

AN ORDINANCE
AMENDING CERTAIN SECTIONS OF CHAPTER 1146 OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO MODIFY THE
HISTORIC PRESERVATION REGULATIONS OF THE VILLAGE.

WHEREAS, Ted Sande, the consultant to the Village of Chagrin Falls on historic preservation issues, has recommended to Council that Sections 1146.03(a)(2)(B), 1146.04(c)(2), 1146.05 and 1146.06(a)(2) of the Codified Ordinances of the Village be amended to be consistent in the use of the terms “repair”, “renovation” and “restoration” and to include the concept of responsible property maintenance; and

WHEREAS, this Ordinance has been referred to the Village’s Planning and Zoning Commission for a report and recommendation; and

WHEREAS, Council has held a public hearing on this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That Section 1146.03(a)(2)(B), “Administrative Procedures,” of Chapter 1146 “Historic Preservation Regulations,” of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended as follows:

“1146.03 ADMINISTRATIVE PROCEDURES.

The following procedures are established to govern the processing of applications for building permits and other municipal authorizations in accordance with the regulations of this chapter.

(a) Mandatory Referral.

* * *

(2) All requests for demolition of a structure which is more than fifty (50) years old shall be accompanied by a deposit of five hundred dollars (\$500.00). All requests to make an addition to or alteration of a structure which is more than fifty (50) years old shall be accompanied by a deposit of three hundred dollars (\$300.00). As provided below, the request shall be referred to the Architectural Board of Review with a recommendation from the Administration as to whether or not the structure is an Historically Significant Property. The Board shall apply the standards set forth in Section 1146.06 hereof to determine whether or not demolition is permitted.

* * *

B. Advice of Expert on Economic Feasibility. If, in reviewing a request for demolition, a majority of the Board, by motion, requests the advice of an expert to assist in the analysis of determining whether or not the repair, renovation, rehabilitation or restoration of an Historically Significant Property is Economically Feasible, the Mayor shall determine whether the Chief Administrative Officer should engage an expert, at Village expense, to provide such advice.
* * *

SECTION 2. That Section 1146.04(c)(2), “Standards of Review,” of Chapter 1146 “Historic Preservation Regulations,” of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended as follows:

“1146.04 STANDARDS OF REVIEW.

In its review of applications, the Architectural Board of Review shall:

* * *

(c) Follow the guidelines set forth below:

* * *

(2) Replacement of features. Consistent with the concept of responsible property maintenance. ~~D~~deteriorated or damaged architectural features shall be repaired rather than replaced. In the event that the Architectural Board of Review determines that replacement of architectural features on an Historically Significant Property is necessary, the new material should closely match the material being replaced in composition, design, color, texture and other visual qualities.

* * *

SECTION 3. That Section 1146.05, “Definitions,” of Chapter 1146 “Historic Preservation Regulations,” of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended to amend subsection (d) and add new subsections (e) through (I) as follows:

“1146.05 DEFINITIONS.

* * *

(d) “Economically Feasible” means that the costs of the repair, renovation rehabilitation, or restoration of an Historically Significant Property, when combined with the cost of the land, do not exceed the fair market value of the real property after the repair, rehabilitation renovation, or restoration of the Historically Significant Property has been completed.

(e) “Preservation” means the saving and continued careful maintenance of a building that is recognized as locally, regionally or nationally historically significant. This status is usually confirmed by the listing of a property in the National Register of Historic Places or by the Secretary of the Interior’s designation of a property as a National Historic Landmark. State and local governments also may apply their own historical significance criteria for this status.

(f) “Restoration” means the returning of a historically significant building to its original condition or to its condition at a specifically-identified time in its history as it has evolved, based on supporting visual and documentary evidence and physical analysis of the property. The intent of restoration is to accurately restore the character-defining historical elements of the property to their original or selected later date appearance when it achieved its historical importance. Conjectural restoration is not acceptable.

(g) “Repair” means the fixing or mending of a building that has suffered natural or man-made damage due, for example, to wind, water, fire, vandalism or long-term failure to properly maintain it. Repair does not imply nor does it encourage restoration, although it may become part of the process for a building undergoing restoration.

(h) “Rehabilitation” means the renovation of a building, in its present condition, for continued use, or its adaptation to a new use. To meet the Secretary of the Interior’s Standards for Rehabilitation the developer must retain the surviving historically-important, character-defining components of the building but is not required to restore it to its original historical appearance or configuration, which may have changed over the years.

(i) “Reconstruction” means the building of a replica of a structure that has been destroyed, based upon supporting visual and documentary evidence and, possibly surviving fragments. This technique is rarely used and is usually confined to archaeological sites.”

SECTION 4. That Section 1146.06(a)(2), “Demolition and Moving,” of Chapter 1146 “Historic Preservation Regulations,” of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended as follows:

“1146.06 DEMOLITION AND MOVING.

(a) Demolition Prohibited; Exceptions. The demolition of an Historically Significant Property shall not be permitted unless one of the following conditions exist:

* * *

(2) The owner demonstrates that the Historically Significant Property is either not habitable or otherwise not safe, the repair, rehabilitation, or renovation, or restoration of the property is not economically feasible and the property’s condition did not result from damage which has been purposefully caused to the property, or allowed to occur due to the gross neglect of the owner with the intention of making the restoration of the property not Economically Feasible. No permit to demolish will be permitted under this paragraph (a)(2) or (3) hereof unless the owner or owner’s representative obtains final approval from the Architectural Board of Review for the structure which will replace the structure to be demolished.

* * *”

SECTION 5. That existing Sections 1146.03(a)(2)(B), 1146.04(c)(2), 1146.05(d) and 1146.06(a)(2) of the Codified Ordinances of the Village of Chagrin Falls, and any other ordinance in conflict herewith, be and the same are hereby repealed.

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INTRODUCED BY: MR. MUSCENTI

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SECTION 6. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 7. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 8. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: _____, 2015

Council President

Submitted to the Mayor for
his approval on this
_____ day of _____, 2015

Approved by the Mayor
_____, 2015

Mayor

I hereby certify that Ordinance No. 2015-____ was duly enacted on the ____ day of _____, 2015, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

Clerk of Council