

the proposed change may be commenced during the time for appeal or while an appeal is pending.

1111.1000 | Historic Districts and Landmarks (Designation or Expansion)

1111.1001 Generally

Historic districts and landmarks must be designated or expanded in accordance with the zoning map amendment procedures of Sec. 1111.0600 except as expressly modified by the provisions of this Section.

1111.1002 Initiation

Proposals to designate or expand historic districts and landmarks must be initiated by resolution of the City Council, with referral to the Plan Commission and the City Historic District Commission for study and recommendation.

1111.1003 Information Required

Proposals to designate or expand historic districts and landmarks must include the following documentation:

- A.** an architectural survey of the same quality as required for listing on the National Register of Historic Places;
- B.** a boundary description; and
- C.** a description of the architectural and historical significance of the area or property.

1111.1004 Report Contents

The reports of the Plan Commission and City Historic District Commission, containing their written recommendations to the City Council, must include information about how the proposed historic district or landmark, or expansion, is of special historical and architectural significance. The reports must include the following:

- A.** whether the district or landmark proposed to be designated is listed on the National Register of Historic Places;
- B.** whether the district or landmark proposed to be designated provides significant examples of architectural styles of the past; and
- C.** a description of the district or landmark to serve as an informational resource. The description must include, but need not be limited to, the following:
 - 1.** a geographic description including location and its relationship to the entire City;
 - 2.** a description of the general land uses;
 - 3.** a general description of the building conditions;
 - 4.** a general description of the socio-economic characteristics;
 - 5.** a description of existing developmental plans or programs within or including the historic district or landmark; and
 - 6.** a list of neighborhood organizations within or serving the historic district or landmark.

1111.1005 Notification of Designation

Upon designation, the Clerk of the City Council must promptly notify the Commissioner of Building Inspection and Code Enforcement, the Planning Director and the City Law Director.

- A. The Law Director must then cause the designation to be recorded by the Lucas County Recorder.
- B. The Planning Director must notify interested or affected property owners, groups, City departments, boards and commissions.

1111.1100 | Certificates of Appropriateness

1111.1101 Applicability

No contractor, owner or other person may make any environmental changes to any property designated as a historic landmark or within a designated historic district unless a valid written Certificate of Appropriateness has been issued by the respective Historic District Commission in accordance with the procedures of this Section.

1111.1102 Exemptions

- A. Nothing in this Section will be construed to prevent ordinary maintenance or repair of any exterior architectural feature of any property that does not involve a change in design, material or other appearance thereof covered by the Historic District Commission's standards and guidelines.
- B. Nothing in this Section will prevent authorized municipal officers from abating public nuisances as defined in Title 17, Health Code, Secs. 1726.01 and 1726.02.
 - 1. Whenever the Commissioner of the Division of Building Inspection and Code Enforcement receives a public nuisance complaint involving a landmarked structure or structure within a historic district, the Commissioner must notify the Planning Director within two working days after receipt of such nuisance complaint.
 - 2. In no event may an oral demolition permit be issued under this exclusion to allow abatement of public nuisances unless the municipal official authorized to issue such permits has certified, in writing, that the public health, safety, or welfare, is in immediate danger unless such oral permission is granted.
- C. Nothing in this Section will authorize a Historic District Commission to regulate or review development of the interior of a building or structure that does not affect the exterior thereof.

1111.1103 Initiation

Applications for a Certificate of Appropriateness for environmental changes upon landmarks or within designated historic districts shall be submitted directly to the Planning Director on forms provided by the Plan Commission, together with four complete sets of all applicable plans, designs, elevations, specifications and documents relating thereto.

1111.1104 No Retroactive Certificates

Applications for retroactive Certificates of Appropriateness shall not be accepted, and retroactive Certificates of Appropriateness shall not be issued.

1111.1105 Planning Director's Review and Report

Upon receipt of all pertinent documents, the Planning Director:

- A.** must inform the applicant of the review procedures and application requirements;
- B.** has the authority to request from the applicant additional pertinent information regarding the proposed environmental change;
- C.** must inform the respective Historic District Commission members of the Certificate of Appropriateness applications.

1111.1106 Public Hearing Notice

Mailed notice of the Historic District Commission public hearing must be provided in accordance with Sec. 1111.0300. In addition to those to be notified pursuant to that Section, notice must be provided to:

- A.** any interested citizen who has filed with the Historic District Commission a formal request for such notice; and
- B.** other owners, residents and neighborhood organizations as determined by the Historic District Commission to carry out the intent of this Section.

1111.1107 Initial Hearing Procedures

- A.** A public hearing on an application for a Certificate of Appropriateness must be conducted at the next regularly scheduled Historic District Commission meeting, no later than 45 days after the filing of the application. The Historic District Commission chairperson may call special meetings with the applicant for consultation at his or her own discretion or at the request of the Commissioner of the Division of Building Inspection and Code Enforcement prior to the regularly scheduled Historic District Commission meeting.
- B.** At the Historic District Commission's discretion, a maximum of one deferral not to exceed 45 days beyond the originally scheduled hearing date may be granted. This does not apply to requests for demolition, which are governed by Sec. 1111.1108.
- C.** The chairperson will conduct meetings of the Historic District Commission and a record of minutes must be kept and maintained for at least 6 years. All meetings must be open to the public and the minutes of meetings must be a public record.
- D.** The applicant and all interested parties either supporting or opposing such issuance must be permitted to present information and arguments.
- E.** In ruling upon an application for a Certificate of Appropriateness, the Historic District Commission must consider the following:
 - 1.** the adherence of the environmental change to the landmark's or district's adopted standards and guidelines; and
 - 2.** the effect of the Historic District Commission's decision upon the applicant.
- F.** At the hearing, the Historic District Commission must issue an oral decision followed by a written decision within 7 days after the date of the hearing, setting forth with specificity its findings and issue a Certificate of Appropriateness. In the event that no action is taken within 45 days, the Certificate of Appropriateness must be issued as a matter of law.
- G.** Building permit applications to the Division of Inspection and Code Enforcement for construction or rehabilitation work within a designated historic district shall not be accepted or approved unless three of four complete sets of building plans,

where required in Section 1305.04 of the Building Code, detailing the proposed construction or rehabilitation work bear the official endorsement stamp of the respective Historic District Commission on each and every page, signed by the chairperson thereof or their duly authorized designee and a Certificate of Appropriateness is issued with the three sets of plans. The fourth set of stamped plans shall remain in the office of the Plan Commission.

- H. Unless the work described in the Certificate of Appropriateness is commenced within 1 year and continued progress is made and is completed within 2 years, the Certificate of Appropriateness will expire as a matter of law. The respective Historic District Commission may grant an extension of time for good cause shown.
- I. In the event that the owner, contractor, subcontractor, or other person to whom a Certificate of Appropriateness has been issued either violates the terms or conditions thereof or deviates from the approved plans, designs, elevations, and specifications therein, then the Commissioner of Building Inspection and Code Enforcement may revoke such Certificate and further deny issuance of the building, use and occupancy and/or demolition permit for such Certificate. In no event may the Commissioner of Building Inspection and Code Enforcement approve retroactively any amendment to a Certificate of Appropriateness.

1111.1108 Demolition Hearing Procedures

- A. Where application is made for a Certificate of Appropriateness to demolish a landmarked structure or structure within a designated historic district, the respective Historic District Commission must grant the application and issue the certificate when one or both of the following conditions are found to exist:
 - 1. the structure for which demolition is sought contains no features of architectural or historic significance, and it does not contribute to maintaining the character of the historic district; or
 - 2. there is no reasonable economic return for the structure as it exists and there is no feasible alternative to demolition submitted to the applicant by concerned organizations or individuals who wish to preserve the structure.

B. Economic Hardship Standards and Criteria

The Historic District Commission, in making a determination of economic hardship, may consider any relevant information, including but not limited to the following standards and criteria:

- 1. Alternative uses and the economic return they will earn in relation to all the following:
 - a. estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Historic District Commission for changes necessary for the continued use of the building and the issuance of a Certificate of Appropriateness;
 - b. a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structures on the property and their suitability for rehabilitation, including any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical;

- c. estimated market value of the property in its current condition, based on an independent MAI-certified appraiser; after completion of the proposed redevelopment, alteration, demolition or removal; and after changes recommended by the Historic District Commission for the renovation of the existing property for continued use; and
 - d. testimony from a third party architect, developer, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property, taking into consideration any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical.
2. The current economic return on the property in relation to all the following:
 - a. the amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased;
 - b. if the property is income-producing, the annual gross income from the property for the previous 2 years; itemized operating and maintenance expenses for the previous 2 years; and depreciation deduction and annual cash flow after debt service, if any, during the same period;
 - c. real estate taxes for the previous 2 years and assessed value of the property according to the most recent assessed valuation; and
 - d. all appraisals obtained within the previous 2 years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 3. The property is not able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous 2 years, including testimony and relevant documents regarding:
 - a. any real estate broker or firm engaged to sell or lease the property;
 - b. reasonableness of the price or rent sought by the applicant; and
 - c. any advertisements placed for the sale or rent of the property.
 4. Economic incentives and/or funding available to the applicant through federal, state, city or private programs.
 5. Other information considered by the respective Historic District Commission to be significant in determining whether the property does yield or may yield a reasonable return to the owner.

C. Alternatives To Demolition Submitted By Others

In deciding on the feasibility of an alternative to demolition, the Historic District Commission must find that the alternative plan meets the following requirements:

1. it contains a credible short-term and long-term program for the protection and use of the building;
2. it contains financial and architectural plans prepared by architects, engineers, real estate professionals, and other persons experienced in the rehabilitation and reuse of historic buildings; and

3. it has been submitted to the applicant as a good faith proposal containing an offer to enter into a contract at a price that reflects the fair market value of the property based upon three independent MAI-certified appraisers.

D. Additional Application Requirements

An applicant must meet with the Historic District Commission or the Plan Commission staff, and the applicant must then submit evidence on the following standards and criteria.

1. For a demolition application to be considered by the Historic District Commission, the application must contain sufficient information so that the Historic District Commission may adequately analyze the application in relation to its standards and criteria and then make a factual decision on the application.
 2. The application shall include photographs and a written description of the present condition of the structure for which demolition is sought. The applicant shall include information about any changes in the condition of the structure during the previous 2 years.
 3. At the initial meeting with the applicant, the Historic District Commission or the staff must indicate the information the Historic District Commission will need for a valid application.
 4. For applications based on a lack of reasonable economic return, the applicant has the burden of showing that the property in question is incapable of earning a reasonable economic return in the absence of the proposed demolition. The showing must be made in accordance with the standards and criteria set forth in Sec. 1111.1108B.
 5. The Planning Director must notify the applicant of any deficiencies in the documentation or other evidence provided.
 6. Failure of the applicant to submit the required documentation and/or evidence will be construed as a failure on the part of the applicant to meet that standard for which the documentation and/or evidence is lacking.
 7. After receipt of a completed application in which all required information is attached, the Historic District Commission must make a determination on the applicant's submission in accordance with the time frames set forth herein.
- E.** The Plan Commission staff must evaluate each application in accordance with the standards and criteria contained in Sec. 1111.1108A and Sec. 1111.1108B and must provide a written evaluation and report. The report must be presented to the respective Historic District Commission on or before the Historic District Commission's initial hearing.
- F.** The respective Historic District Commission must hold an initial hearing on the application as set forth in Sec. 1111.1107. The Historic District Commission, at the initial hearing, may delay a determination on the application and may impose a waiting period of at least 30 days and not longer than 9 months upon a finding that the structure is of value to the historic district and that alternatives to demolition may be feasible and should be actively pursued by both the Historic District Commission and the applicant. This finding may include written recommendations to the applicant.

- G.** Upon the imposition of a waiting period, the Historic District Commission must undertake meaningful and continuing discussions during the waiting period in order to find a means of preserving the structure.
 - 1.** The Historic District Commission and applicant must investigate the feasibility of all means of preserving the structure. During this period the Historic District Commission and the applicant must make every reasonable effort to find a demolition alternative for that structure.
 - 2.** If the Historic District Commission and applicant do not agree on a means of preserving the structure at the initial meeting, then they must continue to undertake meaningful and continuing discussions at least every 30 days after the initial meeting. During these meetings, the Historic District Commission must give written notice to the applicant when the Historic District Commission believes that the structure may be saved if the applicant agrees to a longer waiting period.
- H.** The Historic District Commission may develop its own information on the standards and criteria in Sec. 1111.1108, and this information must be made part of the record on the application.
- I.** The Historic District Commission must announce at the initial public hearing that further evidence or documentation from any interested party may be made part of the record by submitting such information to the Planning Director by a date certain. These materials may include one or more plans for an alternative to demolition prepared by concerned organizations or individuals. The Planning Director must transmit any such information received to the Historic District Commission and the applicant.
- J.** When the demolition application is first received, the Historic District Commission must seek the help of neighborhood leaders and suggest that they and the Historic District Commission work together on developing an alternative to demolition. The Historic District Commission shall arrange one or more meetings between the applicant and any organizations and individuals working on an alternative to demolition.
- K.** The Historic District Commission may cause to be established a three-person economic review panel. The review panel will be comprised of three real estate and redevelopment experts knowledgeable in the economics of renovation, redevelopment and other aspects of rehabilitation.
 - 1.** The panel will consist of one person selected by the Historic District Commission, one person selected by the applicant and one person selected by the first two appointments. If the first two appointments cannot agree on a third person, the third appointment will be selected by the Planning Director.
 - 2.** Within 60 days after the economic review panel is established and before the end of the 6th month of the waiting period, the panel must review the evidence and complete an evaluation of the economic return issue, applying the standards and criteria set forth in Sec. 1111.1108B. It must forward a written report on this evaluation to the Historic District Commission.
- L.** If, after reviewing all of the evidence, the Historic District Commission finds as follows below, then the Historic District Commission must issue the Certificate of Appropriateness, conditionally or otherwise. If the Historic District

Commission finds that the standards, criteria, and requirements are not satisfied, the Certificate of Appropriateness will be denied. For the Certificate to issue, the Historic District Commission must find that:

1. the standards and criteria set forth in Sec. 1111.1108B are satisfied; and
 2. there is no feasible alternative to demolition, per the requirements of paragraph C above.
- M.** If the applicant or a representative fails to meet with the Historic District Commission at the times specified, or to participate in a meeting arranged by the Historic District Commission, then the Historic District Commission may deny a Certificate of Appropriateness.
- N.** During the waiting period, the owner of such structure must maintain or mothball the structure to prevent further deterioration. If the application for a Certificate of Appropriateness is denied, the applicant must develop a program for continuing maintenance for the structure to ensure that the deterioration of the structure is not caused by the neglect of the structure by its owner or by a tenant. Such program must address the condition of the structure, the money currently available for repairs and maintenance, and any funds or in-kind assistance that may be available from interested third parties.
- O.** After holding good faith meetings pursuant to paragraph G above for 6 months into the waiting period specified by the Historic District Commission, or any time thereafter, the applicant may appeal to the Plan Commission for a determination pursuant to Sec. 1111.1109B through Sec. 1111.1109F
- P.** After each demolition of a landmarked structure or within a historic district, the Historic District Commission must prepare a brief report on that structure giving the reasons why the demolition took place. The report must be given to the Plan Commission and interested neighborhood organizations. At the end of each year the Historic District Commission must prepare a report summarizing the demolitions that year and the reasons for these demolitions. These summaries must be given to the Mayor, City Council, the Plan Commission and interested neighborhood organizations.

1111.1109 Appeals

- A.** Decisions by the Planning Director may be appealed by the applicant to the Historic District Commission. Notice of appeal must be made within 7 days of the decision. The appeal must be heard at the next regularly scheduled meeting of the respective Historic District Commission.
- B.** Decisions by the Historic District Commission may be appealed by the applicant or any other interested person to the Plan Commission, in writing, within 7 days of the Historic District Commission hearing provided for in Sec. 1111.1107. Applications must be accompanied by the fee amount that has been established by the City Council.
- C.** The Plan Commission will consider an appeal filed pursuant to this Section within 30 days of receipt of notice of appeal, and must utilize the written findings of that Historic District Commission to review economic, historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its cultural importance to the City.

A majority vote of the Plan Commission is required to overturn a decision of the Historic District Commission.

- D. In cases involving denial of an application for a Certificate of Appropriateness for demolition pursuant to Sec. 1111.1108, the Historic District Commission and the applicant must present such evidence as will be relevant to the conditions set forth in Sec. 1111.1108A and Sec. 1111.1108B and must further present evidence upon the efforts made, if any, to find a feasible and prudent alternative to demolition during the pendency of the appeal.
 - 1. In such cases, the Plan Commission may, in its discretion, and to facilitate the production of the evidence contemplated herein, defer its final decision to a date no later than 9 months from the initial Historic District Commission hearing.
 - 2. The Plan Commission may direct the applicant and the Historic District Commission to continue discussions as provided for in Sec. 1111.1108G for the balance of the waiting period.
- E. Decisions by the Plan Commission will be deemed final administrative orders for appellate purposes and will be thereafter regulated by Revised Code Chapter 2506.
- F. No Certificate of Appropriateness, building permit, or other permit necessary for the activity applied for, including environmental changes, may be issued, or if issued will be valid, during the appeal time provided in 1111.1109B, during the pendency of a timely-filed appeal before the Plan Commission, or during the time prescribed in Revised Code Chapter 2506 for an appeal of a decision of the Plan Commission.

1111.1200 | Institutional Campus

1111.1201 Development Review

A. Applicability

Unless otherwise expressly exempted below, development review shall be required prior to new construction, redevelopment or rehabilitation in the IC, Institutional Campus district. To comply with the development review requirements of this Section, applicants have the option of:

- 1. submitting and securing approval of an Institutional Master Plan, in accordance with the procedures of Sec. 1111.1300, for the IC district as a whole; or
- 2. securing Special Use approval, in accordance with the Special Use procedures of Sec. 1111.0700, for each individual development proposal.

B. Exemptions

The following shall be exempt from the development review requirements of this Section:

- 1. development that complies with a valid, approved, and unexpired Institutional Master Plan; and
- 2. interior or exterior building alterations if the alteration will not result in an increase in the number of employees or the creation of or need for additional parking spaces.