

**HISTORIC DISTRICT PRESERVATION ORDINANCE
of the Village of Somerset**

ORDINANCE# 17-04

SECTION 1.0 Title

The ordinance shall be known as the "Historic District Preservation Ordinance of the Village of Somerset"

1.1 Statement of Purpose

The purpose of this Historic District Preservation Ordinance of the Village of Somerset"

- Is to foster civic beauty;
- to stabilize and increase property values;
- to strengthen the local economy;
- to maintain and enhance the distinctive character of historic buildings and areas and to safeguard the heritage of the Village of Somerset by preserving districts which reflect elements of its history, architecture, archaeology, engineering or culture;
- to protect and enhance the Village's attractions to prospective residents, businesses and tourists, and
- to facilitate reinvestment in and revitalization of certain older districts and neighborhoods

1.2 Definitions

1. Alteration-Any act or process that changes one or more of the exterior architecture features of a building or structure, including but not limited to the erection, construction, reconstruction, or removal of the building or structure
2. 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.

3. Archaeology - the study of human history and prehistory through the excavation of sites and the analysis of artifacts and other physical remains.
4. 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
5. 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
6. Change-Any alteration, demolition, removal or construction involving any property subject to the provisions of this chapter
7. 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
8. Demolition-Any act or process that destroys in part or in whole any building or structure
9. Historic District-Any area designated by ordinance of the Village or Village Council which may contain within definable geographic boundaries, buildings, structures or sites of historic, architectural or archaeological significance
10. 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:
 - Association with broad pattern of our history, events, activities, or patterns
 - Association with persons significant in the Village's past
 - Distinctive physical characteristics of design, construction, or form
 - Potential to yield information important in history or prehistory (archaeology)
11. Landmark- Any building, structure or archaeological site that has been designated as a "landmark" by ordinance of the Village Council, pursuant to procedures proscribed herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance
12. Ohio Historic Preservation Office – the official historic preservation agency of the State of Ohio. It has developed since 1967 when the Ohio Historical Society was designated to manage responsibilities delegated to the state by Congress in the National Historic Preservation Act of 1966. The Ohio Historic Preservation Office prepares and distributes a state historic preservation plan, identifies historic places and archaeological sites, nominates eligible properties to the National Register of Historic Places, reviews rehabilitation work to income-producing National Register properties for federal investment tax credits, consults on significance and proposed federally-assisted projects for effects on historic, architectural, and archaeological resources, qualifies communities for the Certified Local Government program and administers matching grants to them, consults on the conservation of buildings and sites, and offers

educational programs and publications. It is located at 800 East 17th Avenue, Columbus, Ohio 43211.

13. Owner-the owner or owners of record
14. Preservation-The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property
15. 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
16. 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
17. 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
18. Historic District Review Board - The Board established under the provisions of the enabling legislation
19. Village - The Village of Somerset

2.0 Procedures For Establishing The Somerset Historic District Review Board

1. In order to execute the purposes declared in this chapter, there is hereby created The Somerset Historic District Review Board (hereafter referred to as "The Board"). The Board shall consist of a minimum of five (5) members, all of whom have demonstrated a special interest, experience or knowledge in history, architecture or related disciplines
2. Members shall be appointed by the Mayor subject to majority approval by Somerset's Village Council
3. The Board shall include at least (2) preservation related professional members to the extent such professionals are available in the community (this shall include the professions of architecture, architectural history, history, archaeology, planning or related disciplines)
4. Members shall be appointed to The Board for three (3) year terms of office which are staggered.

5. Rules of procedure, including a section addressing conflict of interest, shall be established and made public
6. At least (4) meetings a year held at regular intervals, in a public place, advertised in advance, with notice being posted at the Village courthouse
7. Review decisions shall be made in a public forum, with applicants notified of meetings and advised of decisions
8. Written minutes of actions of The Board shall be available for public inspection
9. An annual report of The Board's activities will be written, to include: cases decisions, special projects, qualifications of members etc., kept on file and available for public inspection
10. Vacancies on The Board will be filled within 60 days, unless extenuating circumstances require a longer period
11. The Board shall consider the advice of the Village Zoning Inspector or the advice of those consultants whose opinion is sought by The Board with respect to any application for a certificate of appropriateness.

2.1 Powers and Duties of Somerset's Historic District Board

In addition to those powers and duties otherwise specified in this chapter, the Somerset Historic District Board shall:

1. Establish and use written guidelines for the conservation of Contributing Properties, Local Historic Properties and Historic Preservation Districts in acting on applications for Certificates of Appropriateness.
2. Conduct or cause to be conducted a continuing survey(s) of historic and cultural resources within the Village, according to guidelines and process approved by the Ohio Historic Preservation Office (hereinafter "OHPO").
3. Maintain a detailed inventory of the designated Contributing Properties, Local Historic Properties and Historic Preservation Districts. Allow the inventory material to be accessible to the public; however, access to archaeological site locations may be restricted. Maintain all inventory items on Ohio Historic or Archaeological inventory forms or forms compatible with OHPO's

computerized inventory. The inventory material will be available through duplicates or digital images to the OHPO. Inventory/forms shall be updated periodically to reflect changes, alterations, and demolitions.

4. Make recommendations to Council for designation of Contributing Properties, Noncontributing Properties, Local Historic Properties and Historic Preservation Districts.
5. Advise Village officials and departments regarding protection of local historic resources.
6. Act as a liaison on behalf of the Village government to individuals and organizations concerned with historic preservation.
7. Work toward the continuing education of citizens regarding historic preservation issues and concerns.
8. Conduct or encourage The Board members to attend educational sessions at least once a year, or in-depth consultation with the OHPO, pertaining to work or functions of The Board, or historic preservation issues.
9. Seek expertise when considering a National Register nomination and other actions which are normally evaluated by a professional in a specific discipline and that discipline is not represented on the commission before rendering its decision.
10. Undertake additional responsibilities upon mutual written agreement between the OHPO and the Village. A written agreement will address what duties are to be performed, what staff assistance is needed to perform the work and what level of activity in each area of responsibility will be maintained. All delegated responsibilities must be at no charge to OHPO.
11. The Board shall determine the appropriateness of the application regarding demolition, construction, preservation, restoration, reconstruction and rehabilitation of structures within the designated historic district or designated landmark building.
12. The Board shall have review of all proposed National Register of Historic Places nominations within the Village.

3.0 Historic Districts Established; Procedure for Additional Designations

Somerset's Downtown Business Historic District is defined as on the Northeast section of the Public Square, the buildings that are attached, on the Southeast section of the Public Square the buildings that are attached, on the Southwest, the buildings that are attached, including on the South, additionally the building at 103 S. Columbus St. (currently Carpenter's Market) and to the West, additionally

all the buildings that are attached after the first alley up until the second alley ending at the building (currently the Zane Trace Inn). The precise boundaries are Gay Street to Sheridan Avenue and Pigfoot Square to North High Street.

3.1 Criteria for Additional Historic Landmarks or Districts

In considering the designation of any area, property, or site as a historic district or landmark, The Board shall apply the following criteria:

- Its character, interest or value as part of the development, heritage or cultural characteristics of the city, state or nation
- Its location as a site of a significant historic event
- Its identification with a person significant in the Village's past
- Its exemplification of the cultural, economic or social heritage of the city, state or nation
- Its portrayal of a group of people in an era of history, characterized by a distinctive architectural style
- Its embodiment of distinguishing characteristics of a building type or architectural style
- Its embodiment of elements of architectural design, detail, materials or craftsmanship, which represent a significant architectural innovation
- Its identification as the work of an architect or master builder who work has influenced the city, state or nation
- Its potential to yield information important in prehistory or history (archaeology)

3.2 Procedures for Designating Landmark Properties

1. When a proposal to designate an individual property as a landmark is received from a property owner or initiated by The Board, The Board shall consider the proposal in terms of the criteria defined above and make a recommendation to Village Council
2. For proposed individual landmarks the following procedure shall be followed:
 - a. The owner(s) shall be notified by certified mail that the property is being considered for designation by The Board. The notice shall include the date, time, and place of a public hearing relative to the proposed designation. The owner(s) shall be invited to comment in writing. The general public shall also be notified through the local newspaper.
 - b. No sooner than thirty (30) days after sending its notice to the owners and

publishing a legal notice in the newspaper, The Board shall conduct a public hearing and review any written comments received. The hearing shall be open for public comment. At the close of the hearing, and if there is no objection by the property owner, The Board shall forward a copy of the minutes of the hearing, along with its recommendation for designation to Village Council.

- c. At the next regular Village Council meeting occurring subsequent to the receipt of a recommendation from The Board to designate an individual landmark, Village Council shall vote by motion on the designation of the property (ies).
- d. If Village Council does not approve the nomination(s), and if there is no objection from the property owner, then The Board may revise and/or resubmit the nomination(s) to Village Council with any additional supportive information. The property owner shall be notified as to the date that Village Council will be acting on the recommendation.
- e. Immediately after the approval of the individual landmark by Village Council, the Village Fiscal Officer shall notify all affected property owner(s) of the decision in writing, add the individual landmark designation to the list of same, and forward a copy of the information to the Village Mayor and Village Zoning Inspector and all pertinent Village Commissions. The Village Fiscal Officer shall keep a copy of the list on file for public inspection.
- f. The Board may recommend that Village Council remove from the landmarks list properties that no longer meet the criteria of the ordinance. The procedure for the removal of a landmark property shall follow the same procedure for designating a landmark property as set forth in Section

3.3 Procedures for Designating Historic Districts

1. When a proposal to create a historic district is received or initiated by The Board, The Board shall consider the proposal in terms of the criteria defined in Section and make a recommendation to Village Council.
2. The following procedure will be followed for the initial establishment of the Somerset Downtown Business Historic District and any subsequent additional proposed historic district:
 - a. All property owners within the proposed historic district shall be notified by certified mail that the property is being considered for designation within an historic district. The notice shall include the date, time, and place of a public hearing relative to the proposed designation. The owners shall be invited to comment in writing. The general public shall also be notified through the local newspaper.
 - b. No sooner than thirty (30) days after sending its notice to the owners and publishing a legal notice in the newspaper, The Board shall conduct a public hearing and review any written comments received. The hearing shall be open for public comment. The Board shall explain the effects of designation, why historic district status is

being sought, and record the comments of persons in attendance. At the close of the hearing, and if there is no objection by 51% or more of the property owners, The Board shall forward a copy of the minutes of the hearing, along with its recommendation for designation to Village Council.

- c. At the next regular Village Council meeting occurring subsequent to the receipt of a recommendation from The Board to designate a historic district, Village Council shall vote by motion on the designation of the district.
- d. If Council does not approve the nomination, and if owners pose no objections, then The Board may revise and/or resubmit the nomination to Village Council with any additional supportive information. The property owners shall be notified as to the date that Village Council will be acting on the re-nomination.
- e. Immediately after the approval of the historic district by Village Council, the Village Fiscal Officer shall notify all property owners in the district of the decision in writing, add the historic district designation to the list of same, and forward a copy of the information to the Village Mayor, Village Zoning Inspector and all pertinent Village Commissions. The Village Fiscal Officer shall keep a copy of the list on file for public inspection.

4.0 Procedures for Reviewing Proposed Alterations (Including Demolition and New Construction) to Designated Resources

1. A Certificate of Appropriateness must be obtained prior to commencing new construction, reconstruction, rehabilitation, restoration or demolition which would come within the jurisdiction of The Board.
2. No Zoning Certificate of Building Permit shall be ~~issued~~ issued by the Village Zoning Inspector for any construction, reconstruction, rehabilitation, restoration, or demolition of any structure in a Historic Preservation District, unless a Certificate of Appropriateness has been issued by The Board.
3. A Certificate of Appropriateness shall not be required in the case of normal and customary building maintenance activities or to paint an architectural feature or other visible exterior improvement, provided such activities do not render the structure concerned incompatible with the standards of this chapter.
4. Nothing in this chapter shall prevent a property owner from making emergency repairs to the exterior of a property where such repairs are necessary for the preservation of the structure and not caused by the neglect of the property owner.

4.1 Procedure for a Certificate of Appropriateness

1. The Board, assisted by Village personnel, shall be available to applicants as a source of information and assistance before an application is made. Applicants are encouraged to make use of this service.
2. Application(s) for a Certificate of Appropriateness shall be filed with the Village Zoning Inspector in such time as may be prescribed by The Board and approved by the Village Mayor.
3. The Board shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days of the filing of a complete application. If The Board fails to act within the time period, the application for a Certificate of Appropriateness shall be deemed approved.
4. Each case will require careful consideration of all relevant factors, including earlier changes, existing conditions and surrounding properties. The Board shall approve, or approve with conditions, the Certificate of Appropriateness if it finds that the proposal conforms to the Secretary of the Interior's Standards for Rehabilitation.

The Secretary of the Interior's Standards for Rehabilitation include:

- A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Each property will 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 elements from other historic properties, will not be undertaken.
- Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

- Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - New additions and adjacent or related new construction will 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.
5. In the case of the denial of a Certificate of Appropriateness, The Board shall state the reasons for denial in writing and include findings of fact in support of the decision. Copies of the decision shall be mailed to the applicant. The Board may suggest changes which can result in approval, and offer to continue to meet with the owner to achieve a mutually satisfactory compromise.
 6. In addition to the above procedures, if an application for a certificate of appropriateness seeks approval of demolition, The Board 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.

4.2 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.

4.3 Minimum Maintenance Requirement

- I. No owner of a building or structure in the historic district, shall by willful action or willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to ensure such building's perpetuation and to prevent its destruction by deterioration.
2. The owner of a protected property shall provide sufficient maintenance to ensure its protection from hazards and to prevent deterioration.

4.4 Appeals Procedures

1. Decisions by The Board may be appealed to the Village of Somerset's Planning Commission within ten (10) days of The Board 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 Village of Somerset's Planning Commission shall consider an appeal within thirty (30) days of receipt and shall utilize the written findings of The Board in rendering their decision. A majority vote of the Village of Somerset Planning Commission shall be required to overturn a decision of The Board.

5.0 Severability

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions or application 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.

Passed: 3-21-17

Attest: 
President of Council David Snider

Attest: 
Fiscal Officer Kelly Beem