

LEGISLATION PROPOSED BY THE HISTORIC PRESERVATION COMMISSION

CITY OF BOWLING GREEN CODIFIED ORDINANCES

PROPOSED NEW CHAPTER 158

PROPOSED MODIFICATIONS TO CHAPTERS 30, 32, 35, 38, 150, and 152

PROPOSED NEW CHAPTER

**CHAPTER 158
Historic and Architectural Preservation Code**

158.01 TITLE

This Chapter shall be referred to as the Historic and Architectural Preservation Code

158.02 STATEMENT OF PURPOSE

Council, being mindful of the proud history of Bowling Green (the City) and of the importance of its cultural heritage in the everyday lives of its residents, hereby declares as a matter of public policy that the restoration, rehabilitation, and overall preservation of the built environment are matters of public necessity involving the health, safety, prosperity, and welfare of the people. The purposes of this ordinance are to:

- (A) Protect historic resources in order to
 - (1) Foster civic pride and civic beauty;
 - (2) Stabilize and increase property values;
 - (3) Strengthen the economy by attracting customers to local businesses;
 - (4) Maintain and enhance the distinctive character of historic buildings, structures, sites, objects, landmarks and districts;
 - (5) Safeguard the heritage of the City of Bowling Green by preserving buildings, districts, landmarks, objects, sites, and structures which reflect elements of its culture, history, architecture, archaeology, or engineering;

- (6) Protect and enhance the City’s appeal to prospective residents, businesses, tourists, university students, faculty, and staff; and
 - (7) Facilitate reinvestment in and revitalization of designated historic districts and adjacent neighborhoods.
- (B) Establish procedures whereby certain historic landmarks, buildings, structures, sites, objects, and historic districts (hereafter referred to as “Listed Property”) shall be allowed that measure of protection afforded by the issuance of a “Certificate of Appropriateness” (COA) before any alterations, revisions, demolition, or new construction as defined in this Chapter can be undertaken thereto so that the following objectives are achieved:
- (1) Maintain and enhance the distinctive historic character of Listed Property in the City,
 - (2) Safeguard the architectural integrity of the Listed Property;
 - (3) Identify and safeguard Bowling Green’s heritage by preserving Listed Property which reflect elements of the City’s cultural, social, economic, political, or architectural heritage.
- (C) Require property owners to work with the Historic Preservation Commission to protect Listed Properties and Historic Districts within Historic Overlay Zones as described in Chapter 150 of the Zoning Code, so that the historic character of the City may be maintained.
- (D) Integrate the preservation of Listed Property into public and private land use planning, management, and development in order to identify and resolve conflicts as early as possible for the preservation of a Listed Property.

158.03 DEFINITIONS RELATED TO HISTORIC DISTRICTS, HISTORIC SITES, LISTED PROPERTIES, AND LANDMARKS

- (A) Alter or Alteration: any exterior visual, structural, or material change to any Listed Property or, in some cases to any Noncontributing Property located within a Historic District as defined elsewhere in this Chapter. For the purposes of this Chapter, “alteration” includes a change in design, texture, material, or architectural feature. Ordinary maintenance to correct any deterioration or damage, including painting and choice of colors, is excluded from the definition of “alteration,” provided such work does not involve a change in design, texture, material or architectural feature.
- (B) Applicant: any owner, association, partnership, corporation, or designated agent of the owner who applies for a Certificate of Appropriateness (COA).
- (C) Archaeology: the study of past peoples through their material remains. Archaeological resources include sites, collections, and documentation associated with excavation and curation activities.
- (D) Architectural Feature: the architectural style, general design, and general arrangement of the exterior of a building or structure, including, but not limited to, windows, doors, porches, signage, cornices, exterior surface materials, decorative trim, and other fixtures appurtenant to the exterior of the building or structure.
- (E) Auxiliary/Accessory structures: any structures in addition to the principal/main building on a Listed Property (garages, sheds, etc.)

- (F) Certificate of Appropriateness (COA): a certificate issued by the Historic Preservation Commission stating that a proposed alteration, demolition, or new construction to a Listed Property or to a Noncontributing Property located within a Historic District is appropriate under the terms of this Chapter.
- (G) Commission: as referred to in this Chapter, the City of Bowling Green Historic Preservation Commission.
- (H) Contributing Property: any building, structure or site which has been identified by the Historic Preservation Commission as having significant value in enhancing, identifying or defining an approved Historic District. All other buildings, structures or sites within a Historic District are Noncontributing properties
- (I) Demolish or Demolition: the razing or removal, in whole or in part, of any Listed Property, or to a Noncontributing Property located within a Historic District.
- (J) Historic Building: a man-made resource created principally for human activity, such as a house or place of business, which has special character or historic, aesthetic, or architectural value as part of the heritage, development or cultural characteristics of the City, the State or the United States, and which has been designated as a Listed Property pursuant to this Chapter.
- (K) Historic District: two or more properties grouped together in a geographically defined area, which, as a whole, have special character or historic, aesthetic, or architectural value as part of the heritage, development or cultural characteristics of the City, the State, or the United States, and which have been designated as a Historic District pursuant to this Chapter. A Historic District may contain both contributing and Noncontributing Properties, but both types are subject to regulations as defined in this Chapter.
- (L) Historic Landmark: any object or structure or built property, either within or outside a Historic District, which has extraordinary character or historical, aesthetic, archeological, or architectural value as part of the heritage, development, or cultural characteristics of the City, the State, or the United States and which has been designated as a Historic Landmark pursuant to this Chapter. That is, a Historic Landmark shall have unique or special status within the City, or it shall have features which notably distinguish it from others in its class or type.
- (M) Historic Object: an exterior man-made resource created and/or maintained for public viewing or use, which is neither a building nor a structure (such as a work of art, a monument, an oil drilling machine, etc.), which has special character or historic, aesthetic, archeological or architectural value as part of the heritage, development or cultural characteristics of the City, the State or the United States and which has been designated as a Historic Object pursuant to this Chapter.
- (N) Historic Overlay Zones: Listed buildings, structures, sites, and districts protected through an additional set of historic and architectural regulations shown on the official Zoning Map as an Historic Overlay Zone. Such designation does not change the base zoning district requirements. A Certificate of Appropriateness is required for work on Listed Properties within a Historic Overlay Zone, as described within this Chapter and the Zoning Code, Chapter 150.
- (O) Historic Resource or Historic Property: any building, structure, site or object which has special character or historic, aesthetic, archeological or architectural value as part of the heritage,

development or cultural characteristics of the City, the State or the United States, whether or not it has been designated as a Listed Property pursuant to this Chapter.

- (P) Historic Site: any area, with or without buildings or structures, which has special character or historic, aesthetic, archeological or architectural value as part of the heritage, development or cultural characteristics of the City, the State or the United States and which has been designated as a Historic Site pursuant to this Chapter. Examples might include the location of a historic battle, a historic burial ground, a historic drilling site, etc.
- (Q) Historic Structure: a man-made resource created principally to shelter auxiliary forms of human activity other than habitation for daily living and daily work, such as a barn, a garage, or a shed, which has special character or historic, aesthetic, archeological or architectural value as part of the heritage, development or cultural characteristics of the City, the State or the United States and which has been designated as a Historic Structure pursuant to this Chapter.
- (R) Landscaping: the decorative aspect of open ground (grass, living ground cover or some non-natural, attractive cover) at the front and/or the sides of a Listed Property, or on all sides in the case of some Historic Sites, as well as appropriate foundation plantings (shrubs, small trees, etc.) at the front of Listed Property. Does not ordinarily apply to downtown buildings.
- (S) Listed Property: any asset or property which has been listed on the US National Register of Historic Places or having special character or historic, aesthetic, archeological, or architectural value as part of the heritage, development, or cultural characteristics of the City, the State or the United States which has been designated as a Historic Landmark, Site, Building, Structure, or Object, or any property within a Historic District pursuant to this Chapter. A Listed Property will have the Historic Overlay Zone designation, as shown on the official Zoning Map.
- (T) Local Register: the official list of properties recognized by the City of Bowling Green Historic Preservation Commission through the process described in Section 158.06 Procedures for the Identification, Review, and Designation of Listed Properties and Historic Districts.
- (U) Member: a member of the City of Bowling Green Historic Preservation Commission.
- (V) National Register of Historic Places: the official list of properties recognized by the federal government as worthy of preservation for their local, state, or national significance in American history, architecture, archaeology, engineering, or culture.
- (W) Noncontributing Property: a building, site, structure or object that does not add to the historic architectural qualities, historic association, or cultural values of the Historic District because it was not present during the period of significance, **or** because it did not have those qualities from the beginning, even if built in the same time period, or because it does not relate to the documented significance of the District due to alterations, loss of architectural features, disturbances, additions or other changes, or because it no longer possesses historic integrity.
- (X) Ordinary Maintenance: includes the repair or in-kind replacement of features, including, but not limited to, the roof, eaves, downspouts, siding, windows, and doors of a Listed Property, or a Noncontributing Property located within a Historic District provided that such ordinary maintenance does not result in a change of material, texture, or architectural feature. For the purposes of this Chapter, sandblasting of masonry and chemical cleaning of masonry is not considered ordinary maintenance.
- (Y) Owner: the owner of record, and the term includes the plural as well as the singular.

- (Z) Property: any area, place, site (including an archeological site), building, structure, object, or work of art.
- (AA) Street: all facilities within the street right-of-way, including street surfaces, paving materials, curbs, culverts, catch basins, manholes, and guardrails.
- (BB) Streetscape: the visual elements of a street, including the road, adjoining buildings, street furniture, trees and open spaces, signage, etc. that combine to make a vista recognizable as a distinct place.
- (CC) Street Furniture: light standards, benches, planters, waste containers, telephone booths, bicycle stands, railings, shelters, traffic and pedestrian directional signs and other facilities convenient to the passage of vehicles and people along the streets.
- (DD) Utilities: pipes, wires, their supports, outlets and keys, and other devices for providing electrical, telephone, gas, water, television, sewer, and other utility services. This includes any means for transmitting such services, regulatory devices such as cut-off keys, meters, transformers, etc., and the supports and conduits upon which or through which such utilities are furnished, whether above, on, or in the ground.
- (EE) Verbal Boundary Description: a detailed description which delineates the physical extent of the Listed Property or Historic District. If the boundary of the Listed Property or Historic District replicates a legally recorded boundary, then a reference to the description of the recorded boundary is sufficient, including lot or parcel number, deed book, and page number where recorded. If the boundaries do not coincide with legally recorded boundaries, 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. Such a description is also frequently referred to as a "metes and bounds" description.
- (FF) View Corridor: a scene, vista or prospect that is visible between buildings or trees, over rooftops, and from such places as green spaces. The scene, vista, or prospect could be a nearby landscape or streets and buildings and their rooflines.

158.04 PROCEDURES FOR ESTABLISHING THE HISTORIC PRESERVATION COMMISSION

- (A) The Historic Preservation Commission shall consist of five members appointed by the Mayor subject to confirmation by a majority of the members of Council and shall have all the powers and duties provided in the charter, the state statutes, and the planning and zoning-related codes.
- (B) Members must be residents of the City of Bowling Green, with at least two members who reside on the east side of Main Street, at least two members who reside on the west side of Main Street, and at least one member who owns a downtown building or a downtown business.
- (C) Members who have demonstrated a special interest, experience, knowledge and/or profession in preservation-related topics such as architecture, architectural history, history, archeology, engineering, urban planning, legal services, building trades or related disciplines shall be preferred, and every effort will be made to assure that the Commission will always have at least two members with such interest, experience, knowledge or profession.

- (D) Members' terms shall be four years. Initially the terms shall be staggered so that the terms overlap so that two members' terms shall terminate in two years, two members' term in three years; and one member's term in four years.
- (E) Vacancies on the commission shall be filled within 60 days, unless extenuating circumstances require more time.
- (F) The Commission shall elect a Chair, a Vice-chair, a Secretary and such other officers as it deems advisable as soon as possible following its appointment by the Mayor, and annually thereafter.
- (G) The Commission shall meet monthly, as needed, but no fewer than four times per year, in a public place, advertised in advance. All meetings shall be publicly announced, open to the public, and have an advertised agenda. Public notice shall also be made of special meetings.
- (H) The Commission shall, in other respects, have full power to organize itself and to determine its own rules, regulations, bylaws and meeting schedule.
- (I) Review decisions shall be made in a public forum, and applicants shall be notified of meetings and advised of decisions, in writing including the reasoning. Written minutes of commission actions shall be available for public inspection.
- (J) The Commission shall conduct affairs in accordance with Chapter 32, Rules Regulating Open Meetings.
- (K) A written annual report of Commission activities, including cases, decisions, special projects, qualifications of members, etc., shall be kept on file and available for public inspection.
- (L) No voting member of the Commission or advisor to the Commission shall participate in the review of any item for discussion before such Commission if such member or advisor has any direct financial or personal interest in the Listed Property involved in such review. The rules of procedure, adopted by the Commission, shall be available for public inspection.

158.05 POWERS AND DUTIES OF THE HISTORIC PRESERVATION COMMISSION

- (A) The Historic Preservation Commission has the authority to assist with historic preservation efforts through building inventories, public education, tourism and establishing community partnerships.
- (B) The Commission has the authority to recommend designation as a Listed Property (which includes Historic Overlay Zoning designation) for approval by City Council.
- (C) The Commission shall work with City staff and private individuals to participate in public deliberations about proposed plans that would lead to changes to any Listed Property. This work shall be done in the period before the Commission receives an application from an owner or tenant.
- (D) The Commission shall conduct, or to cause to be conducted, a continuing survey of all buildings, districts, landmarks, objects, sites, or structures which are of architectural, historic, cultural, environmental, and aesthetic interest in the City and 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 Historic District.
- (E) The Commission shall keep a current register of all Listed Properties and Historic Districts. Each Listed Property shall be uniquely identified, to include a description accompanied by a

photograph, a verbal boundary description, and the reasons for listing. Each Historic District shall be uniquely identified, to include a description and representative photographs, including streetscapes, a map outlining the boundaries, a verbal boundary description, and the reasons for listing. Non-contributing properties shall be so noted. Such register shall be made available to City Council, the Planning Commission, the Board of Zoning Appeals, and the Planning Department of the City of Bowling Green and shall be maintained in a location where it is available for public inspection. Such register shall include, at its inception, existing Historic Districts and individual Historic Buildings, Landmarks, Objects, Sites and Structures. Such register shall be compatible with the State Historic Preservation Office digital database and, therefore, with the comprehensive preservation planning process. Such register shall be annually periodically updated on December 31 to reflect changes, alterations, and demolitions. The register will be available through duplicates or digital images to the State Historic Preservation Office and maintained securely.

- (F) The Commission shall conduct public hearings to consider or determine any matters related to Historic District or Listed Property designations within the corporate boundaries of the City.
- (G) The Commission shall adopt and use The Secretary of the Interior's *Standards for the Treatment of Historic Properties* (hereafter known as the *Standards*) in reviewing and acting upon all applications for a Certificate of Appropriateness for a proposed alteration within an Historic Overlay Zone. These standards will be applied taking into consideration the economic and technical feasibility of each project.
- (H) The Commission shall be responsible for determining the appropriateness of any and all applications regarding demolition, construction, preservation, restoration, reconstruction, and rehabilitation of buildings and structures within designated Historic Districts, as well as to Listed Properties, which are within an Historic Overlay Zone.
- (I) The Commission shall review COA applications to ensure that a project:
 - (1) Will not substantially alter the exterior features of a Listed Property or a property within a Historic District. The project will be reviewed with particular protection placed on the View Corridor and Streetscape.
 - (2) Is compatible in character and nature with the historical, archeological, architectural, or cultural features of the historic area or the Historic District in which a Listed Property is located and would not be detrimental thereto;
 - (3) Would enhance or aid in the protection, preservation, and public or private utilization of the Listed Property; or
 - (4) Is necessary in order that unsafe conditions or health hazards be remedied; or
 - (5) Is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship.
- (J) The Commission may from time to time, as necessary, propose to City Council for its approval additional standards or requirements – tailored to individual Listed Properties or to particular Historic Districts – beyond those in the *Standards*. Should such additional standards, requirements or regulations be approved by City Council, the Commission shall make them widely and easily available to the citizens of Bowling Green.

- (K) The Commission shall work toward the continuing education of residents of the City with respect to the architectural and historic heritage of the City and its Listed Properties and shall make every effort to improve the public's overall environment and design awareness.
- (L) The Commission shall seek local partners in historic preservation to generate ideas and implement goals (e.g., County officials, Wood County Historical Museum, Wood County Historical Society, Wood County District Public Library, Downtown Bowling Green, Board of Realtors, contractors, etc.)
- (M) The Commission shall recommend to City Council legislation that would either serve to beautify, preserve, restore, and develop the City or that would result in additions or revisions to this Chapter.
- (N) The Commission shall sponsor or co-sponsor historic preservation educational events.
- (O) The Commission will encourage its members to attend educational sessions (including in-depth consultation with the Ohio State Historic Preservation Office) at least once a year, pertaining to the functions of the Commission or relating to specific historic preservation issues.
- (P) The Commission shall employ technical experts as may be required to perform its duties within the appropriations made available therefore and to perform such other related tasks within its capabilities as may be required by City Council.
- (Q) The Commission shall undertake such other activities as may be required from time to time by the State Historic Preservation Office in order to maintain the City's status as a Certified Local Government for historic preservation, once such status has been granted.
- (R) The Commission shall act as a liaison on behalf of the City government to individuals and organizations regarding the preservation and protection of local historic properties.
- (S) The Commission shall act in an advisory role to City officials and departments regarding the protection of local historic and cultural resources.
- (T) The Commission shall have the authority to nominate any property for National Historic Landmark designation, as determined by the process through the National Parks Service. The Commission will seek expertise from a professional within a specific discipline, as needed, when considering a National Register nomination and can share expertise with neighboring communities as needed.
- (U) The Commission shall have the responsibility to review proposed National Register nominations for properties within the City in accordance with Ohio's Codified Local Government guidelines and to make recommendations to City Council as to their appropriateness.

158.06 PROCEDURES FOR THE IDENTIFICATION, REVIEW, AND DESIGNATION OF LISTED PROPERTIES AND HISTORIC DISTRICTS

- (A) In considering the designation of any property as a Listed Property or Historic District, the Commission may determine that a property is significant if it is at least 50 years old (or, if less than 50 years old, is indisputably unique and significant as a representation of Bowling Green's identity, development or culture) and meets one or more of the following criteria:
 - (1) Possesses character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, or nation;

- (2) Is the site of a significant historic event;
 - (3) Is identified with a person or group of persons who influenced society;
 - (4) Exemplifies the cultural, economic, social, political, or historic heritage of the city and its surrounding area;
 - (5) Embodies the distinctive characteristics of an architectural type, period, or method of construction;
 - (6) Represents the work of an architect, landscape architect or notable builder whose individual work has influenced the development of the City, the State, or the United States;
 - (7) Possesses high artistic values;
 - (8) Represents a significant and distinguishable entity whose components may lack individual distinction;
 - (9) Has potential to yield important archaeological information; or
 - (10) Its unique location or singular physical characteristics represent an established and familiar visual feature of a neighborhood, community, or the City.
- (B) Ordinarily, the boundaries of a proposed Historic District will be drawn so that all properties within the District are contiguous with one another (including across a City street or alley). Exceptions may be made, however, when some substantial area of the proposed District would be noncontributing if included. A substantial area in this instance shall be defined as either (a) one large property with a use other than that of most of the proposed District properties (e.g., a factory or large business building), or (b) three or more contiguous Noncontributing Properties, even if their use is similar to that of most of the District.
- (C) The Commission shall notify property owners, by mail, of any proposal to list their property on the local register of Listed Properties. All locally registered listings will be further protected through an Historic Overlay Zoning designation.
- (D) In the case of proposed Historic Districts, the Commission shall conduct a survey of all owners of properties within such a District and report the results of that survey, along with its recommendations in writing, to City Council. At least a simple majority of the owners must agree to the creation of a District before the Commission forwards a recommendation for designation.
- (E) Ordinarily, proposals to designate an individual property as a Listed Property will originate with the owner. Upon receipt of the owner's consent to the listing on the local register, the Commission shall make a recommendation concerning the designation of the property to the City Council. After receipt of the Commission's recommendation, City Council shall consider such recommendation, refer the designation/Overlay Zone recommendation to the Planning Commission as required under Section 150.111 Procedures for District Changes and Ordinance Amendments, and vote on the designation of the individual property or Listed Property following its usual procedures.
- (F) If the owner(s) of an individual property, whether within a Historic District or not, refuses or declines to give their written consent to a proposed listing, and the Commission feels it is of considerable importance to the community that the property be listed, the Commission may still forward its written recommendation to City Council, which will act on the recommendation

following its usual procedures to include opportunity for written input from all sides, as well as a public hearing.

- (G) Council must act on the proposed designation within sixty (60) days after its required public hearing. Council may designate a Listed Property or a Historic District at any regular or special meeting of the Council.
- (H) If Council approves the listing of a property or designation of a Historic District, the Commission shall notify the owner or owners of such decision in writing. If the proposed designation is disapproved by Council, the Commission may, after a period of sixty (60) days, resubmit the proposal to Council for reconsideration.

158.07 STANDARDS AND GUIDELINES FOR REVIEWING APPLICATIONS FOR A CERTIFICATE OF APPROPRIATENESS (COA)

(A) Standards of Review:

- (1) In considering an application for a COA, as required for Listed Properties within an Overlay Zone, the HPC shall use the *Standards*, except as specifically modified in this ordinance. Note that the *Standards* for Rehabilitation are the ones which will apply to the great majority of COA applications.
- (2) If it should appear that there are differences, real or apparent, between the standards or requirements stated in this ordinance and those in the *Standards*, those stated in this ordinance take precedence.
- (3) It is recognized that many historic properties, buildings especially, will have non-historic exterior features when they are Listed. Such features may include things like: downtown building awnings; asphalt shingles on roofs, aluminum or others sidings on exterior walls; non-brick chimneys; and, non-wooden windows or doors. In all such cases, preservation of those features is allowed, including replacement of small sections of deteriorated awnings, roofs, walls, chimneys, windows and doors with in-kind material, so long as it matches the whole in color, texture and design. Note that these kinds of preservation efforts do not required application to the HPC for a COA (see 158.07 B 1).
However, whenever full replacement of features like those listed above is necessary or desired, owners are required to apply for a COA before beginning any work and must, if possible, replace with features which move in the direction of greater historical accuracy in design and texture.
- (4) It is recognized that some flat roofs, like those on many downtown buildings, are not visible in the view corridor. Such roofs many be repaired or replaced without application for a COA, as long as there is not significant change in elevation and no change to the view corridor.
- (5) Auxiliary structures may be designated as historically important when the property is Listed and, therefore, are given the same protections as the main building. In all other cases, the Commission will be flexible in responding to owners' requests to alter,

demolish or replace such structures, as well as requests to add new ones, especially when such structures are at the back of the main building.

- (6) This legislation does not seek to dictate every small detail of alteration, rehabilitation and/or restoration to a Listed Property.

In relatively minor matters of historical detail, flexibility will be allowed, except in any case where standards, requirements or regulations for individual Listed Properties or Historic Districts which are more restrictive than those of the *Standards* have been approved by City Council. Examples of situations where this kind of flexibility will apply include use of non-wooden porch steps and flooring where wood will not hold the paint of an owner's choice; and, use of energy-efficient non-wooden windows, as long as the replacements give the same general appearance as the originals.

In addition, contemporary design for alterations and additions to the rear of Historic Buildings and non-contributing properties in Historic Districts shall not be discouraged when the design of such alterations and additions is compatible with the size, scale, color, material and character of the building, property, neighborhood or environment.

- (7) In Historic Districts it is expected that all properties must maintain appropriate landscaping. This is also expected of individual Listed Properties.

- (B) Guidelines for Applying Standards of Review: The following guidelines are designed to help individual property owners formulate plans for the rehabilitation, preservation and continued use of Listed Properties consistent with the intent of the *Standards*. The guidelines pertain to buildings of all occupancy and construction types, sizes, and materials. They apply to construction on the exterior of historic buildings as well as new attached or adjacent construction.

- (1) The *Standards* are organized under four categories: Preservation, Rehabilitation, Restoration and Reconstruction. "Preservation," as defined in the *Standards*, is a matter for property owners to pursue on their own, without application for COA's. In matters solely of preservation, the Commission could offer information and suggestions about standards and process, however, at the request of the property owner. "Reconstruction" will happen rarely, but owners must apply for a COA prior to undertaking any such action. "Restoration" is relatively rare as well, but also requires submittal of a COA. "Rehabilitation" is by far the most common type of historic preservation activity and the one, therefore, with which both property owners and the Commission must be very familiar.

- (2) In addition to the Secretary of the Interior's *Standards*, the Secretary of the Interior, through the National Park Service and its Technical Preservation Services office also provides *Guidelines for Preserving, Rehabilitation, Restoring & Reconstructing Historic Buildings (hereinafter referred to as "Guidelines")*. These *Guidelines*, organized under each of the four categories, provide a wealth of information and suggestions for how best to accomplish a particular preservation project. These *Guidelines* serve both property owners and the Commission as they consider the appropriateness of a particular historic preservation project and its details. They are not regulations, but they provide guidance in how to apply the Secretary's *Standards*. The *Guidelines*, like

the *Standards*, are available on the National Park Service's website (www.nps.gov/tps/standards.htm).

- (3) Techniques, treatments, and methods consistent with the *Standards* are considered recommended. Not all recommendations listed under each treatment will apply to each project proposal. Rehabilitation approaches, materials and methods which may adversely affect a building's architectural and historic qualities are not recommended.
- (4) Specific information on rehabilitation and preservation technology may be obtained by writing to the Technical Preservation Services Division, National Park Service, U.S. Department of the Interior or to the State Historic Preservation Office (www.ohiohistory.org/preserve/state-historic-preservation-office) in Columbus, Ohio. Advice should also be sought from qualified professionals, including architects, architectural historians, and archaeologists skilled in the preservation, restoration, and rehabilitation of old buildings.

158.08 PROCEDURES FOR REVIEWING PROPOSED ALTERATIONS (INCLUDING DEMOLITION AND NEW CONSTRUCTION) TO LISTED PROPERTIES AND NON-CONTRIBUTING PROPERTIES WITHIN HISTORIC DISTRICTS

- (A) No person shall demolish or make any alteration to any property within an Historic Overlay Zone, as defined in Section 150.10 (B), without first obtaining a COA.
- (B) Applications for COAs shall be submitted to the Commission, along with such plans, drawings, specifications, and other materials as may be needed by the Commission to make a determination. Such information shall include, but is not limited to, the following:
 - (1) The information required for a Zoning Certificate as set forth in Section 150.103.
 - (2) Eight (8) copies of each color photograph of the present façade of each exterior wall of the building which is proposed to be modified or of the existing landscaping, plantings, fence, or other visible exterior elements to be changed If such exterior changes are likely to alter the streetscape
 - (3) Eight (8) copies of sketches of proposed changes to each exterior wall or of the proposed additions or changes to landscaping, if such changes are likely to significant visible exterior elements, drawn to scale and being easily understandable, with said sketches to include structural changes, all windows and doorways, roof lines, signage, and all other related changes and additions.
 - (4) A description of proposed colors and materials to be used and related information fully describing the proposed modifications and additions.
 - (5) For applications involving demolition, eight (8) copies of sketches (drawn to scale) of the construction and other improvements proposed for the site following demolition.
- (C) Applications shall be filed with the City of Bowling Green Planning Department at least fifteen (15) days prior to the meeting of the Historic Preservation Commission, and a non-refundable fee as set by 35.70 of the Codified Ordinances shall be paid to the City with each application. as set by 35.70 of the Codified Ordinances shall be paid to the City with each application.

- (D) The Commission shall make a determination on an application for a COA within 60 days of the filing of the action unless the Commission approves an extension of time. The commission may also table the application for additional information, lack of information, or clarification until the next scheduled meeting or for a specific period of time, thus extending the 60-day requirement by that length of time. If the Commission fails to render a decision within the specified time period (whether 60 days or an extended time frame due to tabling), the application for a COA shall be deemed approved, unless the Commission receives a written request from the applicant to extend the time.
- (E) In making a determination, the Commission shall use the standards, rules and expectations set forth in this Chapter as well as the *Standards* and any other guidelines or regulations proposed by the Commission and approved by City Council.
- (F) If the proposed construction, reconstruction, alteration, or demolition is determined to have no adverse effect on the Listed Property or Historic District and does not violate the spirit and purpose of this preservation code, then the Planning Department shall issue a COA. If the Commission finds that such proposed construction, reconstruction, alteration, demolition, or change in design, texture, material, or exterior architectural feature will have an adverse effect on the Listed Property or Historic District and does violate the spirit and purpose of this preservation code, then the Commission shall deny issuance of the COA. If the Commission determines that a COA should not be issued, it shall forthwith state in its records reasons for such determination. The Planning Department shall notify the applicant of such determination and transmit to the applicant a certified copy of the reasons for denial and the recommendations, if any, of the Commission.
- (G) The COA shall be valid for a period of one (1) year from the date of approval by the Commission. If the improvements have been started within one (1) year from the date of the issuance of the COA, the COA shall be in effect for a total of two (2) years from the date of issuance. All such improvements must be completed prior to the expiration of a COA. If the COA expires, a new COA shall be required for these improvements.
- (H) If an application for a COA seeks approval of demolition, the Commission may delay determination of the application for a period of 90 days upon a finding that the Listed Property is of such importance that alternatives to demolition may be feasible and should be actively pursued by both the applicant and the City. In the event that action on an application is delayed as provided herein, the commission may take such steps as it deems necessary to preserve the Listed Property 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; developing marketing plans; and making recommendations for acquisition of the property by public or private bodies or agencies.

158.09 MINIMUM MAINTENANCE REQUIREMENT

No owner of any property, within a designated Historic Overlay Zone, shall by willful action or benign neglect, fail to provide sufficient and reasonable care, maintenance, and upkeep to ensure such property's perpetuation and to prevent its destruction by deterioration. Owners who fail to provide reasonable care and maintenance shall be fined not more than \$500 and are subject to penalties provided in Section 158.11.

158.10 PREVENTION OF UNLAWFUL CHANGES

If any unlawful change is made to any property within a designated Historic Overlay District, the City may institute appropriate proceedings such as issuance of a work-stop order to prevent such unlawful change. Such remedy shall be in addition to the penalty provided in Section 158.11.

158.11 ENFORCEMENT PROVISIONS AND PENALTIES

- (A) If it is found that any of the provisions of this ordinance are being violated, the person, firm, or corporation 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 pursuant to the City's established procedures.
- (B) Whoever constructs, reconstructs, or alters any exterior feature or demolishes a substantial part or all of any property within a listed Historic District or to any Listed Property in such a way as to impact the streetscape or view corridor associated with that District without a COA may be deemed guilty of a misdemeanor and subject to a fine not more than five hundred dollars (\$500.00). 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. If the offender has previously been convicted of any violation of this Chapter, then any such subsequent violation within twenty-four months shall be a misdemeanor of the second degree.
- (C) The provisions above [(A) and (B)] shall be in addition to all other applicable provisions of the Wood County Building Code, Chapters 150 and 152 of this Code, and the Ohio Basic Building Code.
- (D) The Commission, on its own initiative, may file a petition with the Planning Department requesting that the City proceed to take action against any owner who, in the opinion of the majority of the Commission, is in violation of this Historic and Architectural Preservation Code.

158.12 APPEALS PROCEDURE FOR COAs

- (A) Decisions by the Historic Preservation Commission may be appealed to the Board of Zoning Appeals (BZA) within ten days of receipt of the Commission's decision. No permit or other permit required for the activity applied for shall be issued during the ten-day period or while an appeal is pending.

- (B) The Board of Zoning Appeals shall consider an appeal at a hearing, as provided for in Section 150.131, within sixty days of receipt and shall utilize the written findings of the Commission and testimony of the property owner in rendering a decision. A two-thirds vote of the Board of Zoning Appeals shall be required to overturn a decision of the Commission. An application, prepared in accordance with Board of Zoning Appeals procedures, is required, along with the fee as provided in Section 150.132.

158.13 EXCLUSIONS

- (A) Nothing in this Chapter shall prevent the ordinary maintenance or repair of any Listed Property within an Historic Overlay Zone if such work involves no change in design, texture, material, or exterior feature.
- (B) Nothing in this Chapter shall prevent any change, including the construction, reconstruction, alteration, or demolition of any property within an Historic Overlay Zone, which in the view of the City acting lawfully, is required for public safety because of an unsafe or dangerous condition.
- (C) Upon determination of the Safety Director, Fire Chief, Health Commissioner, or City Engineer and with the concurrence of the Planning Department, an emergency COA may be issued to demolish a structure where the public health and safety are in immediate danger if the demolition is not permitted.

158.14 CITY DEPARTMENTAL SUPPORT

- (A) The City must consider its Capital Improvements Program, land purchases, and other plans in or proximate to city Listed properties, with respect to the purpose and requirements of Chapter 158 and will, whenever feasible, support them and conform thereto.
- (B) The City Administration, via the Planning Department, must notify the Historic Preservation Commission in a timely manner whenever any City Department becomes aware of significant activity likely to require Planning Department or Planning Commission review and which is within a designated Historic Overlay Zone.

158.15 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.

APPENDIX

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR PRESERVATION

Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

Rehabilitation is defined as 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.

Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR RESTORATION

Restoration is defined as 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 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.

Standards for Restoration

1. A property will be used as it was historically or be given a new use that interprets the property and its restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
4. Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR RECONSTRUCTION

Reconstruction is defined as 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.

Standards for Reconstruction

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

PROPOSED MODIFICATIONS TO EXISTING CODIFIED ORDINANCES

§ 30.86 DUTIES.

The Planning Director shall perform the following duties:

(G) *Act as advisor.* Act as technical advisor to the Planning Commission, ~~and~~ Zoning Board of Appeals, **and Historic Preservation Commission** in matters pertaining to **historic preservation**, housing, platting, planning, and zoning.

(H) *Attend meetings.* Attend all meetings of the Planning Commission, ~~and~~ Zoning Board of Appeals, **and the Historic Preservation Commission.**

§ 30.95 CREATION.

The administrative service of the City shall include the commissions hereby created: Civil Service, **Historic Preservation**, Housing, Human Relations, Planning, Records, Sidewalks, Trees, Traffic, Litter Control, Cable Television; the boards hereby created: Income Tax Board of Review, Parks and Recreation Board, Taxicab License Board, and Zoning Board of Appeals; and other commissions and boards as Council may deem necessary.

§ 30.101 HISTORIC PRESERVATION COMMISSION.

(A) Establishment and purpose. The Historic Preservation Commission is established to preserve, promote, encourage and support the maintenance, use and reuse of historic buildings in the City. The purpose of the Commission is to foster civic beauty, stabilize and increase property values, strengthen the local economy, maintain and enhance the distinctive character, safeguard the City's heritage, and facilitate reinvestment and revitalization through historic preservation.

~~(B) Powers and duties. The Commission has the authority to assist with historic preservation efforts through building inventories, public education, tourism and establishing community partnerships. The Commission shall have the authority to nominate landmarks for Historic Landmark designation, as determined by the process through the National Park System. The Commission shall also have the authority to identify, review, and nominate historic places and districts in order to preserve the city's architectural and cultural history, according to utilizing the following criteria:~~

- ~~_____ (1) Its character, interest or value as part of the heritage or cultural characteristics of the city, state or nation;~~
- ~~_____ (2) Its location as a site of a significant historic event;~~
- ~~_____ (3) Its identification with a person significant in the past;~~

- ~~(4) Its exemplification of the cultural, economic or social heritage of the city, state or nation;~~
- ~~(5) Its portrayal of a group of people in an era of history, characterized by a distinctive architectural style;~~
- ~~(6) Its embodiment of distinguishing characteristics of a building type or architectural style;~~
- ~~(7) Its embodiment of elements of architectural design, detail, materials or craftsmanship, which represent a significant architectural innovation;~~
- ~~(8) Its identification as the work of an architect or master building whose work has influenced the city, state or nation; and/or~~
- ~~(9) Its potential to yield information important in prehistory or history (archaeology).~~

~~(C)~~ **(B) Composition and appointment.** The Commission shall consist of five members appointed by the Mayor subject to confirmation by a majority of the members of Council and shall have all the powers and duties provided in the charter, the state statutes, and the planning and zoning-related codes. Members must be residents of the City, with **at least two members residing east of Main Street, at least two members residing west of Main Street**, and one member who owns a downtown building or a downtown business. Members whom have demonstrated a special interest, experience, knowledge and/or profession in preservation-related topics such as architecture, architectural history, history, archaeology, engineering, urban planning, legal services, building trades or related disciplines shall be preferred, and every effort will be made to assure that the Commission will always have at least two members with such interest, experience, knowledge or profession. Members’ terms shall be four years. The initial terms shall be established so the terms overlap: two members’ terms shall terminate in two years; two members’ terms in three years; and one member’s term in four years.

~~(D)~~ **(C) Organization.** The Commission shall elect its own chairperson, secretary, and such other officers as it deems advisable. The Commission shall have full power to organize itself and to determine its own rules, regulations, bylaws and meeting schedule. The Commission shall not meet less than four times per year.

§ 32.01 DEFINITIONS. MUNICIPAL BODY.

- (1) Each of the following:
 - (o) Cable Television Commission; **and**
 - (p) Historic Preservation Commission.**

§ 35.70 CITY FEES AND FEES CHARGED FOR SERVICES.

ADD TO FEE TABLE:

<i>Item</i>	<i>Description</i>	<i>Current Rate</i>	<i>Code Section</i>
Certificate of Appropriateness	Alterations of property in an Historic Overlay Zone	\$25.00	158.08

§ 38.02 CIVIL FINES FOR SUBSEQUENT OFFENSES ARE CLASS D.

(D) *Class D Civil Offenses.* A person who violates a standard of conduct set forth in a section or Chapter of the Bowling Green Codified Ordinances listed below is liable for the civil fine specified in § 38.99 for a Class D Civil Offense. If the provision is listed below, the otherwise applicable civil fine is reduced by 75% if the person charged shows in accordance with § 38.04 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Bowling Green Codified Ordinances within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in § 38.99 for the offense provided below, which fine is not subject to reduction for correction of the violation.

93.01 Violation of any section of the Fire Code

Chapter 150 Violation of any section of the Zoning Code

Chapter 152 Violation of any section of the Building Code except § 152.20

Chapter 154 Health regulations

Chapter 158 Violation of any section of the Historic and Architectural Preservation Code

§ 150.01 INTENT.

For the purpose of promoting the public health, safety, morals, comfort, and general welfare; conserving the values of property; facilitating the provision of public utilities, schools, and other public requirements; and lessening or avoiding congestion on public streets and highways; **and promoting the preservation of historic resources**, it is provided as follows.

§ 150.04 COMPLIANCE WITH REGULATIONS.

The regulations set forth by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

(G) No building, site, or structure which is within a designated Historic Overlay Zone, as defined in 158.03 (N), shall be erected or altered until a Certificate of Appropriateness has been granted by the Historic Preservation Commission.

§ 150.10 DISTRICTS.

(A) The incorporated area of the City shall be divided into districts as follows.

- ~~(A)~~ **(1)** R-1 Single-Family Residential.
- ~~(B)~~ **(2)** R-2 Single-Family Residential.
- ~~(C)~~ **(3)** R-3 Multiple-Family Residential, moderate density.
- ~~(D)~~ **(4)** R-4 Multiple-Family Residential, high density.
- ~~(E)~~ **(5)** R-5 University Related Residential.

- ~~(F)~~ **(6)** B-1 Limited Commercial.
- ~~(G)~~ **(7)** B-2 General Commercial.
- ~~(H)~~ **(8)** B-3 Central Business.
- ~~(I)~~ **(9)** B-4 Office District.
- ~~(J)~~ **(10)** B-5 Transitional Central Business District.
- ~~(K)~~ **(11)** R-C Recreational-Conservation.
- ~~(L)~~ **(12)** A-1 Agricultural.
- ~~(M)~~ **(13)** I-1 Institutional.
- ~~(N)~~ **(14)** M-1 Light Industrial.
- ~~(O)~~ **(15)** M-2 General Industrial.
- ~~(P)~~ **(16)** M-3 Business Park.
- ~~(Q)~~ **(17)** S-1 Planned Residential – General.
- ~~(R)~~ **(18)** S-2 Planned Commercial.
- ~~(S)~~ **(19)** S-3 Planned Institutional.
- ~~(T)~~ **(20)** S-4 Planned Business Park.
- ~~(U)~~ **(21)** S-5 Planned Residential – Limited.

(B) The Historic Overlay Zoning may from time to time be designated or expanded in accordance with Chapters 150.111 of this code and Chapter 158.

1. *Effect of Designation.* The Historic Overlay Zoning shall be applied to individually Listed Properties and/or Listed Historic Districts. Once local historic designation is approved by City Council, the Planning Director must cause the historic designation to be shown on the official Zoning Map as an Historic Overlay Zone, without changing the base zoning district or districts. Whenever there is a conflict between regulations applicable in a base zoning district and the regulations of the historic designation, the more restrictive will apply.

2. *Certificates of Appropriateness (COA).* No contractor, owner, or agent of the owner may make any alterations as defined in Chapter 158.03 (A) to any Listed Property or District unless a valid written COA has been issued by the Historic Preservation Commission. The COA procedures are listed in Chapter 158.07.

3. *Standards for the Treatment of Historic Properties (the Standards).* The U.S. Secretary of the Interior’s *Standards for the Treatment of Historic Properties* have been adopted pursuant to Chapter 158.07 (B). Compliance with these standards is required for all Listed Properties.

4. *Decisions.* Decisions reached by the Historic Preservation Commission will be based on the Commission’s interpretation of the *Standards*, the testimony of the applicant and other interested parties.

§ 150.103 APPLICATION AND ISSUANCE OF ZONING CERTIFICATE.

(F) If applicable, no zoning certificate shall be issued unless a Certificate of Appropriateness (COA) is duly issued, under the provisions of Chapter 158 Historic and Architectural Preservation Code, by the Historic Preservation Commission and accompanies the application for a zoning certificate.

§ 150.132 POWERS OF THE BOARD.

(E) Appeals to the Board.

1) An appeal to the Board may be taken by any party in interest or by the City Attorney in matters of interpretation, ~~or~~ administration of this chapter, **or of the decisions of the Historic Preservation Commission, under Chapter 158.**

§ 152.20 NUISANCE CONDITIONS PROHIBITED.

(H) (1) Allow any building or structure to become so dilapidated as to materially interfere with the peaceful enjoyment of adjacent property owners or endanger public health or safety; or

(2) The Safety Director or his or her designee, at his or her discretion, may deem a building or structure an endangerment of public health or safety. If a building or structure is so deemed, the Safety Director may cause the public health or safety concern to be mitigated at the owner's expense, the cost which shall be paid to the Finance Director. If said expense is not paid within 30 days of notice, the Finance Director may certify the amount to the County Auditor and request that the charge be added to the tax duplicate associated with the property.

(3) Properties within a historic district shall adhere to regulations set forth by 158.13 (C).

§ 152.27 PERMIT REQUIRED.

No person shall demolish a building or other structure without obtaining a permit from the Public Works Director. **When a building or other structure to be demolished is within a designated Historic Overlay Zone, the Public Works Director shall issue a permit for demolition only after a Certificate of Appropriateness has been granted by the Historic Preservation Commission under the provisions of Section 158.08 or under the provisions of Section 158.13(C).**