

CHAPTER 1136
Historic Design Review District(s) and Landmark(s) (Including
Historic Uptown Marysville Design Review District)

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CROSS REFERENCES

Central Business District - see P. & Z. 1135.11

Supplementary district regulations - see P. & Z. Ch. 1139

Ohio Constitution, Art. XVIII, Sec. 3

1136.01 GENERAL STATEMENT.

The City of Marysville, which includes the Central Business District (CBD), contains numerous historic structures and other architectural and special features which are considered assets that establish the character of the community. The Marysville (CBD) is a mixed use area where residential and commercial uses support each other's economic vitality and the historic character is directly linked to the economic health of the business and residential districts. Additional buildings and places that exhibit historic character add meaning and livability to our City. The vitality of historic buildings, structures and areas within the City of Marysville affects the economic, social, historical and cultural health and well being of the community.

(Ord. 44-07. Passed 8-23-07.)

1136.02 PURPOSE.

The purpose of the Historic Uptown Marysville Design Review District is to maintain and enhance the distinctive character of the community's historic area(s) by safeguarding the exterior architectural integrity of the various period structures and other historic features within the Design Review District thereby promoting the public health, safety, and welfare of the residents and visitors to the community. (Ord. 44-07. Passed 8-23-07.)

1136.03 INTENT.

The intent of the Historic Design Review District(s) and Landmark(s) is to:

(a) Create a unique Overlay District which protects a historically significant area which includes multiple zoning districts. This means that the requirements of this Chapter must be met in addition to the established requirements of the underlying use districts.

(b) Provide a process of architectural review in reference to historic preservations criteria which would also guide, support and encourage new construction which would be compatible with historic structures.

(c) Promote, preserve, and enhance the historic integrity and special features of the District. (Ord. 44-07. Passed 8-23-07.)

1136.04 DEFINITIONS.

As used in this chapter, the following words shall be defined as follows:

(a) "Applicant" means any person, persons, association, organization, partnership, unit of government, public body or corporation who applies for a Certificate of Appropriateness in order to undertake an environmental change within the District.

(b) "Architectural character" means the architectural style, general design, and general arrangement of the exterior of a building or other structure including the type and texture of the light fixtures, signs and other appurtenant fixtures. In the case of an outdoor advertising sign, "exterior features" means the style, material, size and location of the sign.

(c) "Board" means the Design Review Board of the City of Marysville as established in Chapter 1144.

(d) "Certificate of Appropriateness" means a certificate authorizing any alteration of architectural character or any environmental change within the Historic Design Review District(s) and Landmark(s) including the Uptown Marysville Design Review District.

(e) "District" means the Design Review District(s) and Landmark(s) including the Historic Uptown Marysville Review District.

(f) "Environmental change" means the construction, modification, reconstruction, demolition, or removal of exterior features of a structure or property subject to the provisions of this chapter.

(g) "Maintenance" means the ordinary repair of any structure or property provided such work involves no change in material, design, texture, color or exterior appearance.

(h) "Landmark" A property, structure, or building designated by the Design Review Board to be worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance.

(i) "Owner" means the owner of record, and the term shall include the plural as well as the singular.

(j) "Preserve" or "preservation" means the process, including maintenance of treating an existing building to arrest the slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure.

(Ord. 44-07. Passed 8-23-07.)

1136.05 CRITERIA AND ESTABLISHMENT OF HISTORIC DISTRICT(S)

AND

LANDMARK(S).

(a) In considering the designation of any area, property, structure, work of art, or similar object in the City of Marysville as an historic district or landmark, the City Planning Commission and City Council shall apply the following criteria:

- (1) Its character, interest, or value as part of the development, heritage or cultural characteristic of the City of Marysville, Union County, the State of Ohio, or the United States of America.
- (2) Its location as a site of a significant historical event.
- (3) Its identification with a person 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 embodiment of distinguishing characteristics of an architectural type.
- (6) Its embodiment of elements of architectural design or detail or materials or craftsmanship which represent architecture of significant character, charm, or grandeur.
- (7) Its unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood or of the City.
- (8) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

(b) Additional Historic district boundaries within the City of Marysville must be eligible for or listed on the National Register of Historic Places or contain locally designated landmarks.

- (1) The initiation of a proposal for a Historic District may be made only by one or more citizens of the City of Marysville, a City Board, City Commission, City Council or committee.
- (2) The proposal shall be submitted to the City of Marysville Director of Administration and/or designee. The submission shall include documentation proving the subject property(s) either eligible for or is listed on the National Register of Historic Places.
- (3) All known legal or equitable property owner(s) of the designated property(s) and abutting property owners shall be notified by mail of the proposal, and their written comments requested.
- (4) Within twenty (20) days, the City of Marysville Director of Administration and/or designee shall forward the proposal with owner(s) written comments to the Union County Historical Society and City of Marysville Design Review Board for recommendations.
- (5) After review, the Union County Historical Society and the City of Marysville Design Review Board shall forward their recommendations in writing to the City of Marysville Director of Administration and/or designee.
- (6) The City of Marysville Director of Administration and/or designee shall forward the proposal with all written comments and recommendations to the City of Marysville Planning Commission for review.
- (7) The Planning Commission shall review the proposal, the recommendations of the Union County Historical Society, the City of Marysville Design Review Board and the owners' written comments and shall forward them on to City Council with a recommendation.
- (8) Upon receipt of the Planning Commission's recommendation, the City Council shall cause an appropriate ordinance to be prepared, shall schedule public hearings on the proposed legislation and shall cause written notice to be given to the owner or any person having a legal or equitable interest in the property(s) being proposed for designation.

(9) City Council shall give due consideration to the findings and recommendations of the Planning Commission, Union County Historical Society, written comments from property owner(s), and to the public hearing comments, in making its determination.

(10) After a decision by City Council, the Clerk of Council shall notify all persons known to have a legal or equitable interest in the said property(s). The Planning Commission and the Union County Historical Society shall also be notified of the decision.

(11) City Council shall, notwithstanding any provision of this chapter may rescind by ordinance the designation of any area, place, building or structure located within a designated Historic District.

(12) The Clerk of Council shall notify any appropriate county and/or state offices after a designation is approved or rescinded.

No legislation under this section shall be rendered invalid by any failure or alleged failure of the Clerk of Council to provide a prescribed notice, by mail or otherwise, to any person.

(c) Maps with delineated boundaries of the following Historic District(s) and/or Landmark(s) are on file with the City of Marysville Clerk of Council.

Historic Uptown Marysville Design Review District, excluding single family properties where the use of that structure will continue as a single family residence from all provisions of this chapter except when a single family property is being proposed demolition. (Ord. 44-07. Passed 8-23-07.)

1136.06 ESTABLISHMENT OF HISTORIC DISTRICT(S) AND LANDMARK(S)

DESIGN REVIEW PROCESS.

The Design Review Board, as defined in Chapter 1144, shall review Certificate of Appropriateness applications for this Design Review District and shall ensure that all the provisions of this Chapter are enforced. The Design Review Board shall have the following duties:

(a) Develop and maintain specific design and color guidelines for the Historic and Landmark District Design Review District. These design and color guidelines shall be reviewed and updated when appropriate.

(b) Review the Design Review District code and guidelines and make recommendations to City Council and the City Administration on how to improve the architectural and design environment. (Ord. 44-07. Passed 8-23-07.)

1136.07 CERTIFICATE OF APPROPRIATENESS REQUIRED.

(a) An environmental change within any designated Historic and/or Landmark District including the Historic Uptown Marysville Design Review District shall require a Certificate of Appropriateness approved by the Board or a fast track Certificate of Appropriateness approval, approved by the Zoning Inspector. A demolition on a single family property shall also be an environmental change and shall require a Certificate of Appropriateness approved by the Board.

(b) An application, in writing for the approval of the Certificate of Appropriateness together with a number of copies of plans specified by the Zoning Inspector and the supplementary information specified in this Chapter, shall be submitted to the Zoning Inspector. Staff shall review submitted materials for completeness and shall:

(1) Determine if the Certificate of Appropriateness is a fast track application (as defined later in this Chapter) or if it is a Design Review Board application. If it is a Design Review Board application, the Zoning Inspector shall place said application on the next appropriate Design Review Board agenda; or

(2) Reject incomplete applications and return the fee to the applicant with an itemization of deficiencies.

(c) The application fee for the Certificate of Appropriateness shall be in accordance with the Zoning Fee Schedule as established in Section 1100.01 of the Planning and Zoning Code and in force on the date the fees are due and payable. The fee shall be paid by the applicant at the time of submittal of the application and plans.
(Ord. 44-07. Passed 8-23-07.)

1136.08 PROJECTS, WORK AND MAINTENANCE NOT REQUIRING A CERTIFICATE OF APPROPRIATENESS.

An environmental change on a structure or on a property within any designated Historic and/or Landmark District including the Historic Uptown Marysville Design Review District does not require a Certificate of Appropriateness if the:

- (a) Environmental change which in the view of the Zoning Inspector and/or Fire Chief is required for the public safety because of an unsafe, insecure or dangerous condition.
- (b) Work which involves ordinary maintenance or repair of any structure or property, provided such work involves no change in material, design, texture, color or exterior appearance.

(Ord. 44-07. Passed 8-23-07.)

1136.09 FAST TRACK APPROVAL FOR SPECIFIC PROJECTS.

(a) Applicability. The following environmental changes qualify for fast track approval for Certificate of Appropriateness:

- (1) Awnings if the design remains the same but the color(s) is being modified provided that the color(s) proposed meet the design and color guidelines established by the Board.
- (2) Signs if the same sign board or a window is used, but the color(s) and information are changed provided that the color(s) proposed meet the design and color guidelines established by the Board.
- (3) Painting of structures and signs as long as the painting does not involve any structural modification and the paint color selection complies with the design and color guidelines established by the Board.

(b) Procedure. The procedure for Fast Track approval shall be as follows:

- (1) The Zoning Inspector reviews application for compliance with the Planning and Zoning Code and verifies if the proposed work satisfies the design and color guidelines established by the Board.
- (2) The Zoning Inspector shall approve, conditionally approve, or disapprove the application within eight (8) working days of the complete Certificate of Appropriateness application being filed.

(Ord. 44-07. Passed 8-23-07.)

1136.10 PROCEDURE FOR CERTIFICATE OF APPROPRIATENESS BEFORE DESIGN REVIEW BOARD.

(a) The application for a Certificate of Appropriateness shall be made on such forms as prescribed by the Zoning Inspector, along with such plans, drawings, specifications and other materials as may be needed by the Board to make a determination at least nine (9) working days of the next Design Review Board meeting. Plans shall be drawn to scale and shall show:

- (1) Name and address of the property owner and applicant;
- (2) Written description of the proposed environmental change;
- (3) Written history of the building and property including year the building was originally constructed and any other historical information;
- (4) Samples of the materials and colors proposed;
- (5) Two sets of color photographs of the present facade of each exterior wall of the building which is proposed to be modified or of the existing landscaping, fence, or other visible environmental change;
- (6) Boundary lines of the property for which environmental change is proposed and the total approximate acreage encompassed therein;
- (7) Location map of the property and North Arrow and if applicable include a graphic scale;
- (8) The zoning and specific land use for the property involved and for all adjacent properties;
- (9) Layout, numbering and dimensions of lots, if more than one;
- (10) Layout, location, dimensions and exterior building elevations of existing and proposed structures;
- (11) Building setback lines with dimensions (only for new structures or additions);
- (12) The exterior signage, appearance and architectural style, size, scale, lighting type, and materials selection for the proposed structure or complex, and exterior lighting;
- (13) The lighting component shall illustrate the location, style, height, color and intensity of the proposed lighting for the site;
- (14) Landscaping, mounding, fencing, buffering in accordance with the Landscape Plan requirements in Chapter 1140 (only for new structures or additions);
- (15) Dimensions of driveway widths, existing and proposed curb cuts, parking spaces; along with sidewalks and walkways (existing and proposed-site materials), and existing paved areas to be removed (only for new structures or additions);
- (16) Storm water management facilities; and,
- (17) Such other information as may be requested by the Design Review Board or Zoning Inspector to determine conformance with this Chapter.

(b) The Design Review Board shall approve, conditionally approve, or disapprove the Certificate of Appropriateness application. The Design Review Board may request reports or testimony by City staff or other applicable organizations in reviewing the application. The Certificate of Appropriateness shall be approved if the Design Review Board finds that:

- (1) Applicable provisions in the Planning and Zoning Code are satisfied.
- (2) The location and configuration of the building(s) are visually harmonious with their sites and surroundings.
- (3) The criteria, design guidelines, and color guidelines as established in this Chapter are satisfied.

(c) If the Certificate of Appropriateness application is disapproved, the reasons for the disapproval shall be stated in the record.

(d) Certificate of Appropriateness applications must be approved, conditionally approved or disapproved within thirty (30) working days from the date of receipt except that Certificate of Appropriateness applications for demolition must be approved, conditionally approved or disapproved within forty-five (45) working days from the date of receipt. The approval periods may be extended by the mutual agreement of the Design Review Board and the applicant. (Ord. 44-07. Passed 8-23-07.)

1136.11 STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS FOR CERTIFICATE OF APPROPRIATENESS.

When evaluating and considering the appropriateness of any proposed environmental change, including landscaping or exterior change, the Design Review Board shall consider the guidelines outlined in the "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" as adopted by the Secretary of Interior, U.S. Department of Interior. A general overview of these guidelines is as follows:

(a) 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.

(b) 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.

(c) 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.

(d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(e) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(f) 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.

(g) 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.

(h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(i) 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.

(j) 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.

(Ord. 44-07. Passed 8-23-07.)

1136.12 DESIGN GUIDELINES.

The design guidelines listed below should be used when reviewing Certificate of Appropriateness applications.

(a) Building and Site Design.

- (1) Height in relation to existing structures.
- (2) Building massing – the relationship of the building width to its height and depth, and its relationship to visual perspective.
- (3) Window and door treatment which shall include the size, shape and materials of the individual window and door units and the overall harmonious relationship of window and door openings
- (4) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including but not limited to, porches and overhangs and the horizontal or vertical expressing which is conveyed by these elements.
- (5) Roof shape, which shall include type, form and materials.
- (6) Materials, texture and color, which shall include a consideration of material compatibility among various elements of the structure.
- (7) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details.
- (8) Landscape design and plant materials including but not limited to, lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views.
- (9) Pedestrian environment which shall include the provision of features which enhance pedestrian movement and environment and which relate to the pedestrian's visual perspective.

(b) Materials.

- (1) Masonry and Wood. The use of natural traditional exterior material such as brick, stone, masonry, and wood is encouraged.
 - A. Sandblasting will not be permitted on masonry.
 - B. Replaced mortar should duplicate as much as possible the original used in appearance.
 - C. Replaced brick, stone, masonry, and wood should duplicate the appearance as much as possible to the original used on the structure.
- (2) Metals. The use of contemporary materials, such as aluminum, other metals, fiberglass and plastics for exterior surfaces on architecturally significant structures shall be prohibited unless the use of such materials would contribute to the preservation or enhancement of existing traditional materials and the overall integrity and longevity of a structure.
- (3) Roofs. Roofs shall be aesthetically pleasing and the materials proposed shall not alter the historical significance of the structure.
- (4) Windows and Doors. Windows and doors shall be replaced with similar materials and styles of the original windows and doors.
 - A. Wood and vinyl-clad wood windows and doors similar to the original are permitted.
 - B. Storm windows are permitted if painted the same color as the actual window frame and crossbars match with the interior.
 - C. Rear doors may be replaced with steel doors; however it is recommended that the doors have character with inserts or windows.

(5) General Storefront Guidelines. Storefronts may be replaced when there is no historic integrity. Storefronts with historic integrity may be replaced if irreparable.

A. Awnings shall be of traditional nature. Awnings should be the forty-five (45) degrees, made of canvas material, and are of compatible color. They should be attached to mortar joints not brick or stone.

B. Metal awnings may be replaced only if they contribute to the historic integrity of the building or if they are located to the rear of the structure. No new metal awnings will be permitted.

C. Wood may be placed over glass panels on a storefront facade, only if muntins are retained, and the wood is painted a compatible color.

D. Porches and steps that contribute to the historical integrity of the structure should be retained. It is not recommended to enclose porches or steps.

(6) Exterior Finishes. Exterior finishes should be compatible with the structure's age and appearance. If brick is painted, it can be repainted. Brick or stone should not be painted. If the owner can show historic proof that the building has been painted or if the building does not have historic integrity, the brick may be painted.

(c) Color. Traditional colors and combination of those colors that are both identified with the origin or the era in which the structure of property was originally built, shall be used for exteriors of all new structures to be built, and reconstruction, remodeling and exterior maintenance of existing structures within the District. The Board shall adopt color guidelines that the Board and Zoning Inspector will utilize in reviewing Certificate of Appropriateness applications.

(d) Signs. All signs within the District shall conform to the color and material standards of this section, be of such a style or design that reflects the era during which the structure was built, and shall, except for the following exceptions, conform to the requirements of Chapter 1143.

(1) Sign size should be minimized so as not to dominate the facade of the structure.

(2) Sign color and design shall be compatible with the existing colors and design of the structure.

(3) Signs shall not be permitted to cover, "blank out" or close existing window and doorway openings or otherwise hide important architectural features.

(e) Guidelines. The design guidelines established in this ordinance or any adopted design guidelines, design diagrams, or color guidelines by the Board are to be used in evaluating applications unless the Board determines that due to special circumstances other architectural designs are appropriate.

(Ord. 44-07. Passed 8-23-07.)

1136.13 DEMOLITION OF STRUCTURES.

The last alternative for a determined historically significant structure is demolition. In cases where an applicant applies for a Certificate of Appropriateness to demolish a structure within the District, the Board shall conduct a thorough investigation of the application for demolition and shall authorize a Certificate of Appropriateness only when (a) and either (b) or (c) below are satisfied:

(a) Historical Significance. The architectural and historic significance of a structure to the character of the District shall be determined by the Board. In addition to the submittal requirements for a Certificate of Appropriateness in Section 1136.10, the applicant is required to include with the application a report or testimony from a historic preservation professional, architect, and/or consultant which verifies the historical significance or non-significance of the proposed structure to be demolished; and, verifies the applicant has considered alternative historical uses of the structure including the preservation of the structure by a governmental or non-profit organization.

When the Zoning Inspector receives a Certificate of Appropriateness application for demolition of a structure in the District, the application shall be forwarded to the Union County Historical Society. Within twenty (20) days of sending the application to the Historical Society, the Historical Society shall provide information to the Board verifying any architectural or historic significance of the structure. The review may also include recommendations on alternative uses that may preserve the structure. Reasonable extensions may be given if the Historical Society requests them based on the need for additional research.

The Board shall make its determination after considering the following:

(1) No Significance. If the Board finds the structure to have no architectural or historic significance based on its investigation outlined above, the Board may proceed with reviewing the application for demolition.

(2) Significance. If the Board finds the structure to have architectural or historic significance based on its investigation outlined above, the Board shall not approve the demolition unless (b) or (c) are satisfied.

(b) Economic Use. There exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition as determined by the Board. The Board may hire an architect, engineer, or professional consultant to provide an independent report to the Board verifying the economic use of the structure as outlined above. The applicant shall be required to pay for the expense of hiring the architect, engineer, or professional consultant and shall permit access to the structure.

(c) Deterioration. Deterioration has progressed to the point where it is not economically feasible to restore the structure as determined by the Board. The Board may hire an architect, engineer, or professional consultant to provide an independent report to the Board verifying the economic feasibility to restore the structure as outlined above. The applicant shall be required to pay for the expense of hiring the architect, engineer, or professional consultant and shall permit access to the structure.

(d) Preservation of Historic Materials. If the applicant satisfies the criteria above to demolish a structure in the District and the Board decides to approve the demolition, the Board may conditionally approve the demolition with the following conditions:

(1) Pictures. The applicant shall permit the Union County Historical Society to take interior and exterior pictures of the structure prior to demolition.

(2) Preserving Features of Structure. The applicant shall permit the Union County Historical Society to inspect the structure's interior and exterior to determine any features or items of architectural or historic significance. If the applicant intends to demolish the features or items of architectural or historic significance, the applicant shall permit the Union County Historical Society at the Union County Historical Society's expense to arrange for the removal of the features or items.

(3) Landscaping and Grading. If a new structure is not constructed on the property after the demolition, the applicant shall re-grade the property and install sufficient ground cover and landscaping as determined appropriate by the Board. (Ord. 44-07. Passed 8-23-07.)

1136.14 APPEALS.

Any person whose plan has been disapproved or who has otherwise been aggrieved by a decision of the Design Review Board, Zoning Inspector or designee may appeal that decision to the Board of Zoning Appeals. Please refer to Chapter 1129.
(Ord. 44-07. Passed 8-23-07.)

