

VILLAGE OF RIPLEY

ORDINANCE NO. 1269

AN ORDINANCE ESTABLISHING THE  
HISTORIC PRESERVATION ORDINANCE FOR  
THE VILLAGE OF RIPLEY.

**SECTION 1.0 Title**

1. Historic Preservation
2. This chapter shall be referred to as the Historic Preservation Code
3. The ordinance shall be known as the "Historic Preservation Ordinance of the Village of Ripley."

**SECTION 1.2 Statement of Purpose**

1. To foster civic beauty
2. To stabilize and increase property values
3. To strengthen the local economy
4. To maintain and enhance the distinctive character of historic buildings and areas
5. To safeguard the heritage of the Village of Ripley by preserving districts which reflect elements of its history, architecture, archaeology, engineering or culture
6. To protect and enhance the City's attractions to prospective residents, businesses and tourists
7. To facilitate reinvestment in and revitalization of certain older districts and neighborhoods

**SECTION 1.3 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. **Archeology**-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 city or village council which may contain within definable geographic boundaries, buildings, structures or sites of historic, architectural or archaeological significance

10. **Historic Preservation Commission** - the Commission established under the provisions of the enabling legislation

11. **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:

- a. Association with broad pattern of our history, events, activities, or patterns
- b. Association with important persons
- c. Distinctive physical characteristics of design, construction, or form
- d. Potential to yield information important in history or prehistory (archaeology)

12. **Landmark**-Any building, structure or archaeological site that has been designated as a "landmark" by ordinance of the city or village council, pursuant to procedures proscribed herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance

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

craftsmanship, which represent a significant architectural innovation

h. Its identification as the work of an architect or master builder who work has influenced the city, state or nation

i. Its potential to yield information important in prehistory or history (archaeology)

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

3. The Historic Preservation Commission shall notify the owner of property recommended for landmark status of the proposal to designate their property.

Whenever possible the Commission shall secure the owner's written consent for the proposed designation. The Commission shall cause a legal notice to be prepared and published indicating the property(s) to be designated and the time, date, and location of the hearing.

4. The Historic Preservation Commission shall conduct the public hearing. The Commission shall make a determination with respect to the proposed designation within fifteen (15) days after the initial hearing date and shall notify the owner in writing.

5. The Commission will make a recommendation to City Council for the designation.

6. Council shall give due consideration to the recommendations of the Historic Preservation Commission and the views expressed during the hearing in making its determination. Council may agree with the recommendation, disapprove of the recommendation, or table the recommendation for alterations.

7. Once Council decides on landmark or historic district designation the Historic Preservation Commission shall notify the Building Inspector and relevant city offices of the official designation.

8. The local government shall maintain a system for the survey and inventory of historic properties.

a. The local government shall initiate or maintain a process approved by the SHPO for the survey and inventory of cultural resources within its jurisdiction. The SHPO will consult with the local government in undertaking survey activities which will meet the needs of the local community and SHPO.

b. A detailed inventory of the designated districts, sites and/or structures under the specific jurisdiction of the local government shall be maintained.

c. All inventory material shall be:

i. Maintained securely and be accessible to the public except that access to archaeological site locations may be restricted.

ii. Recorded on Ohio Historic Inventory, Ohio Archeological inventory forms, and/or forms compatible with SHPO's computerized inventory and therefore compatible with the comprehensive preservation planning process.

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

#### **SECTION 1.4 Procedures for Establishing a Board or Commission**

1. The Commission shall consist of five members, all of whom have demonstrated a special interest, experience or knowledge in history, architecture, or related disciplines
2. 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)
3. At least (2) year terms of office which are staggered
4. Rules of procedure, including a section addressing conflict of interest, established and made public
5. At least (4) meetings a year held at regular intervals in an accessible public place and with agenda advertised in advance
  - a. Said meetings will be publicly announced and open to the public.
  - b. Agenda's for any meeting will be made available before the meeting.
  - c. Any special meeting will be publicly announced and open to the public.
6. Review decisions made in a public forum, applicants notified of meetings and advised of decisions in writing
7. Written minutes of Commission actions available for public inspection
8. Written annual report of Commission activities, including: cases decisions, special projects, qualifications of members etc., kept on file and available for public inspection
9. Vacancies on the Commission filled within 60 days, unless extenuating circumstances require a longer period

#### **SECTION 1.5 Powers and Duties of Board or Commission**

1. The board shall have the sole power to permit, by approval of the application of any property owner, the demolition, construction, preservation, restoration, rehabilitation of any home, commercial establishment or other structure, or new construction within the historic district.
2. The board or Commission shall determine the appropriateness of the application regarding demolition, construction, preservation, restoration, reconstruction and rehabilitation of structures within the designated historic district.
3. Conduct or cause to be conducted a continuing survey of cultural resources in the community according to guidelines established by SHPO

4. Make recommendations for designation and historic districts to the appropriate local governing body
5. Establish and use written guidelines for the conservation of designated local landmarks and historic districts in decisions on requests for permits for alterations, demolition or additions to listed landmarks, buildings and sites within historic districts, such as the Secretary of the Interior's Standards for Rehabilitation, local design guidelines and Archeological Guidelines, Ohio Historic Preservation Office
6. Act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources
7. Act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation
8. Work toward the continuing education of citizens within the city regarding historic preservation issues and concerns
9. Seek expertise when a Commission considers a National Register nomination and other actions (e.g., an archaeological site) which are normally evaluated by a professional in a specific discipline (e.g., archaeologist), and that discipline is not represented on the Commission, before rendering its decision.
10. Conduct or encourage members to attend training/educational sessions at least once a year, or in-depth consultation with the SHPO, pertaining to work and functions of the Commission or on specific historic preservation issues.
11. Additional responsibilities may be undertaken by the Commission upon mutual written agreement between the SHPO and the city government.

#### **SECTION 1.6 Procedures for the Identification, Review and Designation of Individual Landmarks and Historic Districts**

1. The Historic Preservation Commission (on its own initiative) or any owner of property may apply to the Commission for designation of property as a landmark or historic district. In determining whether or not to make a designation, the Commission shall consider the following criteria:
  - a. Its character, interest or value as part of the development, heritage or cultural characteristics of the city, state or nation
  - b. Its location as a site of a significant historic event
  - c. Its identification with a person significant in our past
  - d. Its exemplification of the cultural, economic or social heritage of the city, state or nation
  - e. Its portrayal of a group of people in an era of history, characterized by a distinctive architectural style
  - f. Its embodiment of distinguishing characteristics of a building type or architectural style
  - g. Its embodiment of elements of architectural design, detail, materials or

current form.

c. No reasonable alternative exists consistent with the architectural standards and guidelines for the property.

d. The owner has been unable to sell the property using best efforts.

3. Documentation of Economic Hardship. To prove economic hardship the applicant shall submit sufficient information to enable the Commission to make an accurate assessment of economic conditions affecting the application. In considering cases of economic hardship the Commission may solicit expert testimony or request that the applicant submit any items it needs, including but not limited to the items below. The level of documentation may vary as appropriate to each case; however, the Commission's assessment shall be based solely on the property's economic fundamentals and not the financial capacity of the owner.

4. Alternative uses and the economic return they will earn in relation to 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 Commission for changes necessary for the continued use of the property 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 any buildings 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; after completion of the proposed redevelopment, alteration, demolition or removal; and after changes recommended by the Commission for the renovation of the existing property for continued use;

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 existing buildings on the property taking into consideration any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical.

5. The current economic return on the property in relation to 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 historic property was purchased;

b. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance

- iii. Available through duplicates (with contact prints) to the SHPO. Digital images are also acceptable. Contact SHPO for guidelines.
- iv. Updated periodically to reflect changes, alterations, and demolitions.

### **SECTION 1.8 Procedures for Reviewing Proposed Alterations to Designated Resources**

1. No person shall make any alteration or environmental change to any designated historic property without first obtaining a certificate of appropriateness.
2. The design review board shall make a determination on an application for certificate of appropriateness within 30 days of the filing of the action, unless the applicant approves an extension of time. The board may also table the application for additional information or for lack of information or clarification until the next meeting or for a specific period of time. If the board fails to render its decision within the specified time period, the application for certificate of appropriateness shall be deemed approved.
3. The Commission shall make a determination on an application for certificate of appropriateness within 30 days of the filing of the action.
4. In making such a determination, the Commission shall refer to the Secretary of the Interior's Standards' for Rehabilitation and to design guidelines adopted by the Commission.

### **SECTION 1.9 Procedures for Reviewing Proposed Demolitions of Designated Resources**

In addition to the above procedures, if an application for a certificate of appropriateness seeks approval of demolition, the board or Commission may delay determination of the application for a period of 180 days upon a finding that the structure is of such importance that alternatives to demolition may be feasible and should be actively pursued by both the applicant and the board. In the event that action on an application is delayed as provided herein, the board may take such steps as it deems necessary to preserve the structure in accordance with the purposes of this ordinance.

Such steps may include but are not limited to, consultation with civic groups, public agencies, and interested citizens, marketing plans, recommendation for acquisition of the property by public or private bodies or agencies, and exploration of the possibility of moving the structure or structures.

### **SECTION 1.10 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 guilty of a misdemeanor and fined not more than one thousand dollars (\$1,000.00). 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.

### **SECTION 1.11 Appeals Procedures**

1. Decisions by the Historic Preservation Commission may be appealed to the City Plan Commission within ten (10) days of the board or Commission hearing. No building permit or other permit required for the activity applied for shall be issued during the ten-day period or while an appeal is pending.

2. The City Plan Commission shall consider an appeal within thirty (30) days of receipt and shall utilize the written findings of the board or Commission in rendering their decision. A majority vote of the Plan Commission shall be required to overturn a decision of the board or Commission.

### **SECTION 1.12 Minimum Maintenance Requirement**

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. The owner of a protected property shall provide sufficient maintenance to ensure its protection from hazards and to prevent deterioration.

### **SECTION 1.13 Economic Hardship**

1. If preservation of a historic property may result in substantial economic hardship, the applicant may submit evidence for consideration by the Commission. Substantial economic hardship does not include an applicant's inability to maximize the return on his or her investment. Deterioration of a historic property due to neglect by its owner does not create the basis for a finding of substantial economic hardship.

2. The Commission shall consider the following criteria to determine the existence of substantial economic hardship:

a. Denial of a certificate will result in a substantial reduction in the economic value of the property.

b. Denial of a certificate will result in a substantial economic burden on the applicant because the applicant cannot reasonably maintain the property in its



expenses for the previous two years; and depreciation deduction and annual cash flow after debt service, if any, during the same period;

c. Real estate taxes for the previous two years and assessed value of the property according to the most recent assessed valuation;

d. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.

6. 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 two 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;


c. Any advertisements placed for sale or rent of the property;

d. Economic incentives and/or funding available to the applicant through federal, state, city or private programs.

#### SECTION 1.14 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: \_\_\_\_\_, 2017

  
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Tom Leonard, Mayor

ATTEST:

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Mary Woollard, Fiscal Officer