

## **CHAPTER 17 HISTORICAL BUSINESS DISTRICT**

### **17.0 Purpose.**

The purpose of the Historical Business District (H-1) is to maintain a high character of community development, to protect and preserve the property values and to protect real estate from impairment or destruction of value for the general community welfare by regulating the exterior architectural characteristics of structure through the hereafter defined Historical Business District. It is further purpose of this district to recognize and preserve the distinctive historical and architectural of this community's history. These purposes will be served by the regulation of exterior design, use of materials, the finish grade line, landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, erected, enlarged or remodeled in the hereinafter defined Historical Business District.

### **17.1 Principal Permitted Uses.**

The uses permitted in any B-1 or B-2, R-1, R-2, R-3 and M-1 district, except that residential occupancy is not permitted on the ground floor facing the main street at the front of the building in a B-1, B-2 and M-1 Business District.

A "Zoning Use" permit is required for the commencement of the specific uses set forth within the B-1 and B-2 Business Districts and said "Zoning Use" permit is also required for a change of existing permitted use to another permitted use.

### **17.2 District Boundaries.**

The Historical Business District boundaries are the lots fronting on the following streets:

- A. South Prospect, South to Sunnyside and East to Robson to include Lots 54, 55, 56, 57, 58 and 59.
- B. Lake Street North to Keyser and West from the railroad tracks to include Lots 99, 104, 105, 106, 392, 394, 446 and Out Lot 4.
- C. North Prospect to the railroad tracks.
- D. East Maple, South down Sunnyside to Mill Street and East to the railroad tracks to include Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 27, 447, 779, 780.
- E. East Maple, East to the Railroad tracks, South to include Lots 413.

### **17.3 Application and Notice.**

Whenever a structure, as defined by this Zoning Ordinance, whether public, or private, within the above described district is proposed to be constructed or erected and whenever an existing structure is proposed to be altered, reconstructed, enlarged or remodeled, if such alteration, reconstructed, enlargement or remodeling involves the exterior design, material, finish grade line, landscaping or orientation of the structure, an application for certificate of appropriateness shall be filed with the Zoning Administrator/Inspector.

- A. The application shall be accompanied by a site plan and building elevations drawn to scale indicating, at a minimum, the lot dimensions, size, shape, and dimensions of the structure, the location and orientation of the

structure on the lot and the actual or proposed building setback lines. In addition, the application shall be accompanied by a detailed narrative description of the proposed design or change of design, use of materials, finish grade line, landscaping and orientation of the structure. Applications for structures to be constructed or remodeled, which remodeling would increase or decrease the total gross building area by 50% or more, shall be accompanied by appropriate, relevant colored elevations showing at a minimum the design, use of materials, finish grade line, landscaping and orientation of buildings and any significant architectural features. In addition, the Board of Architectural Review may require submission of colored perspectives or architectural renderings in applications where the Board feels it is required.

- B. Upon receipt of an application for a certificate of appropriateness, which is accompanied by the material required by the provision of subsection **17.4A1** hereof, the Zoning Administrator/Inspector shall place the application on the agenda for the Board of Architectural Review at its next regular meeting following ten (10) days from the date the application is filed. The Zoning Administrator/Inspector shall further cause to be published in a newspaper for general circulation within the Village of Hartville, a public notice of the scheduled hearing date of the application together with a general description of the nature of the application. The applicant shall be notified by mail of the date of the hearing.

In addition, there shall be a notice posted on the subject property stating that an application has been filed and the date, time, and place of the hearing.

#### **17.4 Board of Architectural Review.**

The Board of Architectural Review shall consist of three (3) members who shall be appointed by the Mayor. One member must be a degreed Architect, registered by the State of Ohio and in good standing, who may or may not be a resident of the Village of Hartville. The other two members shall be residents of the Village of Hartville, not concurrently holding an elected office or appointment to either the BZA or Planning Commission.

##### **A. Certificate of Appropriateness Standards for Review**

1. The Board of Architectural Review, in deciding whether to issue a certificate of appropriateness, shall determine that the application under consideration promotes, preserves, and enhances the distinctive historical village character of the community and would not be at variance with existing structures within that portion of the district in which the structure is or is proposed to be located as to be detrimental to the interests of the District as set forth in this Zoning Ordinance. The intent of this ordinance is to preserve the historical character of the downtown as depicted by a number of structures

built in the 1800's. The structures are examples of Georgian, Greek Revival, Colonial Revival, and Queen Anne architecture which date from the early 1800's. The Board shall ensure that any renovation or restoration of existing structures shall meet the US Secretary of the Interior's standards for rehabilitation, as listed at the end of this section. In conducting its review, the Board shall make examination of and give consideration to the elements of the application including, but not necessarily limited to:

- a. **Height**, with respect to impact on any adjacent structures, height limitations found elsewhere within this Zoning book and capable of fire protection.
- b. **Building Massing**, which shall include the relationship to the viewer's and pedestrian's visual perspective.
- c. **Window Treatment**, which shall include the size, shape, and materials of the individual window units and the overall harmonious relationship of window openings. Consideration will be given to returning to original condition, windows covered over or reduced in size by previous renovation and also the introduction to window space such devices as awnings, air conditioners, fans, and signs.
- d). **Exterior detail and relationships**, which shall include all projecting and receding elements of the exterior, including but not limited to, porches and overhangs and the horizontal and vertical expression which is conveyed by these elements.
- e. **Roof**, including the type, form, and material composing the roof, as well as the shape and symmetry of the roof area, eaves, gutters and down spouts.
- f. **Materials**, texture, and color, which shall include a consideration of material compatibility among various elements of the structure. Colors shall be appropriate to the period during which the structure was built.
- g. **Compatibility of design and materials**, which shall include the appropriateness of the use of exterior design details. Particular attention shall be given to the use of appropriate or inappropriate siding material and materials covering over features significant to the integrity of the structure.
- h. **Landscape design and plant materials**, which shall include lighting and the use of landscape details to highlight architectural features, screen or soften undesirable views, and to provide a buffer between parking areas and sidewalks.
- i. **Pedestrian environment**, which shall include the provision of features which enhance pedestrian's visual perspective. No vending machines of any type shall be placed within Village sidewalk right-of-way without prior approval of the Board of Review. All sidewalk furniture, including, but not limited to,

benches and trash receptacles, shall be of conforming style. No such items shall be placed within the sidewalk right-of-way without prior approval of the Board of Review.

- j. **New Structure**, All new structures within the Historical Business District shall be of architectural style similar to structures in the immediate vicinity. Complete plans for all new structures shall be submitted to the Architectural Board of Review for approval.
  - k. **Signage**, which shall include the appropriateness of signage to the building and vicinity. All signs shall be clearly legible. All new signs shall be mounted flush to the building front and of colors appropriate to the Historical Business District. Signs not attached to buildings shall be considered individually in their merits by the Board of Architectural Review. All signs must be set back beyond the sidewalk right-of-way. Installation of all signs shall be approved in advance by the Board of Review and in addition must be in conformance to the Village Sign zoning regulations.
2. In conducting its inquiry and review, the Board may request from the applicant such additional information, sketches and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding the matters under examination. It may recommend to the applicant changes in the plans that it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The Board shall keep a record of its proceedings and shall append to the application copies of information, sketches, and data needed to clearly describe any amendment to the application.
  3. When its review is concluded, the Board will determine by a vote of its members, whether the application shall be approved. If approved by two (2) or more of its members, the Board shall return the application and appended material to the Zoning Administrator/Inspector with the instruction that the certificate of appropriateness be issued, provided all other requirements for a building permit and zoning use permit, if applicable, are met. If not approved, the Board shall return the application and appended material to the applicant with a notice that the certificate of appropriateness shall not be issued because the application did not meet the criteria and standards set forth herein.

**B. Preservation of a Property upon Demolition of a Structure.**

1. Whenever a structure within the Historical Business District “H-1” is proposed to be demolished, an application for a certificate of appropriateness shall be filed with the Village of Hartville Zoning Administrator/Inspector as provided in this article. In considering such application, the Board of Architectural Review shall limit its inquiry to the proposal for grading, landscaping, and other design treatment of the property once the structure has been removed.

2. Nothing in this article shall be construed to prevent the demolition of a structure whether public or private, within the District.

**C. Repair or Maintenance.**

1. The exterior of all buildings shall be maintained in a safe and weather tight condition to resist decay and deterioration. In addition, the exterior surfaces of all buildings shall be maintained and in good repair so that the appearance of the building reflects a level of maintenance in keeping with the standards of the immediate neighborhood and does not constitute a blighting factor for adjoining property owners or to the progressive deterioration and downgrading of the neighboring vicinity.
2. Nothing in the article shall be construed to prevent any ordinary repair or maintenance of an exterior architectural feature or any ordinary planting or landscaping now in the district.

**D. Appeals.**

1. The Board of Architectural Review shall decide all applications for architectural review not later than thirty (30) days after the first hearing thereon.
2. Any person, firm, or corporation, or any officer department, board or agency of the Village of Hartville who has been aggrieved by any decision of the Board involving an application for architectural review approval may appeal such decision to the BZA, by filing notice of intent to appeal with the Zoning Administrator/Inspector within ten (10) days from the date of the decision, setting forth the facts of the case.
1. The BZA shall conduct a public hearing on the request for appeal, the hearing shall be held not later than sixty (60) days after a final decision has been rendered by the Board of Architectural Review. The BZA, by a majority vote of its members, shall decide the matter. The decision by the BZA will then be presented to Village Council for approval. Council may overturn a negative decision by the BZA by a minimum of 3/4 vote of the full council.

**B. Penalty.**

1. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any regulation adopted by Council. Any person, firm or corporation violating any regulation thereto shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars. Every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

### **17.5 Sign Designs Appropriate to the District.**

- A. Signs should respect the overall architectural composition of the building and its scale, while not overwhelming the façade.
- B. Sign colors must be harmonious with the building's materials and colors and must be from the approved list of sign colors adopted by the Board.
- C. Signs may not cover architectural features.
- D. Wall signs should be affixed on a continuous, flat, vertical, opaque surface and cannot project more than 6" from the building surface.
- E. Wall signs should not extend higher than the bottom of the sill of the second story window, or above the lowest point of the roof, or over 25' above grade, whichever is lowest. They must be at least 6" from the lintel or other trim of the window above or below it.
- F. No more than one right angle sign, projecting not more than 4' is allowed for each business establishment. The bottom of the sign should be at least 8' above ground level (sidewalk). The top of the sign may not extend higher than the bottom of the second story window, the lowest point of the roof, or 25' above grade, whichever is lowest.
- F. Window signs may only be applied directly to the inside surface of the window glass. The letters should be 4" or less and symbols cannot be larger than 8". Window signs shall not exceed more than 10% of the front building face.
- G. Wall signs should have a simple design and shall not have more than three lines of letters.
- H. Signs may be externally illuminated. Neon lighting, internally illuminated, and backlit signs are not permitted, unless historically significant to Hartville. Letter styles shall be appropriate to the district.
- I. Ground signs shall include the street address.
- J. Sign materials may be of any wood, cast metal, natural stone, brick or glass with painted faces or letters.
- K. Vinyl letters may be used only for window signs.

### **17.6 The Secretary of the Interior's Standards for Rehabilitation (for reference).**

- A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.