

Green, Ohio Code of Ordinances

CHAPTER 278

Historic Preservation Commission

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CROSS REFERENCES

Encouragement of local historical societies see Ohio R.C. 149.30

State Historical Society see Ohio R.C. 149.30 et seq.

Registry of historic landmarks see Ohio R.C. 149.55

City Planning Commission may preserve historic sites, objects and facilities see Ohio R.C. 713.02

Corporations for preservation of historic sites, objects and facilities see Ohio R.C. 1743.07

Desecration see GEN. OFF. 642.07

278.01 PURPOSES.

The purposes of this chapter the Historic Preservation Commission are:

- (a) To preserve the City's distinctive character of the City of Green;
 - (b) To safeguard the architecture architectural integrity of the City's designated landmarks;
 - (c) To safeguard the heritage of the City by preserving these promotion of the use and preservation of elements which reflect the City's cultural, social, economic, educational, political or architectural heritage;
 - (d) To prevent discourage unsuitable demolitions or incompatible alterations to designated landmarks or structures within historic districts;
 - (e) To foster economic vitality by publicly encouraging private investment in the City's older buildings and historic neighborhoods;
 - (f) To foster civic pride in the beauty and notable accomplishments of the past; and
 - (g) To act as liaison on behalf of the City to individuals and groups concerned with historic preservation.
- (Ord. 94-16. Passed 2-14-95)

278.02 DEFINITIONS.

As used in this chapter:

- (a) "Adaptive reuse" means to restore a dwelling or building, with some changes, so that it can be utilized in a manner other than its original use.
- (b) "Alteration" means any material change in the external architectural features of any designated landmark or to a structure within an historic district, or in the interior of any such structure when and to the extent that its interior features are specifically included in the relevant designation.
- (c) "Certificate of appropriateness" means a certificate issued by the Historic Preservation Commission indicating that a proposed alteration or demolition of a authorizing and allowing an alteration, demolition or new construction to a designated landmark or structure within an historic district that is consistent with the property's character and is in accordance with the provisions of this chapter.
- (d) "Demolition" means the substantial deterioration or the removal or destruction, in whole or in part, of any designated landmark or structure within an historic district.
- (e) "Designated landmark" means any improvement to real property which has historic significance and which has been designated as an historic landmark under the provisions of this chapter. historically significant building, structure, or archaeological site that has been designated as a "landmark" pursuant to the procedures described herein and adopted by the Historic Preservation Commission.
- (f) "Historic district" means any area which contains structures which have historic significance and which represent one or more periods of architecture which typify one or more periods in the City's history and which is an identifiable and recognizable area due to architectural and historic significance pursuant to the provisions of this chapter. a specific, definable geographic area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.
- (g) "Historic significance" means the attributes of a designated landmark or historic district that possess integrity of design, location, setting, materials, workmanship and association and; that are associated with events that have made a significant contribution to the broad patterns of the City's history, or that are associated with the lives of persons significant in the City's past, or that embody the distinctive

~~characteristics of a type, period or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction, or that have yielded or are likely to yield information important in prehistory or history.~~

1. are associated with events that have made a significant contribution to the broad patterns of the city's history; or
2. are associated with the lives of persons significant in the city's past; or
3. embody the distinctive characteristics of a type, period or method of constructions; or
4. represent a significant and distinguishable entity whose components may lack individual distinctions; or
5. have yielded or are likely to yield information in prehistory or history.

Cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty years, shall not be considered to be of historic significance, unless they are integral parts of districts that meet the above criteria or if they fall within the following categories:

1. A religious property which is primarily significant for its architecture or secular history;
2. A relocated building which has a high degree of architectural significance or which is the primary structure associated with an individual or an event;
3. The birthplace or gravesite of an historical figure, if no other built feature survives which is directly associated with his or her productive life;
4. A cemetery primarily important because of its age, distinctive design features or association with the graves of persons of transcendent importance, or which is associated with historic events;
5. A reconstructed building when accurately represented in a suitable environment as part of a restoration master plan and when no other building with the same association has survived;
6. A property primarily commemorative in intent if design, age, tradition or symbolic value have given it significance; or
7. A property achieving significance within the past fifty years if it is of exceptional importance or is unique in the City.

(Ord. 94-16. Passed 2-14-95)

278.03 ESTABLISHMENT; MEMBERSHIP; HISTORIC PRESERVATION ADMINISTRATIVE OFFICER; RULES; MEETINGS; REPORTS; DOCUMENTS AND MATERIALS- GREEN HISTORIC PRESERVATION COMMISSION

- (a) The Historic Preservation Commission of the City is established. It shall consist of five members who shall not hold any elective local office and who shall be appointed for staggered terms of five years.
- (b) Appointments to the Commission shall be by the Mayor and confirmed by City Council. All appointed Commission members shall have a demonstrated special interest, experience or knowledge in history, architecture or related disciplines. At least two of the members shall have background in history, historic preservation, architecture, historic and prehistoric archaeology, landscape architecture, planning, folklore, cultural anthropology, curation or conservation to the extent available or willing to serve.
- (c) The Mayor shall appoint, with the approval of Council, a Historic Preservation Administrative Officer and shall, from time to time, establish the duties to be performed by such Officer. The Historic Preservation Administrative Officer shall assist the Commission and owners with the implementation and enforcement of this section chapter. It shall also be the duty of all officials and employees of the City to assist such Officer and the Commission. The Officer shall also act in an advisory role to other officials on behalf of the City regarding the protection of local cultural resources and organizations concerned with historic preservation.
- (d) ~~All vacancies shall be filled by appointment for the remainder of the term within sixty days of the vacancy.~~ Within 60 days of an opening the Mayor shall fill all vacancies for the remainder of the term.
- (e) ~~Upon appointment~~ At its first annual meeting, the Commission shall convene and select a Chairperson and Vice Chairperson. It shall then develop adopt operating rules and procedures for meeting purposes Rules of Procedure. The Secretary shall be a member of the City staff, as designated by the Planning Department.
- (f) The Commission shall establish its schedule of meeting times and places, but shall meet at least four times a year.
- (g) All Commission meetings shall comply with Federal and State laws regarding public meetings and for providing adequate advance notice of meetings to the public. A written report of the Commission's minutes shall be kept on file and be available for public inspection.
- (h) Commission members shall be subject to Sections 7.2 and 12.7 of the City Charter regarding board and commission general provisions and ethical conduct and conflicts of interest as well as provisions on these subjects in the Ohio Revised Code.

(i) The Commission shall prepare a written report at least once a year to Council that summarizes its activities, cases, special projects and recommendations. Such reports shall be available for public inspection.

(j) All Commission documents and materials shall generally be available for public inspection and shall comply with Federal and State and City freedom of information public record laws and policies.

(Ord. 94-16. Passed 2-14-95; Ord. 2013-01. Passed 2-12-13; Ord. 2014-17. Passed 12-9-14.)

278.04 POWERS AND DUTIES.

The Historic Preservation Commission shall have the following functions, powers and duties, exercisable in accordance with the procedures contained in this Code.

- (a) It shall prepare a comprehensive historic preservation plan for the City that highlights historic areas and notes distinctive themes or patterns of development significant to the City and which shall chart a course for future preservation activities in the community.
- (b) It shall have exclusive power to determine the appropriateness of the demolition of any structure or feature within historic districts or of any designated landmark.
- (c) It shall have power to permit determine the appropriateness, by application of the property owner, the construction, preservation, restoration, reconstruction or rehabilitation of any building, structure or object which is a designated landmark or which is within the boundary of an historic district.
- (d) It shall have the power to designate landmarks and to create historic districts according to the procedures set forth for such action in Section 278.05 & 278.06.
- (e) It shall keep a list of designated landmarks and historic districts and shall furnish a list to the Director of Planning and make the list available to the public in accordance with the guidelines of the Secretary of the Interior's Standards for Rehabilitation and the Advisory Council on Historic Preservation's Treatment of Archaeological Properties.
- (f) It shall prepare design guidelines for renovations to historic buildings, to non-historic buildings within historic districts and for new construction in historic districts.
- (g) It shall review all nominations to the National Register for the City and shall seek to expand the National Register program in the City. When requested by official action of the Historic Preservation Commission, Council is hereby authorized and directed to employ a qualified, licensed archeologist and/or architect to consult with and assist the Commission on any and all matters set forth in this section.
- (h) It shall work to record City landmarks through the Ohio Historic Inventory, with duplicates available through the Ohio Historic Preservation Office, which shall be updated periodically reflecting any changes, alterations and demolitions.

- (i) It may accept grants, gifts and bequests and may recommend to Council that the City apply for such funds to advance its preservation work in the community.
- (j) It may employ technical consultants to assist it in performing its functions as authorized by Council.
- (k) It may seek to promote interest in preservation and to educate local citizens by holding workshops and by preparing informational material as appropriate.
- (l) It shall encourage its members to attend workshops, seminars and other educational programs on historic preservation.
- (m) It may do any other acts that are necessary and proper to assist it in performing its duties under the terms of this chapter.

(Ord. 94-16. Passed 2-14-95)

278.05 DESIGNATION PROCEDURES OF HISTORIC DISTRICTS AND FOR INDIVIDUAL LANDMARKS.

- (a) When a proposal to create an historic district or designate an individual property as a landmark is received or initiated by the Historic Preservation Commission, the Commission shall consider the proposal in terms of the criteria defined in Section 278.02 and make a preliminary recommendation.
- A property (building, structure, place or object) may be nominated as a historic landmark by an individual, group, or by the Historic Preservation Commission.
- (b) The owners, as well as the general public, shall be notified of the public hearing by the Commission with staff assistance from the City. The owner(s) shall be requested to provide written comments and/or oral comments at said public hearing.
- When an application to designate an individual property or site as a landmark is received or initiated by the Historic Preservation Commission, the owner(s) of the property shall be notified. The property owner or owners will then have 30 days to provide written comments and/or objections to the property's nomination. After the 30 day comment period, at the Commission's next regularly scheduled meeting, the Commission will hold a public hearing to review the Local Historic Landmark Application.
- (c) At its next meeting, but no sooner than thirty days after sending its recommendations to the owner(s), the Commission shall meet and review comments received. For individual landmark designations, when the property owner has not objected to the proposed designation, the Commission may elect to make a final recommendation. The Historic Preservation Commission shall consider the proposal in terms of the criteria defined in Section 278.02(g). Properties shall be documented to meet at least one of the criteria listed.
- (d) For proposed districts, lists of more than five separate properties, or in cases where owners of a proposed landmark object, the following procedures shall be followed:
- (1) All property owners shall receive notice of the intent to designate their property.
 - (2) A public hearing shall be conducted by the Commission with fifteen days notice being provided to affected property owners. At the hearing, the Commission shall explain the effects of the designation and why landmark status is being sought, and it shall record the comments of interested persons attending the meeting.
 - (3) After the hearing, at which time public comments will be received, the Commission shall make a final recommendation and transmit it to Council along with any comments received or made at the hearing.

- (4) If, by a majority vote, Council approves the historic district designation of the designation of an individual property, wherein the owner(s) object to such status, then the district or property shall be designated.
- (5) If Council does not approve the nominations, then the Commission may revise and/or resubmit the nomination to Council with any supportive information.
- (6) Council may, upon request by affected property owners, disapprove the recommendation for designation and notify the Historic Preservation Commission and affected property owners of a decision to designate the property as "potentially eligible for designation." The Historic Preservation Commission shall record the property as such until such time as the property owner(s) desire designation as a district or landmark.
- (d) If the nomination has no comments and/or objections, the Commission may elect to formally designate the property.
- (e) If there are objections to the nomination, the commission may recommend to rescind the nomination, table the nomination, or schedule a hearing for its next meeting to consider the application. At that hearing, if the Commission votes in favor of designation, it must communicate its intent to the City Law Director for submission to City Council.
- (f) After the designation of an individual property (building, structure, place or object) or an historic district, the Commission shall notify all the property owner(s) of the decision and shall add the new designation to its list, with a copy to the Director of Planning.
- (g) The Commission shall state identify in writing all proposed designations and, specifically, which interiors, if any, are covered under the designation. If no interiors are specified, then only the exterior of a building shall be considered to be designated.
- (g) The list of designated landmarks compiled by the Commission at the time of the adoption of this chapter shall continue to be designated and shall not have to be designated again under the terms of this section.
- (h) During the period of consideration From the public hearing to review the local historic landmark application and unless and until the Commission or Council shall fail to designate the property, the property shall be subject to the conditions and requirements as if it were a designated landmark.

(Ord. 94-16. Passed 2-14-95)

278.06 PROCEDURES FOR REVIEW OF PROPOSED ALTERATIONS PROCEDURES FOR DESIGNATION OF HISTORIC DISTRICTS

- a) For proposed historic districts, the Commission will notify all property owners, in the proposed historic district, of its intent to designate their property. Within 30 days after such notice, the Commission will conduct a public hearing to explain why historic district status is being sought and the effects of such designation, with all comments being recorded.
- b) After the public hearing, at which time public comments will have been received, the Commission will communicate its final recommendation to City Council, along with any comments made during the meeting.
- c) If City Council approves the historic district nomination by a majority vote, the district will thereby be designated.
- d) If City Council fails to approve the nomination, the Commission may revise and/or resubmit the nomination to City Council accompanied by any supportive information.
- e) Once a designation has been obtained, the Commission will notify all property owners of the decision; and the designations will be added to its list, with a copy forwarded to the Planning Director.
- f) The Commission will state on all proposed designations specifically which interiors, if any, are covered under the designation. If none is specified, the only the exterior of a building in the historic district will be considered to be designated.

278.067 PROCEDURES FOR REVIEW OF PROPOSED ALTERATIONS, DEMOLITION OR NEW CONSTRUCTION

- (a) ~~New construction shall be visually compatible with old construction, including, but not limited to, the height, the floor-to-area~~

ratio, the proportion between width and height of the exterior, the proportions and relationships between doors and windows, the relationship of solids to voids created by openings in the exterior, the materials used in the exterior, the texture inherent in the exterior, the colors, pattern and trim used in the exterior, and the design of the roof.

- (a) No person shall alter or demolish any historic structure which is a designated landmark or which lies within an historic district, or begin new construction within a historic district without first obtaining a certificate of appropriateness.
- (b) Applications for certificates of appropriateness shall be filed with the Director of Planning in such form as may be prescribed by the Historic Preservation Commission.
- (c) The Commission shall make a determination on applications for certificates of appropriateness within thirty days of the filing of the action or within sixty days if a hearing is requested pursuant to this section, unless the applicant requests a time extension. If the Commission fails to render its determination within such time period, the application for the certificate of appropriateness shall be deemed approved.
- (d) In making such a determination, the Commission may refer to the Secretary of the Interior's Standards for Rehabilitation and to Design Guidelines as adopted by the City of Green Historic Preservation Commission.
- (f) The criteria contained in the Secretary of the Interior's Standards for Historic Preservation Projects shall provide specific details, and shall take precedence over any conflicting criteria.
- (g) The Commission shall regulate, through certificates of appropriateness, building repairs which might not otherwise require a permit, such as paint colors and signage.
- (e) The Commission may delegate to the Director of Planning the authority to grant certificates of appropriateness without referral to the Commission and without a public hearing in instances of minor alterations of types which the Commission shall previously specify.
- (i) For all other certificates of appropriateness, For certificates of appropriateness regarding historic districts, the Commission shall give notice of the application by regular mail to abutting contiguous property owners and shall make this information available to the general public at least seven days in advance of the Commission's acting on such application.

(j) On request of the property owner or upon receipt of objection to the proposed change from an ~~abutting~~ **contiguous** property owner or other property owner within the historic district, the Commission shall act on the application only after a public hearing is held.

~~(k) The Commission shall approve or approve with conditions the certificate of appropriateness when it finds that the proposal conforms to its guidelines.~~

(l) In the case of a denial of a certificate of appropriateness, the Commission shall state the reasons for denial and shall suggest changes which may result in approval. The Commission shall offer to continue to meet with the owner to achieve a mutually satisfactory compromise.

(Ord. 94-16. Passed 2-14-95)

278.07 ~~8~~ MINIMUM MAINTENANCE REQUIREMENTS.

(a) The owner of a designated landmark or any structure within an historic district, if such structure is vacant or inhabited, shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration.

(b) The Historic Preservation Commission, on its own initiative, may file a petition with the Law Director requesting that the Law Director proceed to take action against any owner who, in the opinion of the Commission, is in violation of the above section.

(Ord. 94-16. Passed 2-14-95)

278.08 9 VIOLATIONS.

No person shall construct, reconstruct, alter, change or demolish any exterior feature of any designated landmark, structure or any designated interior in violation of any provision of this chapter.

(Ord. 94-16. Passed 2-14-95)

~~278.09 RULES OF PROCEDURE.~~

~~(a) The rules of the Green Historic Preservation Commission, as set forth below, are hereby adopted:
The Rules preserve Green's distinctive character, safeguard the architecture of Green's designated~~

landmarks, safeguard the heritage of Green by preserving those elements which reflect the City's cultural, social, economic, educational, political or architectural heritage, prevent demolitions or incompatible alterations to designated landmarks or within historic districts, foster economic vitality by publicly encouraging private investment in Green's older buildings and historic neighborhoods, foster civic pride in the beauty and notable accomplishments of the past, and act as liaison on behalf of the City to individuals and groups concerned with historic preservation.

(b) Any future amendments to the Rules of the Historic Preservation Commission shall be adopted through an ordinance passed by Council.

(c) Any rule of the Historic Preservation Commission set forth below that is different from, but not in conflict with, the historic preservation laws of the State, is hereby adopted by the City under its Constitutional home rule authority.

RULES OF PROCEDURE

CITY OF GREEN

HISTORIC PRESERVATION COMMISSION

A. Purpose. The purpose of these Rules is to establish procedures for organizing the business of the Green Historic Preservation Commission (hereinafter designated as HPC), including the designation of landmarks and preservation districts and the processing of applications for certificates of appropriateness.

B. General Rules. The HPC shall be governed by the terms of Chapter 278 of the Codified Ordinances of Green. For procedures not covered by these Rules, the HPC shall follow the current edition of Roberts' Rules of Order.

C. Jurisdiction. The HPC's jurisdiction shall include applications for certificates of appropriateness and the designation of historic districts and individual landmarks.

D. Members, Officers and Duties. The HPC shall be composed of five members, whose terms of office are set forth in Section 278.03.

(1) Chair. A Chair shall be elected annually by the members of the HPC. The Chair shall preside at all meetings, administer oaths and decide all points of order and procedure, subject to these Rules, unless directed otherwise by a majority of the HPC in session at the time. The Chair shall appoint any committees found necessary to investigate any matters before the HPC.

(2) Vice Chair. A Vice Chair shall be elected by the HPC from among its members in the same manner as the Chair. The Vice Chair shall serve as Acting Chair in the absence of the Chair and, at such times, shall have the same powers and duties as the Chair.

- (3) ~~Secretary. A member of the staff, designated by the Planning Department, shall serve as Secretary to the HPC. The Secretary, subject to the direction of the Chair of the HPC, shall keep all records, conduct all correspondence of the HPC and generally supervise the clerical work of the HPC. The Secretary shall not be eligible to vote upon any matter. The Secretary shall also arrange the agenda of each meeting and shall prepare an annual report of Commission activities, cases, decisions, special projects and qualifications of members, for dissemination.~~
- (4) ~~Elections. Election of officers shall be held at the first regular meeting in January.~~
- (5) ~~Attendance at meetings. Faithful and prompt attendance at all meetings of the HPC and conscientious performance of the duties required of members shall be a prerequisite to continuing membership in the HPC. Should a member fail to attend three consecutive regular meetings of the Commission, and should there be no adequate excuse for such absences, the Chair, with the concurrence of a majority of the entire HPC, shall recommend to the Mayor that a vacancy be declared and that the vacated position be filled in accordance with historic preservation ordinances.~~
- (6) ~~Conflicts of interest. No HPC member shall take part in the hearing, consideration or determination of any case in which the member is involved or has a financial interest. Such member shall abstain from voting and shall otherwise be subject to Ohio R.C. Chapter 102, Ohio R.C. Section 2921.42 and all opinions issued by the Ohio Ethics Commission.~~
- (7) ~~Qualification to vote. No HPC member shall vote on any matter deciding an application or a request to reconsider, unless that member shall have attended the HPC's previous deliberations on such application, or unless such member shall otherwise have the approval of the Chair to vote on such matter. The Chair's approval shall be contingent on the assurance by the member that he or she has read the application and the minutes of any meetings at which the application was discussed.~~
- (8) ~~Impartiality required. No HPC member shall, in any manner, discuss any application with any party prior to the HPC's deliberations on such application, except as authorized in advance by the Chair, provided, however, that members may seek and/or receive information pertaining to the application from any other member of the HPC or its staff prior to the hearing. Members of the HPC shall not express individual opinions on the proposed judgment of any application with any person prior to the determination of that application, except in accordance with these Rules. A violation of this Rule shall be cause for dismissal from the HPC.~~
- (9) ~~Additional responsibilities. The responsibilities of the HPC are detailed in Section 278.04.~~

Additional responsibilities include, but are not limited to, the following:

- a. Serving in an advisory role to officials and departments of the Green City Government regarding the protection of local cultural resources;
- b. Serving as a liaison on behalf of the Green City Government to individuals and organizations concerned with historic preservation;
- c. Maintaining in a secure manner, with accessibility to the public, all inventory material regarding designated districts, sites and/or structures in the City of Green. The inventory shall be maintained on Ohio Historic Inventory and Ohio Archaeological Inventory forms. Information shall be updated periodically to reflect changes, alterations and demolitions;
- d. Reviewing National Register nominations for properties within preservation districts or as requested by the Ohio Historic Preservation Office.

(10) Educational sessions. HPC members shall make every effort to attend educational sessions at least once a year to strengthen their understanding of the work and functions of a design review board or on specific historic preservation issues.

E. Meetings.

(1) Regular meetings. Regular meetings of the HPC shall be held as determined by the HPC at the Administration Building, 1900 Steese Road, Uniontown, OH 44685, provided that meetings may be held at some other convenient place if directed by the Chair in advance of the meeting.

(2) Special meetings. Special meetings of the HPC may be called at any time by the Chair. At least forty-eight

hours written notice of the time and place of special meetings shall be given by the Secretary or by the Chair to each member of the HPC, provided that this requirement may be waived by action of a majority of all members.

(3) Cancellation of meetings. Whenever there is no business for the HPC, the Chair may dispense with a regular meeting by giving notice to all the members not less than twenty-four hours prior to the time set for the meeting.

(4) Quorum. A quorum shall consist of three members of the HPC.

(5) Conduct of meetings. All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

a. Roll call

- b- Communications
- c- Minutes of last meeting
- d- Election of officers
- e- Designation hearings
- f- Certificate of appropriateness hearings
- g- Unfinished business
- h- New business
- i- National Register nominations
- j- Reports
- k- Adjournment.
- F- Designation of Historic Districts and Individual Landmarks. The procedures for receiving and evaluating proposals for historic district and landmark designation shall be governed by Section 278.05.
 - (1) When a proposal for historic district designation is initiated or received by the HPC, it shall be first referred to the Green Planning Commission for its opinion and recommendations.
 - (2) At the same time, the property owner shall be notified and asked for written consent to the designation. If consent is granted, the HPC, taking into account the recommendations of the Planning Commission, shall make its determination with respect to the proposed designation and refer the proposal to the Green City Council for final determination.
- (2) If consent is denied, or in all cases involving a district designation, a public hearing shall be held. The Secretary shall provide notice of the public hearing no less than fifteen days prior in a newspaper of general circulation, as well as written notice to the owner or owners. Taking into consideration the recommendations of the Planning Commission and the opinions expressed in the public hearing, the HPC shall then make a determination and notify the property owner within fifteen days of the public hearing. Its recommendations shall then be transmitted to the Green City Council, which shall again make the final determination.
- (4) After the decision by Council, the HPC shall notify the owner and all affected parties.
- G- Certificate of Appropriateness/ Application Procedures. The procedure for receiving and evaluating a Certificate of Appropriateness shall be governed by Section 278.06.
 - (1) Filing of applications; required information. Completed applications, along with all required photos, elevations, sketches, data and adjacent property owner information, must be filed with the HPC, in care of the Green Planning Department, by 12:00 noon, thirty days prior to the HPC meeting per

application requirements established by the HPC.

(2) Notification. The Secretary shall notify, by regular mail, not less than seven days prior to the

meeting at which the matter is to be heard, the property owner or owners, adjacent property owners and others with a demonstrated interest in historic conservation.

(3) Presentation of application. The applicant or legal representative, and affected property owners, shall be given an opportunity to be heard at the meeting at which the application is presented. A legal representative may be an officer of a company, an officer or trustee of a nonprofit organization, an

attorney, an architect, the spouse of the business proprietor or building owner, or persons possessing power to negotiate on behalf of, and to legally bind, the applicant.

(4) Public hearings. The HPC shall hold a public hearing concerning the application, unless such application is exempt from such hearing under Section 278.06.

(5) Time for decision. The HPC must issue or deny a certificate of appropriateness within sixty days after the filing of the application, except when a public hearing is not required.

(6) Action by the HPC. The HPC shall take action on the application and, in doing so, shall apply the review criteria contained in Section 278.06 and any adopted design guidelines.

(7) Approved applications. If the application is approved, the HPC Secretary, within five working days of the HPC action, shall transmit a certificate of appropriateness, in letter form, clearly describing the nature of the approved work. The Secretary shall attach a copy of the minutes of the meeting at which approval was granted, and a placard certificate of appropriateness, to be displayed on the project. A copy of this information shall be forwarded at the same time to the Building Department, which is responsible for the enforcement of the provisions of this chapter.

(8) Denied applications. If an application is denied due to incompatibility with design guidelines, a copy of the minutes of the meeting and written reasons for the denial shall be mailed by the Secretary to the applicant within five working days of the HPC action. Also, the Secretary shall notify the HPC applicant that this denial can be appealed to the Zoning Board of Appeals within twenty days after the HPC's decision has been filed with the Planning Department.

(9) Renewed application. If the HPC denies an application for a certificate of appropriateness, a new application affecting the same property may be submitted within sixty days of the denial only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving, or if other conditions relating to the historic district or surrounding uses have changed substantially.

(10) Concurrent process. The HPC shall use all reasonable efforts to expedite any concurrent process with the State Historic Preservation Officer, if such a process is desired by the applicant for the purpose of securing both a certificate of appropriateness and a federal historic preservation tax credit.

H. Reconsideration of Applications Which Have Been Denied. The order of business for reconsideration of applications for certificates of appropriateness which previously have been denied shall be as follows:

(1) The Chair shall entertain a motion from a member of the HPC that the applicant be allowed to present evidence in support of the request for reconsideration. Such evidence shall be limited to that which is necessary to enable the HPC to determine whether or not there has been a substantial change in the facts, evidence or conditions relating to the application, provided, however, that the applicant shall be given the opportunity to present any other additional supporting evidence if the HPC decides to reconsider his application.

(2) After receiving the evidence, the HPC shall proceed to deliberate whether or not there has been a substantial change in the facts, evidence or conditions relating to the application which would warrant reconsideration. If the HPC finds that there has been such a change, it shall thereupon treat the request as a new application received at that time.

I. Modification of Applications. An approved or pending application for a certificate of appropriateness may be modified by a written request from the applicant to the HPC. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. If the HPC finds that the modification constitutes a substantial change, which might affect surrounding property owners, it shall notify affected property owners following the procedures set out in Paragraph G before taking action on the modification. The HPC shall thereupon treat the request in the same manner as any other application.

J. Vote. The vote of a majority of those members present shall be sufficient to decide matters before the HPC, provided that a quorum is present.

K. Amendments. These Rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than three members of the HPC, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken. All amendments shall be approved by a simple majority vote of the members of the City Council as provided for in Section 7.2 of the City Charter.

{Ord. 9417. Passed 7-25-95.}

278.99 PENALTY; EQUITABLE REMEDIES.

(a) Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than ~~one~~ **five** hundred dollars **(\$500.00)** for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues for as long as one year with respect to alterations and for as long as two years with respect to demolitions.

(b) Notwithstanding subsection (a) hereof, any impending change in violation of this chapter may be subject to appropriate proceedings to prevent such unlawful change.
(Ord. 9416. Passed 2-14-95.)