

**CHAPTER 1177
"H" Historic District**

- 1177.01 Application of district.**
- 1177.02 Purpose.**
- 1177.03 Definitions.**
- 1177.04 Establishment of Historic Landmarks Commission.**
- 1177.05 Organization and procedures of the Commission.**
- 1177.06 Duties of the Commission.**
- 1177.07 Designations of listed properties and historic districts.**
- 1177.08 Limitations on construction and demolition.**
- 1177.09 Issuance of certificate of appropriateness.**
- 1177.10 Exclusions and exemptions.**
- 1177.11 Penalty.**

CROSS REFERENCES

- Accessory buildings - see P. & Z. **1185.01**
- Signs permitted - see P. & Z. **1185.38**

1177.01 APPLICATION OF DISTRICT.

The limits of the "H" Historic District shall be those lands, buildings, objects, or works of art designated as a listed property or a historic district by the City of Steubenville pursuant to the provisions of this chapter. This district shall be deemed an overlay on any base zoning district now or hereafter applicable to any lot. Should the "H" Historic District be declared inapplicable to any lands, buildings, objects, or works of art by action of the City or any court of competent jurisdiction as provided for in section **1177.09** herein, the zoning of such lands, buildings, objects, or works of art shall be deemed to be the base district in which it is located without consideration of this chapter. It shall be unlawful for any construction, subdivision or development of land to be undertaken in this district unless all appropriate permits and approvals have been obtained.

1177.02 PURPOSE.

Council, being mindful of the proud history of this community, hereby declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, works of art and other objects having a special historical, community or aesthetic interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purposes of this chapter are:

- (a) To maintain and enhance the distinctive character of the historic resources of Steubenville by establishment of procedures whereby certain areas, places, buildings, structures and works of art which reflect elements of the City's cultural, social, economic, political or architectural history shall be allowed that measure of protection afforded by a thorough study of alternatives to incompatible alterations or demolition before such acts are performed.
- (b) To contribute to the economic, recreational, cultural and educational development of the City by:
 - (1) Fostering civic pride in the beauty and notable accomplishments of the past;
 - (2) Promoting the use and preservation of historic sites and structures for the education and general welfare of the people of the City;
 - (3) Enhancing the visual and aesthetic character, diversity and interest of the City;
 - (4) Facilitating the rehabilitation and revitalization of certain older neighborhoods and areas;
 - (5) Protecting and enhancing attractions to residents, tourists and visitors;
 - (6) Stabilizing and improving property values; and
 - (7) Stimulating business and attracting industry.

1177.03 DEFINITIONS.

(a) "Alter" or "alteration" means any exterior visual or material change to any listed property or property located within a historic district. For the purpose of this chapter, alterations shall include a change in design, color, texture, material or exterior feature. Ordinary maintenance to correct any deterioration, decay or damage to a structure and to restore the structure to its condition prior to such deterioration, decay or damage are excluded from the definition of "alteration", provided such work does not involve a change in design, color, texture, material or exterior feature.

(b) "Applicant" means any owner, owners, association, partnership or corporation who applies for a certificate of appropriateness.

(c) "Architect" means a person duly licensed as a registered architect by the State of Ohio.

(d) "Certificate of Appropriateness" means a certificate issued by the Steubenville Historic Landmarks Commission to an applicant stating that a proposed alteration, demolition or new construction to a listed property or within a historic district is appropriate under the provisions of this chapter.

(e) "Commission" means the Historic Landmarks Commission of the City of Steubenville, Ohio.

(f) "Council" means the City Council of the City of Steubenville, Ohio.

(g) "Demolish" or "demolition" means the razing or removal, in whole or in part, of any structure.

(h) "Environmental feature" means any natural or man-made object, attachment, or landscaping that is intended as part of the visual composition of a street or site, including but not limited to fences, sidewalks, driveways, exterior lighting fixtures, streets, trees, curbs and streets and paving materials.

(i) "Exterior architectural feature" means the architectural style, general design and general arrangement of the exterior of a building or other structure including but not limited to windows, doors, porches, storefronts, cornices, siding materials, decorative trim, signs and other fixtures appurtenant to the exterior of a building.

(j) "Historic district" means any area which contains two (2) or more properties of special character, historic, aesthetic or architectural value as a part of the heritage, development or cultural characteristics of the City, State or the United States and which has been designated as a listed property pursuant to the provisions of this chapter.

(k) "Historic Preservation Officer" means that duly authorized employee of the City appointed to administer and implement the provisions of this chapter by reviewing proposals for listing or designation of historic properties or districts and applications for certificates of appropriateness. The City Planner shall be the Historic Preservation Officer.

(l) "Listed property" means any property which has special character, historic, aesthetic or architectural value as part of the heritage, development or cultural characteristics of the City, State or the United States and which has been designated as a listed property pursuant to the provisions of this chapter.

(m) "Member" means any member of the Historic Landmarks Commission.

(n) "Owner" means the owner of record and the term includes the plural as well as the singular.

(o) "Ordinary maintenance" includes the repair of existing exterior architectural features including but not limited to the roof, eaves, downspouts, siding, windows and doors of a listed property or a property located within a historic district providing that it does not result in a change of design, color, texture, material or exterior architectural feature. For the purposes of this chapter the sandblasting of masonry is not considered ordinary maintenance.

(p) "Property" means any area, place, site, (including an archaeological site), building, structure, object or work of art.

(q) "Reconstruction" means the reproducing by new construction the exact form and detail of a vanished structure, or a part thereof, as it appeared at a specific period of time.

(r) "Substantial hardship" means a condition unique to the property under consideration and a condition under which an action by the Commission would force the applicant to suffer practical difficulty and denial of the reasonable use of the property.

(s) "Verbal boundary description" is a detailed description which delineates the physical extent of the listed property or a historic district. If the boundaries do not coincide with legally recorded boundaries (lot or parcel number, deed book and page number), then street names, property lines, geographical features and other lines of convenience which clearly distinguish the listed property or historic district from its surroundings may be used. This is also frequently referred to as a "metes and bounds" description.

1177.04 ESTABLISHMENT OF HISTORIC LANDMARKS COMMISSION.

In recognition of the need for the establishment of a public body that will provide for the protection and enhancement of the distinctive character of the historic resources of the City and for the objective review of alternatives to proposed alteration or demolition of certain notable structures, works of art, objects or areas within the City, Council hereby adopts this chapter and establishes the Steubenville Historic Landmarks Commission. The Steubenville Historic Landmarks Commission, hereinafter referred to as the Commission, shall consist of seven (7) members, who must be residents of the City and who shall be appointed by the Mayor with the approval of Council. All members should have to the highest extent possible a recognized knowledge of and a known interest in architectural preservation and design together with a determination to work for the overall improvement of the quality of the City's physical environment. At least three (3) members of the Commission shall be preservation related professional members from the fields of archaeology, architecture, architectural history, history, planning, real estate or a related discipline; and at least one (1) member shall be a property owner. Nominations should be sought from the Steubenville Planning and Zoning Commission, the County Historical Society, the Steubenville Area Chamber of Commerce, the Steubenville Downtown Business Association, the Board of Realtors, the local chapter of the American Institute of Architects, and any other group or organization that might have an interest in the work of the Commission. Three (3) members shall be appointed for an initial term of one (1) year; two (2) members shall be appointed for an initial term of two (2) years; and two (2) members shall be appointed for an initial term of three (3) years. All subsequent terms shall be for a period of three (3) years. Vacancies caused by death, resignation or otherwise shall be filled for the unexpired term in the same manner as original appointments are made and shall be filled within sixty (60) days unless extenuating circumstances require a longer period. All members shall serve without compensation from the City.

1177.05 ORGANIZATION AND PROCEDURES OF THE COMMISSION.

As soon as convenient following their appointment by Council, the Commission shall meet and elect a chairman, a vice-chairman to serve in the absence of the chairman, and secretary. The Commission shall adopt its own rules of procedure, which shall be made available for public inspection. The rules of procedure shall provide for regular and special meetings which will be held in a public place. All review decisions will be made in as public forum, with applicants notified of meetings and advised of decisions. Written minutes of actions and decisions by the Commission shall be made available for public inspection.

1177.06 DUTIES OF THE COMMISSION.

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

- (a) To improve the quality of life in the City by striving to further and achieve the spirit and purpose of this chapter;
- (b) To conduct or cause to be conducted or assist in the conduct of a continuing survey of all structures, works of art, objects or areas of architectural, historic or aesthetic interest in the City,

which the Commission believes, on the basis of information available or presented to it, are or will be eligible for designation as a listed property or as a historic district;

(c) To work for the continuing education of the residents of the City with respect to the architectural and historic heritage of the City and the listed properties and historic districts designated under the provisions of this chapter, and shall make every effort to improve the overall design and environmental awareness of the people;

(d) To work cooperatively with planners, developers, the City and others in long-range planning efforts to insure the inclusion of historic preservation values in such planning efforts;

(e) To review proposed National Register nominations for the properties within its jurisdiction and forward comments to the State Historic Preservation Officer.

(f) To employ technical experts and such other employees as may be required to perform its duties, within the appropriations made available therefor, and to perform such other related tasks within its capabilities as may be required by Council.

(g) To conduct or encourage members to attend educational sessions at least once a year pertaining to the function of the Commission or relating to specific historic preservation issues;

(h) To make recommendations for designation of listed properties or historic districts to Council;

(i) To keep a current register of all listed properties and historic districts. All listed properties shall be given a number, a description accompanied by a photograph, and the reason for the listing. All historic districts shall also be given a number, a description and representative photographs including streetscapes, a map outlining the boundaries and the reasons for the listing. This register shall also include verbal boundary descriptions of both listed properties and historic districts. The register will be made available to the public and to any other interested party;

(j) To review and act upon all applications for "certificates of appropriateness" as required by this chapter;

(k) To establish criteria, rules and regulations not otherwise included in this chapter for evaluating applications for certificates of appropriateness submitted to it and the manner in which they shall be processed;

(l) To use the Secretary of the Interior's "Standards for Rehabilitation" and any other written guidelines the Commission may adopt for making decisions on requests for certificates of appropriateness submitted to it;

(m) To consider whether the failure to issue a certificate of approval will involve a "substantial hardship" to the applicant and whether the certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the interest and purposes stated herein; and

(n) To make recommendation to Council for additions or revisions to this chapter.

1177.07 DESIGNATIONS OF LISTED PROPERTIES AND HISTORIC DISTRICTS.

(a) In considering the designation of any area, place, building, structure, object or work of art in the City as a listed property or a historic district, the Commission shall apply the following criteria with respect to such property. One (1) or more of the following must apply:

(1) Its character, interest or value as a part of the development, heritage or cultural characteristics of the City, State or the United States;

(2) Its location as the site of a significant historic 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, archaeological 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 distinguishing characteristics 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 relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural or architectural innovation;

(10) Its unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the City; or

(11) Its having yielded, or likelihood of yielding, information important to the understanding of pre- history or history.

(b) The Commission shall notify the owner of any proposal of any proposal to list his property. Whenever possible, the Commission shall secure the owner's written consent for the proposed designation and upon receipt of such consent the property shall be listed upon favorable recommendation of the Commission to Council and upon approval by Council at a regular or special session of Council.

(c) In the event that such owner shall refuse or decline to give his written consent to the proposed listing and in the designation of all historic districts the following procedure shall be followed:

(1) The Commission shall schedule a public hearing on the question of the proposed listing, setting forth a date, time and place and causing written notice to be given to the owner; or in the case of a large historic district, consisting of over seventy-five (75) property owners, where individual notices may not be practical, notice is to be given through existing neighborhood or other organizations. The Commission shall cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the hearing, the property or district involved and the date, time and place of he scheduled public hearing. These notices shall be given at least two (2) weeks before the scheduled public hearing. Where due notice shall have been published and there has been substantial compliance with the remaining provisions of this section, the failure to give notice to property owners in exact conformance herewith shall not be deemed to invalidate action taken by the Commission or Council in connection with the listing or designation.

(2) The Commission shall conduct the public hearing and shall provide a reasonable opportunity for all interested parties to express their opinions. Within thirty (30) days after the hearing the Commission shall set forth in its recommendations such findings of fact which constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation in writing to the Clerk of Council.

(3) Council shall give due consideration to the findings and recommendations of the Commission, as well as such views as may have been expressed by persons participating in the hearing before the Commission in making its own determination with respect to the proposed designation. Council may schedule its own public hearing on the issue following the same notification procedures outlined for the Commission. Council must act on the proposed designation within forty-five (45) days of receipt of recommendations from the Commission. If Council fails to act within forty-five (45) days, the designation shall be considered to be approved. Council may designate a listed property or a historic district at any regular or special meeting of Council.

(4) The Commission shall notify the owner(s) of the decision by Council.

1177.08 LIMITATIONS ON CONSTRUCTION AND DEMOLITION.

No construction, reconstruction, alteration or demolition of any structure or significant exterior architectural feature of any listed property or property within any historic district shall be undertaken prior to obtaining a certificate of appropriateness from the Commission. No permit shall be issued by the Building Inspector for the erection of a sign or construction, reconstruction, alteration or demolition of any structure, work of art, object or area within a historic district or for

any listed property except in cases coming under the exclusions in this chapter, unless the application for such permit is approved by the Commission through the issuance of a certificate of appropriateness in the manner prescribed herein.

1177.09 ISSUANCE OF CERTIFICATE OF APPROPRIATENESS.

(a) When the owner of property within a historic district or the owner of a listed property desires to make any change in design, color, texture, materials or exterior features, including construction, reconstruction, alteration or demolition or any change in environmental features, such owner or his agent shall apply for and secure a certificate of appropriateness from the Commission. The application for the certificate of appropriateness shall be filed with the Historic Preservation Officer, in such form and with such plans, specifications and other materials as the Commission may from time to time prescribe.

(b) The Commission shall consider such application, plans, specifications and other material at the next regularly scheduled meeting of the Commission provided that a completed application is filed at least two (2) weeks prior to the meeting. If the Historic Preservation Officer determines that no architectural or environmental feature is involved, he/she shall issue a certificate of appropriateness.

(c) In the event that the Historic Preservation Officer finds that an architectural feature is involved, the Commission shall determine whether or not the proposed construction, reconstruction, alteration or demolition is appropriate. In making such determination the Commission shall refer to the Secretary of the Interior's Standards for Rehabilitation, and to the design guidelines adopted by the Commission.

(d) In the event that the Commission finds the proposed construction, reconstruction, alteration or demolition is appropriate, then the secretary of the Commission shall issue a certificate of appropriateness.

(e) In the event that the Commission finds such proposed construction, reconstruction, alteration or demolition is not appropriate, then the Commission shall deny issuance of a certificate of appropriateness. Appeals of the decision of the Commission shall be made to the Common Pleas Court of Jefferson County.

(f) In the event the Commission determines that a certificate of appropriateness will not be issued, it shall forthwith state in its records the reasons for such determination and may include recommendations respecting the proposed construction, or reconstruction, alteration, demolition or change to any listed property or property located within any historic district. The secretary of the Commission shall notify the applicant of such determination and transmit to him reasons for denial and recommendations, if any, of the Commission.

(g) In cases involving the demolition of a listed property or property within a historic district, the application for certificate of appropriateness must be accompanied by construction plans and specifications for the replacement structure or project. No action shall be taken on the issuance or denial of a certificate of appropriateness until the Commission determines whether the replacement structure or project complies with the Secretary of the Interior's Standards for Rehabilitation, and the design guidelines adopted by the Commission.

(h) At its discretion, the Commission may establish a waiting period not to exceed one (1) year, during which time no action shall be taken on the issuance or denial of a certificate of appropriateness in cases involving the demolition of a listed property or a property within a historic district. During such waiting period, the Commission shall negotiate with the owner of the property in order to develop a compromise proposal acceptable to both. The first meeting between the Commission and the owner shall take place within thirty (30) days from the date of denial of the certificate of appropriateness and both parties must continue to have good faith meetings at least every forty-five (45) days after the initial meeting. If a compromise proposal is accepted by both parties, then the Commission may issue a certificate of appropriateness.

(i) Where a parking lot or garage is proposed as a replacement structure or project, a technical study of all parking needs of the facility or area which such parking lot or structure is proposed to

serve must be submitted along with the application for certificate of appropriateness. Such study must be prepared using professionally accepted methodology approved by the Commission, and completed by a person with at least five (5) years experience in transportation planning and design. Where no replacement structure or project is proposed, the Commission may consider the application as if a parking area was proposed.

1177.10 EXCLUSIONS AND EXEMPTIONS.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property or area listed under the provisions of this chapter provided such work involves no change in design, color, texture, material or exterior appearance; nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which, in the view of the City Manager, acting lawfully, is required for the public safety because of an unsafe or dangerous condition, or which is required for the provision of police, fire suppression or ambulance services.

1177.11 PENALTY.

Violations of this chapter shall be subject to the penalties under chapter 1193, section 1193.09 of this Zoning Code.