

CHAPTER 155
Design and Review Board

155.01 Purpose.	155.07 Designation of Landmarks and Landmark Districts.
155.02 Definitions.	155.08 Record of Landmarks.
155.03 Establishment and organization.	155.09 Changes not prohibited.
155.04 Meetings and procedure.	155.10 Appeals of the Design Review Board's decision.
155.05 Powers and duties.	155.11 Penalty.
155.06 Certificate of Appropriateness.	

155.01 PURPOSE.

- (a) The purpose of this Chapter is to provide a means for the designation and protection of Landmarks and Landmark Districts in the City of Wooster (hereinafter referred to in this Chapter as the "City") pursuant to the procedures hereinafter described, in order to preserve, protect, and perpetuate places, buildings, structures, works of art, and other objects having a special historical, community, or aesthetic interest or value, all for the reasons described below:
- (1) To safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political, archeological, or architectural history;
 - (2) To stabilize and improve property values;
 - (3) To enhance the visual and aesthetic character, diversity and interest of the City;
 - (4) To foster civic pride in the beauty and notable accomplishments of the past;
 - (5) To promote the use and preservation of historic and archeological sites and structures for the education and general welfare of the people of the City; and
 - (6) To take necessary measures to safeguard the property rights of the owners whose property is declared to be a "Landmark" or is located in an area designated as a "Landmark District".
- (b) The requirements of this Chapter shall be met in addition to the established requirements and standards of the other applicable ordinances of the City; and
- (c) Where conflicts exist between requirements of this Chapter and other ordinances adopted by Council, the strictest interpretation shall apply and thereby supersede the less strict requirement.

155.02 DEFINITIONS.

For the purpose of this Chapter, the following terms shall have the meaning herein indicated:

- (a) Alteration. Any exterior design, material, or color modification to features of a structure or site element.
- (b) Building change. Any alteration, demolition, or construction (as those terms are defined herein) to a building or structure.
- (c) Certificate of Appropriateness. A certificate issued by the Design and Review Board pursuant to the applicable provisions of this Chapter authorizing an exterior building or site change involving any structure or site element designated as Landmark or located within a Landmark District.
- (d) Construction. The erection of a new structure, a new site element or an addition to existing structure.
- (e) Demolition. The complete or partial removal or destruction of any structure or site element.
- (f) Site element change. Any alteration, demolition, or construction (as those terms are defined herein) to a site element.
- (g) Landmark. Any building, site element, structure, or property designated as a "Landmark" by ordinance of the City Council, according to the criteria and pursuant to the procedures prescribed in Section 155.07.
- (h) Landmark District. An area designated as a "Landmark District" by ordinance of the City Council, according to the criteria and pursuant to the procedures prescribed in Section 155.07.
- (i) Rehabilitation. The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.
- (j) Repair. The ordinary maintenance to correct any deterioration, decay or damage to all, or a portion of, a structure or site element which restores the element to its original state as nearly as practicable.
- (k) Removal. The deletion of a feature located upon or composing a structure or site element.
- (l) Site element. Significant objects or features, excluding structures, located on a property including, but not limited to, walkways, signage, railings and independent lighting features.
- (m) Structure. Anything constructed or erected that requires a fixed location on the ground or attachment to something having a fixed location on the ground including, but not limited to, buildings, sheds, gazebos, walls, fences, patios, platforms, or driveways.

155.03 ESTABLISHMENT AND ORGANIZATION.

- (a) There is hereby established the Wooster Design and Review Board (hereinafter referred to in this Chapter as the "Board"). The Board shall consist of seven (7) members appointed by the Mayor in accordance with the provisions of the Charter. Such members shall serve without compensation and shall not otherwise be employed by or appointed to any other Wooster municipal office.

- (b) Members of the Board shall all demonstrate special interest, experience or knowledge in history, architecture or related disciplines. Membership of the Board should include:
 - (1) Three (3) members owning or possessing an interest in property coming under the jurisdiction of the Board;
 - (2) Two (2) members representing the disciplines of ; architecture, architectural history, history, archeology, planning, or related disciplines; and
 - (3) Two (2) other members selected at the discretion of the Mayor.
- (c) Board Terms. A term of appointment to the Board shall be for three (3) years. Initially, three (3) members shall be appointed for a full term; two (2) members shall be appointed for two (2) years; and two (2) members shall be appointed for one (1) year. Thereafter, appointments shall be for a full term, and vacancies will be filled for the remainder of an unexpired term. In accordance with Section 4.06 of the Charter, no member shall serve for more than twelve (12) consecutive years.

155.04 MEETINGS AND PROCEDURES.

- (a) Meetings shall be held once each month, unless the Mayor or designee informs the Chairperson that there are no pending applications for that month. The Board shall meet a minimum of four (4) times each calendar year.
- (b) Four (4) members shall constitute a quorum for conducting business. Any action of the Board shall require the concurrence of a majority of the membership.
- (c) The Board shall meet in January each year for the selection of a Chairperson and Vice Chairperson and for setting a regular monthly meeting date for that year. Vacancies shall be filled within sixty (60) days, unless extenuating circumstances require a longer period.
- (d) All meetings shall be open to the public and a schedule of regular meeting dates, times and locations shall be available to the public prior to the meeting date. Meeting agendas shall be made available to the public prior to such meeting.
- (e) If a Board member has a conflict of interest regarding an application under consideration by the Board, the member shall step down while the issue is being heard, considered and voted upon.
- (f) The Board shall have the ability to establish its own rules of procedure that shall be made available to the public
- (g) A written annual report of all activists, cases, decisions, special projects and qualifications of Board members shall be kept on file and made available to the public.

155.05 POWERS AND DUTIES.

The Design and Review Board shall have the following powers and duties:

- (a) The Board shall consider and take action on applications for Certificates of Appropriateness in conformance with the provisions of this Chapter.
- (b) The Board shall propose and make recommendations for the designation of Landmarks and areas to be designated as Landmark Districts in conformance with the provisions of this Chapter.

- (c) The Board shall review, and provide a recommendation for, final development plan applications for exterior building alterations or renovations, building additions, or new construction in the C-4 District in accordance with Section 1141.11 and sign permits in the C-4 District in accordance with Section 1171.04(a) and Section 1171.07.
- (d) The Board shall conduct a continuing survey of all areas, places, buildings, structures, works of art or similar objects in the City which the Board, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as Landmarks or Landmark Districts.
- (e) The Board shall work for the continuing education of the residents of the City with respect to the historic and architectural heritage of the City and the Landmarks and Landmark Districts designated under the provisions of this Chapter. It shall keep current and public a register of Landmarks and Landmark Districts.
- (f) The Board shall have authority to establish rules and regulations consistent with the provisions of this Chapter and the spirit of its purpose to assist the Board in evaluating applications for Landmark designations submitted to it, the manner in which such applications are processed, and the proper and orderly conduct of its business.
- (g) The Board shall act as a liaison on behalf of the City to individuals and organizations concerned with historic preservation. The Board shall also act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources.
- (h) The Board may seek professional expertise when considering a National Register nomination and other actions which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Board.
- (i) Board members are encouraged to attend training, educational sessions or in-depth consultation with the Ohio Historic Preservation Office (hereinafter referred to as the "OHPO") once a year.
- (j) Additional responsibilities may be undertaken by the Board upon mutual written agreement between the OHPO and the City.

155.06 CERTIFICATE OF APPROPRIATENESS.

- (a) Certificate of Appropriateness Required.
 - (1) No construction, reconstruction, demolition, relocation, or other exterior alteration to any structure or site element designated as, or upon, a Landmark or located within a Landmark District shall occur until a Certificate of Appropriateness has been applied for, and issued by, the Design and Review Board in accordance with this Chapter.
 - (2) No Certificate of Zoning Compliance, Zoning Permit and/or other appropriate permits shall be issued by the Planning and Zoning Division for any construction, reconstruction, demolition, relocation, or other exterior alteration to a structure or site element designated as, or upon, a Landmark or located within a Landmark District unless a Certificate of Appropriateness has been issued.

- (b) Certificate of Appropriateness Procedure for Design Review.
- (1) Applications for a Certificate of Appropriateness shall be filed with the Planning and Zoning Division no less than seven (7) days prior to the meeting of the Board.
 - (2) Application Contents. An application for a Certificate of Appropriateness shall contain the following, as applicable:
 - A. A completed application to the Design and Review Board, as prepared by the Planning and Zoning Division.
 - B. A complete detailed description of the proposed alteration, construction, demolition, removal, or other external change to structures or site elements.
 - C. A plot plan, legibly drawn and to scale, indicating all existing and proposed structures, drives, walks, signs, and other significant features.
 - D. A description or sample of materials to be used in the proposed project.
 - E. Sketches, photographs and other illustrative material relevant to the proposed project.
 - F. Applications for the demolition of a structure shall also include:
 - i. Photographic documentation of the structure, inside and out, showing existing conditions.
 - ii. A written evaluation of the structure's current condition and the cause of such structures state of disrepair, as applicable.
 - iii. A written statement outlining the reasons for demolition, alternatives to demolition that have been considered and the demolition's conformance with Section 155.06(b)(4).
 - iv. Architectural plans for proposed new construction on the site or reconstruction of the structure, as applicable.
 - G. Any additional information as is deemed necessary to review the application by the Planning and Zoning Division or the Board.
 - (3) The application shall be heard at a Board meeting per Section 155.05. The applicant, or his representative or agent, is encouraged to be present at the meeting at which action on the request is to occur.
 - (4) When reviewing a Certificate of Appropriateness application, the Board shall consider if such application is:
 - A. Appropriate to the preservation of the environmental, architectural or historic character of the structure and property pursuant to the design criteria found in Section 156.06(c).
 - B. Consistent with the spirit and purposes of this Chapter and the "Standards for Rehabilitation" adopted by the U.S. Secretary of the Interior, as found in Title 36 of the Code of Federal Regulations, Part 1208.
 - C. In concert with the Archaeological Guidelines as prepared by the OHPO.

- D. In accordance with the following considerations regarding applications for the demolition of a structure:
 - i. The demolition of the structure will not be detrimental to the character of the area and City and will be an improvement to existing conditions.
 - ii. The applicant has adequately documented the existing structure for the purpose of historical records.
- (5) Following its review, the Design and Review Committee shall either:
 - A. Approve the Certificate of Appropriateness as submitted;
 - B. Approve the Certificate of Appropriateness subject to specific conditions; or
 - C. Deny the Certificate of Appropriateness.
- (6) If no action is taken within sixty (60) days from the date of application, the Certificate of Appropriateness shall be issued as a matter of law. This provision shall not apply if the application is tabled due to lack of information provided by the applicant, or due to the applicant requesting that the application remain tabled.
- (7) A Certificate of Appropriateness shall be conditional upon the commencement of work within one (1) year of issuance. If work has not commenced within one (1) year of issuance or work has not been more than fifty (50) percent completed within one and one-half (1½) years of issuance, the certificate shall expire and be revoked.
- (c) Design Criteria. The following design criteria shall apply to all buildings, site elements, structures and property designated as Landmarks or within a Landmark District:
 - (1) All construction, reconstruction, exterior alteration, demolition, or other exterior structure or site element change shall preserve the character, historical significance, and architectural style of the existing buildings, site elements, structures and property. Such changes shall be visually compatible with the subject structure, property and area, and a false sense of history shall not be created.
 - (2) Materials. Traditional building materials such as wood, brick, metal, or stone shall be used for construction, reconstruction, exterior alteration, or other exterior structure or site element change. Modern man-made materials may be utilized at the discretion of the Board if the proposed project keeps in character with the existing building, site, area structures, and “Wooster’s Historic Properties and Districts Design Guidelines”.
 - (3) Building Massing. For new construction and additions, the structure’s width, height, surrounding setbacks and style shall be considered in relationship to adjacent structures. This relationship between structures shall allow for consistency of style, size and density in each given neighborhood area.
 - (4) Enhancement of Pedestrian Environment. Where possible, elements which can contribute to the quality of the pedestrian environment and other public amenities should be promoted. Included among these may be benches, water features, seating areas, arcades, awnings or canopies.

- (5) Signage. Signage shall be proportionally scaled and appropriately designed to coalesce with the subject building, site and area.
- (d) Wooster's Historic Properties and Districts Design Guidelines. Wooster's Historic Properties and Districts Design Guidelines shall serve as a guide for the review of a Certificate of Appropriateness application. The guidelines shall facilitate the Board in their review process in concert with the aforementioned design criteria.

155.07 DESIGNATION OF LANDMARKS AND LANDMARK DISTRICTS.

- (a) Nomination. Any area, property, structure, landscape, site element or object in the City may be nominated for Landmark or Landmark District designation by any of the following:
 - (1) One (1) or more Board Members;
 - (2) The Owner of the applicable property;
 - (3) The City Council;
 - (4) The City Administrator; or
 - (5) An organization or individual with a stated interest.
- (b) Consideration. In determining whether or not a nomination should be designated a Landmark or Landmark District, the Board and City Council shall consider the following criteria:
 - (1) Its character, interest or value as part of the development, heritage, archeological, or cultural characteristics of the City of Wooster, State of Ohio, or the United States.
 - (2) Its location as a site of a significant historic event.
 - (3) Its identification with a person or persons who significantly contributed to the culture and development of the City.
 - (4) Its exemplification of the cultural, economic, social or historic heritage of the City.
 - (5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
 - (6) Its embodiment of a distinguishing characteristic of an architectural type or specimen.
 - (7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City.
 - (8) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.
 - (9) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural or architectural motif.
 - (10) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City.
 - (11) Such other individual characteristics as shall be relevant to its designation as a Landmark or Landmark District.

- (c) Public Hearing, Notification and Recommendation by the Design and Review Board.
- (1) Public Hearing. Upon receipt of a Landmark or Landmark District nomination, the Board shall set a public hearing date for reviewing the proposed nomination.
 - (2) Notification.
 - A. Written notice shall be mailed to the owners of properties at the nominated Landmarks or within the nominated Landmark District at least ten (10) calendar days prior to the public hearing.
 - B. Notice of the public hearing shall be given in one (1) or more newspapers of general circulation in the City at least ten (10) calendar days before the date of such public hearing.
 - C. Notices shall specify the nature of the public hearing and the date, time and place of such meeting.
 - (3) Recommendation. At the conclusion of the public hearing, the Board shall make a recommendation to Council to approve the nomination, approve the nomination with modifications or deny the nomination. A majority of the Board voting in the affirmative of the recommendation shall be required for its passage.
- (d) Public Hearing, Notification and Recommendation by City Council.
- (1) Public Hearing. Upon receipt of the recommendation for a Landmark or Landmark District nomination from the Board, City Council shall set a public hearing date for reviewing the proposed nomination.
 - (2) Notification.
 - A. Written notice shall be mailed to the owners of properties at the nominated Landmarks or within the nominated Landmark District at least ten (10) calendar days prior to the public hearing.
 - B. Notice of the public hearing shall be given in one (1) or more newspapers of general circulation in the City at least ten (10) calendar days before the date of such public hearing.
 - C. Notices shall specify the nature of the public hearing and the date, time and place of such meeting.
 - (3) Action by City Council. At the conclusion of the public hearing, Council shall take action on the proposed nomination.
 - A. Council's action shall adopt the recommendation of the Board, deny the recommendation of the Board or adopt some modification thereof.
 - B. A majority vote of the membership of Council shall be necessary for the adoption of Landmark or Landmark District.

- C. If the recommendation for a nominated Landmark or Landmark District is not adopted by Council within one hundred twenty (120) days after the most recent recommendation from the Board, such proposed recommendation shall be deemed to have been defeated and denied.

155.08 RECORD OF LANDMARKS.

- (a) The Design and Review Board shall maintain in the office of the Clerk of City Council a register of all properties designated as Landmarks or Landmark Districts. Such designations shall also be made a part of the records of the City's Planning and Zoning Division.
- (b) The City shall initiate and maintain a process approved by the OHPO for the survey and inventory of cultural resources which shall be:
 - (1) Recorded on Ohio Historic Inventory, Ohio Archaeological inventory forms.
 - (2) Updated periodically to reflect changes, alterations, and demolitions.
 - (3) Made available to the public and the OHPO and stored on record of the City's Planning and Zoning Division.
- (c) The Board may place or cause to be placed on such Landmark or Landmark District properties a plaque or other designation that such property or part thereof has been designated a Landmark or Landmark District in the City.

155.09 CHANGES NOT PROHIBITED.

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any property which has been designated a Landmark or which is situated in a designated Landmark District, and which does not involve a change in design, material, or outer appearance thereof; nor to prevent any environmental or building change that the Building Standards or Fire Divisions shall certify in writing is required by the public safety because of an unsafe or dangerous condition.

155.10 APPEALS OF THE DESIGN REVIEW BOARD'S DECISION.

Any person aggrieved by any action or decision of the Board under this Code may appeal any such action or decision to the Court of Common Pleas under Ohio R.C. Ch. 2506.

155.11 PENALTY.

- (a) Whoever violates the provisions of this Chapter shall be guilty of a minor misdemeanor. Each and every day in which such violation continues shall be deemed a separate offense.
- (b) Any criminal remedy for a violation of this Chapter is in addition to any other remedies available to the City under the Codified Ordinances or any other law or regulation, including injunctive relief to stop work or return a structure to its original appearance.