

HISTORIC PRESERVATION OVERLAY DISTRICT

1. HISTORIC PRESERVATION OVERLAY DISTRICT.

(a) Purpose and Intent. In order to promote the economic and general welfare of the people of the Village of Peninsula 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 Village Council that the qualities relating to the history of the Village 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: the continued existence and preservation of historic areas and buildings; continued construction of buildings in historic styles and having a general harmony as to style, form, proportion, texture and material between buildings of historic design and those of more modern design; that such purpose is advanced through the preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which impart a distinct aspect to the Village and which serve as visible reminders of the historical and cultural heritage of the Village, the State and the nation.

(b) 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 Village, reflecting the distinct phases of the Village's history. In addition, this chapter is intended to maintain and enhance the scale and basic character of the Historic 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. 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

DRAFT

national history, or which provide for this and future generations, examples of the physical surroundings in which past generations lived.

(2) The economic, recreational, cultural and educational development of the Village by:

- A. Stimulating business by making the Village 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 Village.
- 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 Village and the State.

2. HISTORIC PRESERVATION DISTRICT DEFINED

(a) The Historic Preservation Overlay District shall have the same boundary as the Peninsula Village Historic District as approved by the United States Department of the Interior, National Park Service, National Register of Historic Places. As an overlay district it shall not restrict any uses or requirements of the underlying zoning district, but shall establish requirements in addition to the district regulations as it related to building and site changes.

3. HISTORIC RESERVATION DISTRICT REVIEW BOARD

(a) Appointment. The Planning Commission shall be the Historic Preservation Review Board of the Village and shall operate by the rules of procedure adopted by the Commission.

(1) The Historic Preservation Review Board shall have the following duties and powers with regard to the Historic Preservation District:

- A. Issue Certificates of Appropriateness
- B. Hear requests for and approve or deny the demolition of building, structure or parts of building or structures in the Historic Preservation Overlay District.
- C. Hear appeals of this section or decisions of the Zoning Officer.

DRAFT

(2) The Historic Preservation Review Board shall be authorized to hire the necessary technical assistance such as Architects, Engineers, Historians or other professions to assist and provide guidance to the decision-making process of the Board. When the Board determines expert advice is necessary to evaluate a proposed application relative to the requirements of this Section, Board shall advise the applicant that such assistance is required, provide an estimate of the anticipated costs and request a deposit from the applicant who shall immediately upon such notification deposit with the Village sufficient funds to pay for such review assistance. Such deposit shall be made prior to proceeding with the review of the application.

(3) Appeals.

A. The Board shall hear appeals of any person affected by the decision of the Zoning Officer, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall transmit to the Board all papers constituting the records upon which the action was taken. Appeals shall be heard at the next regularly scheduled meeting of the Board. Special meetings may be called by the chairperson.

B. The Board shall review the application of the appeal of the decision of the Zoning Officer and may affirm in whole or in part, reverse in whole or in part, or may modify the Zoning Officer's order. To that end the Board shall have the same powers as the Zoning Officer.

C. The decision of the Board shall be final and shall be transmitted to the applicant and the Zoning Officer, who shall issue a certificate of appropriateness.

D. Appeals of the decision of the Board shall be made to the Court of Common Pleas.

(4) Interpretation. The Board shall have the power to interpret the design criteria for each district. The interpretation of the Board shall be final and binding on the Zoning Officer. Where questions occur as to the location of any boundary line of a Historic Preservation Review District, the Board shall interpret the map in such a way as to carry out the purpose and intent of this chapter.

4. HISTORIC PRESERVATION OVERLAY DISTRICT CERTIFICATE OF APPROPRIATENESS REQUIRED.

(a) Within the boundaries of the Historic Preservation Overlay District, the exterior appearance of any structure shall not be altered, new structures shall not be constructed, and existing

DRAFT

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 chapter.

(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 Zoning Official or the Fire Chief after notification of the Historic Preservation Review Board and Zoning Officer and consultation with the Village staff and where emergency measures have been declared necessary by such departments.

DRAFT

5. HISTORIC PRESERVATION DISTRICTS PROCEDURES FOR ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS BY THE HISTORIC PRESERVATION REVIEW BOARD

(a) An application for a certificate of appropriateness shall be made on a form provided by the Zoning Officer.

(1) New construction, alterations and/or demolition shall be reviewed by the Historic Preservation Review Board. The Historic Preservation Review Board shall meet monthly and review applications that have been received by the Village at least ten working days prior to each regularly scheduled meeting. The Chairperson may call additional meetings from time to time. The applicant shall be informed of the time and place at which the Historic Preservation Review Board will consider the application and shall be permitted to be heard. If in its opinion the proposed new construction, alteration and/or demolition needs further review by expert consultants, the Historic Preservation Review Board may refer the application to one or more qualified consultants to advise as to the historic nature of the work being requested.

(b) An application for a certificate of appropriateness is not considered complete until all illustrative material necessary to adequately describe the proposed project has been submitted. The Historic Preservation Review Board may refuse to consider an application for a certificate of appropriateness if it judges that insufficient information has been provided by the applicant.

(c) Every application or review involving alterations or additions to existing structures in the Historic Preservation Overlay District, or the erection of any new structure within the Historic Preservation Overlay District, shall be accompanied by drawings of the proposed alterations, additions, or changes, and for new construction of buildings and other site improvements. As used herein, "drawings" shall mean plans, elevations, or perspectives drawn to scale with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of buildings, including proposed materials, textures, the plot plan or site layout, including all improvements affecting appearances such as walls, walks, terraces, accessory buildings, signs, lights, and other elements. Samples of materials may be requested for review and clarification. Such documents shall be filed, in sufficient number, with the Village for the Historic Preservation Review Board with the appropriate fees and deposit, if required.

(d) Prior to either the preparation of working drawings and specifications or calling for proposals or bids from contractors, applicants are encouraged to prepare preliminary scale drawings and outline specifications, including samples, for review and informal discussion with the Historic Preservation Review Board. The purpose of this review shall be to identify any inconsistencies between the proposed work and the design guidelines, and allow for discussion of alternate treatments.

DRAFT

(e) In reviewing an application for a certificate of appropriateness, the Historic Preservation Review Board 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 Historic Preservation Review Board 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 Village, State or nation;
- B. Its location as a significant Village, State or national event;
- C. Its identification with person or persons who contribute to development of the Village, State or nation;
- D. Its value as work of a master builder, designer or architect that influenced the development of the Village, 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 Historic Preservation Review Board shall state basis for determination and make findings for the proposed work:

- A. 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 6.
- B. Project will not have a detrimental impact on historical or architectural character of the property or site.

(3) If structure or site is determined not to be significant the Historic Preservation Review Board shall find proposed work does not increase the incompatibility of the existing structure in order to approve work.

(4) If structure does not receive a positive review from the Historic Preservation Review Board, then a certificate of appropriateness shall not be issued unless:

DRAFT

A. Proposed alterations are 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. Proposed project is required for the physical functioning of the building or health or safety reasons with no reasonable alternative available.

C. If Historic Preservation Review Board finds 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 Historic Review Board shall make the following findings in order to approve the work:

A. That the proposed work is consistent with the design criteria established in Section 6.

(6) Requests for approval of demolition shall follow the procedures established in Section 7.

(7) If the Historic Preservation Review Board recommend that the permit not be issued, they shall advise the applicant of any changes which would secure approval. The applicant may resubmit the information and supporting materials for the Historic Preservation Review Board review or may appeal the decision to the Village Council or Summit County Common Pleas Court. The appeal shall be filed on the appropriate forms within ten days of the decision of the Historic Preservation Review Board.

(f) In reviewing an application for a certificate of appropriateness, the Historic Preservation Review Board shall not consider interior arrangement, detailed design, or features not subject to public view and/or view from surrounding properties and shall not make any requirements except for the purpose of preventing developments that are architecturally incompatible with the historic aspects of the Historic Preservation District.

(g) If the Historic Preservation Review Board approve an application, it shall issue a certificate of appropriateness which shall be signed by the Chairman, or Vice Chairman, attached to the application and transferred to the office of the Zoning Official. All prints approved by the Historic Preservation Review Board shall be stamped accordingly. The Zoning Official shall thereupon process the application in the usual manner.

DRAFT

(h) If the Historic Preservation Review Board disapprove such plans, it shall state its reason for doing so and shall transmit a record of such action and reason to the Zoning Official and to the applicant. No further action shall be taken by the Zoning Official on the application. The applicant may modify the application to make it acceptable to the Historic Preservation Review Board and/or Administrator and shall have the right to resubmit the application at any time.

(i) The Historic Preservation Review Board shall act within 60 days of receipt of a complete application. The failure of the Historic Preservation Review Board to approve or disapprove such application within such time, unless mutually agreed upon by the applicant and the Historic Preservation Review Board, shall be deemed to constitute approval and the Zoning Officer shall thereupon process the application without regard to the certificate of appropriateness.

(j) After the permit has been processed by the Zoning Official, in accordance with these procedures, the project shall, from time to time, be inspected in the field to review the construction, reconstruction, alteration, maintenance or repair. Necessary action shall be taken to assure compliance with the approved application.

6. HISTORIC PRESERVATION OVERLAY DISTRICT DESIGN CRITERIA

(a) GENERAL STANDARDS

- 1) The United States Secretary of the Interior Standards for the Treatment of Historic Properties will govern the decisions of the Historic Preservation Review Board in the issuance of certificates of appropriateness.
- 2) Building proportion (height, depth, and width) for new construction shall be such that it is similar to any immediately adjacent structures on the same street, or streets of a corner lot. Any exterior modifications or additions to existing structures shall maintain the proportions of wall height and length, window and door opening sizes, and roof height and slope as the original structure. New principal structures shall conform in these regards to the proportions of adjoining structures. All existing and new principal structures shall maintain a rhythm of the masses to openings. Accessory structures shall conform to the proportions of the principal structure.
- 3) Materials utilized in exterior renovations, additions and construction of accessory or new principal structures shall either match the appearance of the materials used in construction of the original buildings or shall be modern construction materials which create the same effect and shall not be a cosmetic treatment which simulates original fabric.

DRAFT

- 4) All exterior colors shall be appropriate to the architectural style and time period in which the structure was built. Visual relationships of the streetscape shall be maintained.
- 5) Decorative detail items such as chimneys, gutters, downspouts, gables, soffits, hardware, fences, light fixtures, walks, and shutters shall be compatible with the architectural style of the principal structure. Materials used for and design of decorative details may be modern reproductions, which create the same effect.
- 6) Techniques utilized in the rehabilitation of existing exterior surfaces shall be sympathetic to the surface materials. Sandblasting of any exterior surfaces shall require Historic Preservation approval.

(a) **STANDARDS FOR ALTERATION.**

- 1) Every reasonable effort shall be made to use the property for its originally intended purpose or to provide a compatible use requiring minimal alteration.
- 2) Each property shall be recognized as a product of its own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- 3) Deteriorated architectural features shall be repaired rather than replaced whenever possible, substantiated by historic, physical or pictorial evidence.
- 4) The gentlest means possible shall be used to clean the property's surface if necessary. Sandblasting and other cleaning methods that will damage the historic building material are prohibited unless specifically approved by the Historic Preservation Review Board.
- 5) Archaeological resources affected by or adjacent to any alteration shall be protected and preserved.
- 6) Contemporary design for alteration to a property shall not be discouraged when such alteration does not destroy significant, historical, architectural or cultural material and character of the property, its environment and surrounding contributing properties.
- 7) Whenever possible, a new addition or alteration shall be so accomplished so that its future removal will not impair the essential form and integrity of the structure.
- 8) Appurtenances of a structure such as walls, fences and masses shall be in keeping with the environment and form inclusive enclosures along a street to insure visual compatibility with the adjacent, visually-related structures and open spaces.
- 9) Materials utilized in exterior renovations, additions and construction of accessory or new principle structures shall either match the appearance of that used in construction of the original buildings or shall be modern construction materials

DRAFT

which create the same effect and shall not be a cosmetic treatment which simulates original fabric. Decorative detail items such as chimneys, gutters, downspouts, gables, soffits, hardware, fences, light fixtures, walks, signs and shutters shall be compatible with the architectural style of the principal structure.

- 10) In passing upon appropriateness, the Historic Preservation Review Board shall consider, in addition to any other pertinent factor, the architectural characteristics typical of structures in the District or Listed Property, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the architectural feature involved and its relation to the architectural features of other contributing properties in the immediate neighborhood.

(b) STANDARDS FOR NEW CONSTRUCTION.

- 1) New structures should look new, reflecting contemporary design standards while using contemporary design elements that relate to existing contributing properties surrounding the new structure. Building height, width, mass and proportion affect the degree of compatibility between the old and the new.
- 2) Physical size and scale shall be compatible to existing contributing properties without overwhelming them.
- 3) The proportion of openings, width and height of windows, doors and entries, shall be visually compatible with adjacent contributing properties and open space.
- 4) The rhythm or relationship of solid spaces to voids (i.e., walls to windows and doors), in the facade of a structure shall be visually compatible with adjacent contributing properties and open spaces in its environment.
- 5) The rhythm of spacing, the relationship of a structure to the open space between it and adjoining structures, shall respect the surrounding environment.
- 6) The rhythm of projections, the relationship of entrances, porches and other projections to sidewalks or streets, shall be guided by the streetscape provided by adjacent and visually related structures and open spaces.
- 7) The choice of material, texture and color for the facade of the structure should relate attractively to and be tempered by the predominant material, texture and color of adjacent and visually related structures.
- 8) Appurtenances of a structure such as walls, fences and masses shall be in keeping with the environment and form inclusive enclosures along a street to insure visual compatibility with the adjacent, visually-related structures and open spaces.
- 9) Preservation and allocation of appropriate green spaces shall be encouraged and respective of the rhythm or relationship of solid spaces to voids.

DRAFT

- 10) Scale, the size and mass of structures in relation to open spaces, openings and projections, shall be compatible with adjacent, visually related structures and open spaces.
- 11) A structure that has frontage on more than one street or alley resulting in multiple facades shall require application of compatibility standards to each facade.
- 12) The Historic Preservation Review Board shall consider, in addition to any other pertinent factor, the architectural characteristics typical of structures in the listed property or district, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the architectural feature involved and its relation to the architectural features of other structures in the immediate neighborhood.

(c) STANDARDS FOR SITE IMPROVEMENTS.

- 1) Traditional colors and combinations of those colors that are both identified with the origin or the era in which the structure or property was originally built shall be encouraged for exteriors for all new structures to be built, and reconstruction, remodeling and exterior maintenance or existing structures within the historic district.
- 2) Landscaping, parking, utility or service areas, driveways, walkways and similar improvements should be compatible to each other and to the subject building or structure as well as to adjacent contributing properties, open spaces, green spaces and the overall environment.
- 3) Fences of wrought iron, stone or wood are encouraged. Privacy fence shall not exceed six (6) feet in height and shall generally be restricted to side and rear yards. Box, chicken wire, chain link and wire fences shall not be allowed.
- 4) Signs shall be in keeping with the character of the adjacent environment.
- 5) Portable structures, sheds, yard barns, kennel, or any accessory out buildings should be unobtrusive and compatible with existing structures and neighboring properties.

7. HISTORIC PRESERVATION OVERLAY DISTRICTS 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 Overlay District shall require the approval of the Historic Preservation Review Board, in accordance with the following procedures, upon application by a property owner.

DRAFT

- (b) The Historic Review Board shall then have up to 60 days from the date of the referral to determine whether the structure is historically significant. The Historic Review Board may engage the assistance of organizations with expertise in this area to assist it in making its determination.
- (c) If the Planning Commission finds that the structure or part of the structure to be demolished is not historically significant, and 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 then a Certificate of Appropriateness may be issued and the demolition permit may be granted.
- (d) In the event that the Planning Commission finds that the structure is historically significant, the Planning Commission may issue a determination that the demolition of the structure be delayed for up to an additional 180 days, or a longer period with the agreement of the property owner, to permit the exploration of preservation alternatives, such as: designating the structure as a historic landmark, finding a purchaser who may be interested in rehabilitating the structure, raising money to rehabilitate the structure, or finding alternate sites for the proposed post-demolition project.
- (e) In making its determination that the structure is historically significant, the Planning Commission shall consider the following factors:
- (1) The structure's architectural and design significance;
 - (2) Whether the building is one of the last remaining examples of its kind in the neighborhood, Village, or region;
 - (3) Whether the structure has historical events or persons associated with it, and
 - (4) The condition of the structure.
- (f) The structure may be demolished at any time within or after the additional 180 day period specified in paragraph (d) hereof if the Planning Commission determines that, despite the structure's historical significance, there are no feasible alternatives to demolition. Factors to be considered in making a no feasible alternatives determination are the following:
- (1) Realistic alternatives (including adaptive uses) are not likely because of the nature or cost of the work necessary to preserve the structure;
 - (2) After a bona fide, reasonable effort, a purchaser for the structure or rehabilitation solution that will result in the preservation, rehabilitation, or restoration of the structure cannot be found;
 - (3) Economic hardship on the part of the property owner, making delaying the demolition request unreasonable;
 - (4) The property is an imminent and substantial danger to the health and/or safety of the public due to its deteriorating condition; and
 - (5) The structure has been burned or damaged by an event beyond the property owner's control with more than 50% of the structure affected;

DRAFT

(6) The applicant has submitted a rescue plan that mitigates any adverse effects of the proposed removal upon the property, the streetscape, and the historic district through:

I) New construction that is consistent with the Architectural Design Standards and which contributes to the architectural or historic integrity of the historic district.

II) Exterior rehabilitation or restoration of the remaining structure that is consistent with the architectural design standards and which contributes to the architectural or historic integrity of the streetscape.

III) Landscaping the parcel consistent with the Architectural Design Standards, providing for its care as common space for the benefit of the general public and relocating the remaining structure in an appropriate setting or preserving of the salvageable architectural materials.

(g) As an alternative to demolition which has been approved pursuant to this section, the Historic Preservation 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.

8. HISTORIC PRESERVATION OVERLAY DISTRICTS PROTECTIVE MAINTENANCE REQUIRED EMERGENCY CONDITIONS.

All contributing buildings and structures in the Historic Preservation Overlay District shall be properly maintained and repaired at the same level required elsewhere in the Village. Should an owner deliberately omit essential maintenance and repairs, which would eventually result in the building becoming so run down that it would be constitutionally unreasonable for the Village to refuse to allow the owner to demolish the building, the Historic Preservation Review Board shall bring this matter to the attention of the 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 Village, and nothing in this chapter shall be construed to prevent ordinary maintenance or repairs of any structures.

9. FEES.

All applications for certificates of appropriateness and appeals shall be accompanied by the following fees:

Certificate of Appropriateness: \$XXXX

Deposit for Technical Assistance: As determined by the Historic Preservation Review Board