

City of Loveland
Historic Preservation Regulations

1328.01: Title

This ordinance shall be known as the Historic Preservation Regulations of the City of Loveland, Ohio.

1328.02: Purpose

The purpose of the Loveland Historic Preservation Regulations is, pursuant to the procedures hereinafter described, to preserve, protect and perpetuate places, buildings, structures and other objects having special historical, community or aesthetic interest or value, all for the following reasons:

- a) To safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political, archaeological history or architectural history;
- b) To stabilize and improve property values;
- c) To protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry;
- d) To enhance the visual and aesthetic character, diversity and interest of the City;
- e) To foster civic pride in the beauty and notable accomplishments of the past;
- f) To promote the use and preservation of historic and archaeological sites and structures for the education and general welfare of the people of the City;
- g) To strengthen the economy of the City;
- h) To take whatever steps as may be necessary to safeguard the property rights of the owners whose property is declared to be a Historic Structure, or is located in the area designated as a Loveland Historic District, and act in an advisory role to city officials and departments of Loveland's governmental system.
- i) Review all certificates of appropriateness application as defined by the Secretary of the Interior's *Standards' for Rehabilitation*

1328.03: Definitions

The following definitions shall apply only to the provisions of this chapter:

- a) **Addition:** Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure
- b) **Alter or alteration:** means any material change in external architectural features of any property, including but not limited to the erection, construction, reconstruction, or removal of the building or structure which lies within a Loveland Historic District or has been listed under the provisions of this section, but not including demolition or removal.

- c) **Building:** Any structure created for the support, shelter or enclosure of persons, animals, or property of any kind and which is permanently affixed to the land
- d) **Certificate of Appropriateness:** A certificate issued by the architectural review board or commission indicating that a proposed change, alteration or demolition of a historic building or structure or within a historic site or district, is in accordance with the provisions of this chapter and local design guidelines
- e) **Change:** Any alteration, demolition, removal or construction involving any property subject to the provisions of this chapter
- f) **Construction:** The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property
- g) **Demolish or demolition:** means the razing or removal, in whole or in part, of any structure.
- h) **Exterior architectural feature:** Means the architectural treatment in general arrangement of such scale and portion of the exterior of a structure as is designated to be exposed to public view, including the kind and texture of the building materials, and the type of all windows, window lites, doors, structure massing, lights, signs and any other fixtures appurtenant to such portion.
- i) **Historic District:** Any area designated by ordinance of the city or village council which may contain within definable geographic boundaries, buildings, structures or sites of historic, architectural or archaeological significance
- j) **Historic Preservation Commission:** The commission established under the provisions of the enabling legislation
- k) **Historic Site:** A premises that contains something of archaeological or historical significance, which may or may not include a historic structure or be wholly within an historic district. A historic site may comprise the property owned by more than one person and include planned landscape features.
- l) **Historic Structure:** Any building or structure which has historic, architectural or archaeological significance and has been so designated according to the provisions of this chapter. The significance of a property to the history, architecture, archaeology, engineering, or culture of a community, state, or the nation. It may be achieved in several ways:
 - (1) Association with broad pattern of our history, events, activities, or patterns
 - (2) Association with important persons
 - (3) Distinctive physical characteristics of design, construction, or form
 - (4) Potential to yield information important in history or prehistory (archaeology)
- m) **Owner:** The owner or owners of record
- n) **Preservation:** The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property
- o) **Reconstruction:** The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location
- p) **Rehabilitation:** The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values
- q) **Restoration:** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the

removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project

1328.04: Historic Preservation Commission: Qualifications of Members

- a) The Historic Preservation Commission shall consist of five (5) members. All members should have, to the highest extent possible a recognized knowledge and/or a known interest in historic preservation together with a determination to work for the overall improvement of the Commission. The City shall make every effort to assure that at least two members shall be preservation related professional members from the fields of architecture, architectural history, history, archaeology, planning or a related discipline. In the event that fewer than two (2) members of the Commission meet the above professional standing, up to two (2) residents or non-residents may be appointed as ad-hoc, non-voting members to advise the Commission as needed. In addition, one member of the Commission shall be a member of The Greater Loveland Historical Society Museum.
- b) Each member of the Loveland Historic Commission shall have been a resident of the City for not less one (1) year prior to their appointment to the Commission, and shall continue to reside in the City during his/her term in office.
- c) Members including ad-hoc, shall be appointed by the Mayor, for a period of two (2) years, except for the initial appointments shall be for a staggered term with two (2) members being appointed for three (3) year terms and three (3) members being appointed for two (2) year terms.
- d) Vacancies shall be filled by appointment by the Mayor for the unexpired term of the member affected. All vacancies shall be filled within sixty (60) days from the date City Council receives notice by the Chairman of the Historic Preservation Commission of said vacancy. An extension may be granted by City Council upon request from the chairman of the Historic Preservation Commission.

1328.05: Organization and Officers

The members of the Historic Preservation Commission shall choose annually one of its member to serve as Chairman for a period of one (1) year or until his/her successor has been chosen.

The Historic Preservation Commission shall adopt and maintain rules of procedures. These rules shall be reviewed annually and made available for public inspection.

- a) At least (4) meetings a year held at regular intervals, in a public place, advertised in advanced.
- b) Review decisions made in a public forum, applicants notified of meeting's and advised of decisions.
- c) The Historic Preservation Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of

which shall be a public record and be immediately filed in the office of the Clerk of Council.

- d) Annually, the Historic Preservation Commission shall prepare a report to City Council detailing all board activities including but not limited to cases, decisions, special projects and qualifications of current members. Said report shall be kept on file by the Clerk of Council and available for public viewing.

1328.06: Additional Powers and Duties of the Commission

The Historic Preservation Commission shall have the following powers and duties in addition to those otherwise specified in this chapter:

- a) The Commission shall have the power to permit, by approval of the application of any property owner, the appropriateness of the demolition, construction, preservation, restoration, rehabilitation of any home, commercial establishment or other structure, or new construction within the designated historic district.
- b) The Commission shall conduct a continuing survey of all areas, places, buildings, structures, works of art of similar objects in the City which the Commission, on the basis of information available or presented to it, has reason to believe are, or will be eligible for designation as a historic structure. All surveys shall be in conformance with the State Historic Preservation Office (SHPO) standards.
- c) Make recommendations for designation and historic districts to the appropriate local governing body.
- d) Establish and use written guidelines for the conservation of designated local landmarks and historic districts in decisions on requests for permits for alterations, demolition or additions to listed landmarks, buildings and sites within historic districts.
- e) Act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources.
- f) Act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.
- g) The Commission shall work for, the continuing education of the citizens of the City with respect to the historic and architectural heritage of the City and the Historic Preservations designated under the provisions of this chapter.
- h) Seek expertise when a commission considers a National Register nomination and other actions (e.g., an archaeological site) which are normally evaluated by a professional in a specific discipline (e.g., archaeologist), and that discipline is not represented on the commission, before rendering its decision.
- i) Conduct or encourage members to attend training/educational sessions at least once a year, or in-depth consultation with the SHPO, pertaining to work and functions of the commission or on specific historic preservation issues.
- j) Additional responsibilities may be undertaken by the commission upon mutual written agreement between the SHPO and the city government.
- k) The Commission shall have authority to establish rules and regulations consistent with the provisions of this chapter and the spirit of its purpose to assist the Commission in evaluating applications for Historic Preservation designations submitted to it, the manner in which such applications are processed and the proper and orderly conduct of its business.
- l) The Historic Preservation Commission shall seek and maintain certified local government status with the Ohio Historic Preservation Offices of Columbus and

assume responsibility and duties of that certification, provided they do not exceed the parameters of this ordinance.

1328.07: Designation of Historic Preservation District or Listed Property

- a) The Historic Preservation Commission may designate or any property owner may apply to the Commission to designate a building or property as a historical listed property and/or district. In determining whether or not to designate such building or property as a historical listed property, the Commission shall consider the following criteria with respect to such item:
 - (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City of Loveland, the State of Ohio or the United States.
 - (2) Its location as a site of a significant historic or archaeological event.
 - (3) Its identification with a person or persons who significantly contributed to the culture and development of the City.
 - (4) Its exemplification of the cultural, economic, social or historic heritage of the City.
 - (5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
 - (6) Its embodiment of a distinguishing characteristic of an architectural type or specimen.
 - (7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City.
 - (8) Its embodiment of elements of architectural design, detail, materials or craftsmanship, which represent a significant architectural innovation.
 - (9) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community of the City.
 - (10) Such other individual characteristics as shall be relevant to its designation as a historical listed property.

In making a new designation, the Commission shall take the following action:

- a) The Historic Preservation Commission shall notify the owner of the property recommended for historic status of the proposal to designate their property. Whenever possible the Commission shall secure the owner's written consent for the proposed designation. The Commission shall cause a legal notice to be prepared and published indicating the property(s) to be designated and the time, date, and location of the hearing.
- b) The Historic Preservation Commission shall conduct the public hearing. The Commission shall make a determination with respect to the proposed designation within fifteen (15) days after the initial hearing date and shall notify the owner in writing.

- c) The Commission will make a recommendation to City Council for the designation.
- d) Council shall give due consideration to the recommendations of the Historic Preservation Commission and the views expressed during the hearing in making its determination. Council may, at its discretion, hold public hearings on any such proposed designation whether the designation is proposed only with the consent of the owner or after public hearings before the Commission. Council may agree with the recommendation, disapprove of the recommendation, or table the recommendation for alterations.
- e) Once Council decides on the status of a historic structure or historic district designation, the Historic Preservation Commission shall notify the Building and Zoning Coordinator and relevant city offices of the official designation.
- f) Notwithstanding any provision of this chapter, Council may rescind the designation only after causing a public hearing outlined in paragraph (d) of any area, place, building, structure, work of art or similar object as a listed landmark or Landmark District. Such recession shall relieve the owner of such area, place, building, structure, work of art or similar object from any duties or penalties contained in this chapter.
- g) Notwithstanding any provision of this chapter, Council may rescind the designation only after causing a public hearing outlined in paragraph (d) of any area, place, building, structure, work of art or similar object as a listed Historic Preservation or Loveland Historic Preservation District. Such recession shall relieve the owner of such area, place, building, structure, work of art or similar object from any duties or penalties contained in this chapter.

1328.08: National Register Process

In accordance with the National Historic Preservation Amendments Act of 1980, the Historic Preservation Commission shall submit a report to the State Preservation Office regarding the eligibility of each property or district proposed for nomination to the National Register within the City. This report shall include the recommendation of the Historic Preservation Commission and the Mayor. A copy of the report prepared by the Commission of SHPO shall be made available for public inspection. The Loveland Historic Preservation Commission will be involved in the National Register process in the following manner:

- a) The SHPO will forward a copy of completed National Register nominations with a staff review sheet to the Commission for all properties within the City prior to the preliminary review of the nomination unless the Commission itself has initiated or reviewed the nomination prior to submission to the SHPO.
- b) Following the initial review by Ohio Historic Site Preservation Advisory Commission (OHSPAC), the State Review Commission, and prior to the final review of the nomination, the Commission shall inform the SHPO and the property owner(s) as to their opinion regarding the eligibility of the property. If the Historic Preservation Commission and City Council do not agree, both opinions shall be forwarded to the SHPO.
- c) If both the Commission and City Council recommend that a property not be nominated, the SHPO will inform the property owner(s), the State Review Commission, and the property will not be nominated unless an appeal is filed with

the State Historical Preservation Officer under the regulations established for the appeals process which is outlined in 36 CFR (Code of Federal Regulations), Part 60.

- d) If either or both the Commission and City Council agree that the property should be nominated; the nomination will be scheduled for final review by the Ohio Historic Site Preservation Advisory Commission (OHSPAC). If no report is submitted, the nomination will be reviewed within 60 days. The opinion or opinions of the Commission and the City Council will be presented to OHSPAC for its consideration.

The Ohio Historic Site Preservation Advisory Commission after considering all opinions shall make its recommendation to the State Historic Preservation Officer. Either the Commission or the Mayor may appeal the final decision of the SHPO under the aforementioned appeals procedure. In order to expedite the nomination process, the Loveland Historic Preservation Commission may elect to send a supporting letter with the nomination when it is first submitted to SHPO. The letter should be signed by both the Mayor and the authorized representative of the Commission. The letter may be accompanied by a formal report, but should, at least, clearly state that in their opinion the property meets the National Register criteria (including reference to specific criteria), and that the letter is their report on the property. Public participation requirements still apply.

1328.09: Procedures for Reviewing Proposed Construction, Additions and Alterations to Designated Structures or Structures within a Designated Historic District

- a) No person shall make any alteration, addition or environmental change to any designated historic property or construct, make alterations or additions to any structure within a designated historic district without first obtaining a certificate of appropriateness (COA).
- b) The commission shall make a determination on an application for certificate of appropriateness (COA) within 30 days of the filing of the action, unless the applicant approves an extension of time. The commission may also table the application for additional information or for lack of information or clarification until the next meeting or for a specific period of time. If the commission fails to render its decision within the specified time period, the application for certificate of appropriateness shall be deemed approved.
- c) The Commission shall make a determination on an application for certificate of appropriateness within 30 days of the filing of the action.
- d) In making such a determination for the issuance of a certificate of appropriateness (COA), the Commission shall refer to the Secretary of the Interior's *Standards' for Rehabilitation* formally attached hereto and to design guidelines adopted by the Commission.

1328.10: Procedures for Reviewing Proposed Demolitions of Designated Resources

In addition to the above procedures, if an application for a certificate of appropriateness seeks approval of demolition, the board or commission may delay determination of the application for a period of 180 days upon a finding that the structure is of such importance that alternatives to demolition may be feasible and should be actively pursued by both the applicant and the board. In the event that action on an application is delayed as provided

herein, the board may take such steps as it deems necessary to preserve the structure in accordance with the purposes of this ordinance. Such steps may include but are not limited to, consultation with civic groups, public agencies, and interested citizens, marketing plans, recommendation for acquisition of the property by public or private bodies or agencies, and exploration of the possibility of moving the structure or structures.

1328.11: Enforcement Provisions and Penalties

1. If it is found that any of the provisions of these standards are being violated, the person responsible for such violations shall cease all work upon notification, and no work shall be performed except to correct the violations. All work shall be corrected within a reasonable period and any violations not corrected within the specified time may be prosecuted.
2. Whoever constructs, reconstructs, or alters any exterior architectural feature or demolishes a substantial part or all of any building within the historic district without a Certificate of Appropriateness shall be fined not more than one hundred dollars (\$100.00). Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to restore and reconstruct such features in full detail.
3. Whoever constructs reconstructs or alters any exterior architectural feature now or hereafter in violation of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than \$50.00 nor more than \$5,000.00.

1328.12: Appeals Procedures

1. Decisions by the Historic Preservation Commission may be appealed to the City of Loveland Board of Zoning Appeals within ten (10) days of the commission hearing. No building permit or other permit required for the activity applied for shall be issued during the ten-day period or while an appeal is pending.
2. The Board of Zoning Appeals shall consider an appeal within thirty (30) days of receipt and shall utilize the written findings of the board or commission in rendering their decision. A majority vote of the Board of Appeals shall be required to overturn a decision of the commission.

1328.13: Records

The Historic Preservation Commission shall maintain complete records of all listed properties, written rules and guidelines for Commission proceedings in a book, kept for such records in the office of the Clerk of Council for public view. This designation shall also be noted in the Building Department records. The Commission secretary shall be responsible for maintaining the records and the records shall be reviewed twice a year by the Commission for completeness.

1328.14: Compensation

No compensation shall be paid to any member of the Historic Preservation Commission for services performed on this Commission.

1328.15: Conflict of Interest

No voting member of the Historic Preservation Commission shall participate in the review of

any item for discussion before such Commission if such member has any direct financial interest in the property involved in such discussion.

1328.16: Other Provisions

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

Minimum Maintenance Requirement:

- (1) The owner of an historic structure or any structure within an historic district, if such structure is vacant and uninhabited, shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration.

- (2) The provisions of paragraph (1) above shall be in addition to all other applicable provisions of the City of Loveland.

- (3) The Historic Preservation Commission, on its own initiative, may file a petition with the building inspector requesting that he/she proceed to take action against any owner, which in the opinion of the commission is in violation of subsection (1) above.

ATTACHMENT "A"

The Secretary of the Interior's Standards for Rehabilitation, codified as 36 CFR 67

Secretary's Standards for Rehabilitation

Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as "certified rehabilitations" eligible for the 20% rehabilitation tax credit. The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

The Standards apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible,

materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.