proposal is accepted by both parties, the Board may henceforth issue a Certificate of Appropriateness.

Additional requirements in the case of denial of a Certificate of Appropriateness for demolition include:

1. The Board and applicant shall undertake meaningful and continuing discussion during the waiting period as specified in 1131.07(F) in order to find a means of preserving the property. The Board and applicant shall investigate the feasibility of all means of preserving the property. If the Board and the applicant do not agree on a means of preserving the structure at the initial meeting, then they must continue to undertake meaningful and continuing discussions for the purpose of finding a method of saving the structure, and such meetings shall be held at least every forty-five (45) days during the waiting period as specified by the Board after the initial meeting.
2. If the applicant fails to meet with the Board in good faith, at the time specified, then the Board denial of the application will stand.
3. If, after holding such meeting(s) in the waiting period specified by the Board, the Board determines that failure to issue a Certificate of Appropriateness will create a substantial hardship to the applicant and that such certificate may be issued without substantial detriment to the public welfare and without substantial deviation from the purposes of this Chapter, then and in such event, the Safety-Service Director shall issue a Certificate of Appropriateness for such proposed construction, reconstruction, or alteration, or demolition.
4. If, after holding such meeting(s) in the waiting period as specified by the Board, no alternative solution to incompatible construction, reconstruction, alteration, or demolition is reached, then the applicant may appeal the decision to Council. Council may affirm or reverse the Board decision. If Council affirms the decision, the denial of the Certificate of Appropriateness will stand. The request to Council shall be in writing and shall be within sixty (60) days of the last meeting of the Board and the applicant.

1131.08 MINIMUM MAINTENANCE REQUIREMENTS

The owner of a historic structure or any structure within the Design Review District shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration, whether the building is vacant or inhabited.

1131.09 PENALTIES

A. Whoever constructs, reconstructs, or alters any exterior feature of any structure, work of art, object, or area or whoever maintains, changes, or installs a sign or any other action in violation of this Chapter shall be deemed in violation of the Zoning Code. Such violation shall be punishable under Section 1117.07 of the Zoning Code. Each day of violation shall constitute a separate and distinct violation for as long as one (1) year.

B. Whoever demolishes a structure in violation of this Ordinance shall be deemed in violation of the Zoning Code. Such violation shall constitute a misdemeanor of the first degree.

1131.10 SEVERABILITY

If any provision of this Chapter or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Chapter, which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are hereby declared severable.

1131.11 EXCLUSIONS

The following shall be excluded from this Chapter:

- A. Solely residential properties;
- B. Normal and ordinary maintenance functions performed on buildings within the Design Review District;
- C. The removal/demolition of declared public nuisances (e.g. fire-damaged buildings) that pose a threat to the health and safety of the general public;
- D. Temporary signage, provided it complies with all requirements of Section 1109.07 of the Zoning Code of the City of Orrville, Ohio. (Ord. B-07, Passed 2/20/07).

(Ord. E-05, Passed 4-4-05.)