

CHAPTER 1103

Preservation of Landmarks

***EDITOR'S NOTE:** Ordinance 87-227, passed August 17, 1987, adopted procedures for the designation of individual landmarks and historic districts. Copies of this ordinance and of such procedures may be obtained, at cost, from the Clerk of Council.*

This chapter was repealed in its entirety and re-enacted by Ordinance 98-176, passed August 3, 1998.

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CROSS REFERENCES

Ohio Historical Society - see Ohio R.C. 149.30, 149.31

State registry of archaeological landmarks - see Ohio R.C. 149.51

State registry of historic landmarks - see Ohio R.C. 149.55

Monuments - see P. & Z. [1114.10](#)

1103.01 PURPOSES.

The purposes of this chapter are to:

- A. Safeguard the heritage of the City by preserving sites, structures and areas which reflect the City's cultural, archaeological, social or architectural heritage;
- B. Maintain and enhance the distinctive character of historic areas and certain historic properties;
- C. Safeguard the architectural integrity of listed properties and various period structures within designated areas;

- D. Prevent intrusions and alterations within designated areas and to listed properties that would be incompatible with the established character;
- E. Afford the widest possible scope of continuing vitality through private renewal and architectural creativity within appropriate controls and standards;
- F. Encourage development of vacant and incompatibly developed properties in accordance with the character of the designated areas and listed properties;
- G. Stabilize and improve property values in the area;
- H. Protect and enhance the City's attraction to prospective residents, tourists and visitors and to provide support and stimulus to business and industry;
- I. Strengthen the economy of the City;
- J. Foster civic pride in the beauty and notable accomplishments of the past; and
- K. Act as a liaison on behalf of the City to individuals and organizations concerned with historic preservation.

(Ord. 98-176. Passed 8-3-98.)

1103.02 DEFINITIONS.

As used in this chapter:

- A. "Alter" or "alteration" means any material change in external architectural features of any property, including, but not limited to, construction and reconstruction, which property lies within an Historic Preservation District or has been listed pursuant to this chapter, but does not include demolition.
- B. "Certificate of approval" means approval given by the Commission for the issuance of a building permit(s) for alteration or demolition of structures, listed properties or structures or properties contained in a designated Landmark Preservation District.
- C. "Commission" means the Elyria Landmarks Preservation Commission.
- D. "Demolish" or "demolition" means the razing or removal, in whole or in part, of any structure.
- E. "External architectural feature" means the architectural treatment, in general arrangement, of such portion of the exterior of a structure as is designed to be exposed to public view, including, but not limited to, the kind and texture of the building material and the types of all windows, lights, signs and other fixtures appurtenant to such portion.
- F. "Landmark Preservation District" means any area established by Council for the purpose of maintaining and fostering a distinctive historical, architectural, cultural or environmental character.
- G. "Listed property" means any property which has special historical, aesthetic or architectural character, as part of the heritage, development or cultural characteristics of the City, State or United States, and which has been designated as a listed property pursuant to this chapter.
- H. "Structure" means any building, facade or fence, and shall be construed as if followed by the words "or part thereof".
- I. "Ohio Historical Inventory" means an accurate, continuing record of the architectural and historic

properties of the State.

(Ord. 98-176. Passed 8-3-98; Ord. 2007-55. Passed 5-21-07.)

1103.03 ESTABLISHMENT AND MEMBERSHIP OF ELYRIA LANDMARKS PRESERVATION COMMISSION.

A. There is hereby established the Elyria Landmarks Preservation Commission, to consist of seven (7) members who shall be qualified electors of the City, shall not hold any elected public office and shall not be employed by the local, State or Federal government.

B. The Commission members shall be appointed by the Mayor. Members shall serve for terms of three (3) years, except that one (1) original appointee shall serve for one (1) year and two (2) original appointees shall serve for two (2) years.

C. In addition to these seven (7) members, the following shall serve as ex-officio members of the Landmarks Preservation Commission: the Community Development Director, the Building Inspector, the City Architect, a member of the Planning Commission (chosen by the Planning Commission) and others as determined by the Landmarks Preservation Commission.

D. The Mayor shall fill any vacancy by appointment for the remainder of the unexpired term. Such vacancy should be filled within sixty (60) days after resignation.

E. All members appointed to the Commission shall have a demonstrated special interest, experience or knowledge in history, architecture or related disciplines. At least two (2) of the members should be a preservation related professional, such as an architect, archaeologist, landscape architect historian or planner or of a related field.

F. Upon appointment, the Commission shall convene and select a Chairperson and a Vice-Chairperson. The Commission Secretary may be an employee of the City. The Commission shall then work to draft operating procedures and/or by-laws which shall include, in part, the procedure for designation of listed properties and Landmark Preservation Districts. Such designation procedures shall be modeled after guidelines developed by the U.S. Department of the Interior relating to historic preservation.

G. The Commission shall establish its own schedule of meeting times and places, but in any event shall meet at least four (4) times a year.

H. All Commission meetings shall comply with Federal and State laws dealing with public meetings and meeting notices.

I. Commission members shall be subject to the provisions of the City Charter and these Codified Ordinances regarding conflict of interest and ethics. In addition, Commission members shall be subject to related provisions of the Ohio Revised Code.

J. The Commission, designated City staff or others shall prepare a written report at least once a year, for submission to the Mayor and Council, that summarizes Commission activities, cases, special projects and recommendations. Such report shall be available for public inspection.

K. All Commission documents and materials will be available for public inspection and shall comply with the provisions of Federal, State, and local freedom of information laws and policies.

L. All Commission members shall attend one training session per calendar year. The Commission

may conduct this training or individual members may select other training to attend. Basic Commission training shall be conducted and attended by all members within the first year in which the Commission is granted Certified Local Government (CLG) status.

(Ord. 98-176. Passed 8-3-98; Ord. 2006-165. Passed 12-4-06; Ord. 2007-54. Passed 5-21-07.)

1103.04 RESPONSIBILITIES OF COMMISSION.

The Elyria Landmarks Preservation Commission shall have the following responsibilities:

- A. To study the problems and determine the needs of the City in restoring and preserving historic landmarks, areas and neighborhoods;
- B. To work for the continuing education of the residents with respect to the architectural and historic heritage of the City;
- C. To employ technical experts as required to perform the Commission's duties as City finances and staff permit;
- D. To accept grants, gifts and bequests, to recommend that the City make application for grants and funds from governmental and private entities and to receive the same on behalf of the City;
- E. To review and act on all applications for certificates of approval as required and to establish rules and procedures for this action;
- F. To keep a register of listed properties and designated Landmark Preservation Districts and to provide the City Engineer and the Building Department with a current copy. Said register shall be maintained at Elyria City Hall and available to the public for review. The Ohio Historic Inventory Form shall be used to value properties for determination as a listed or contributing property;
- G. To recommend to Council legislation for designation of individual properties and historic districts that would serve to beautify, protect, preserve, restore and develop the City or that would involve revisions to this chapter;
- H. To work with developers, builders, and building owners to make them aware of this chapter and secure their cooperation with its provisions;
- I. To prepare design guidelines for renovations to existing historic buildings and to non-historic buildings within designated Districts and for new construction within designated Districts;
- J. To review all proposals for National Register nominations;
- K. To work to erect historic markers to denote landmark buildings and areas in the City;
- L. To initiate and conduct an ongoing process for the survey of cultural resources within the City in accordance with the standards and guidelines established by the Ohio Historic Preservation Office;
- M. To act as an advisor to public officials and private individuals regarding the protection of local cultural resources; and
- N. To do such other acts that are necessary and proper to perform those duties with which it is charged under this chapter.

(Ord. 98-176. Passed 8-3-98; Ord. 2006-165. Passed 12-4-06; Ord. 2007-54. Passed 5-21-07; Ord.

2008-40. Passed 4-21-08.)

1103.05 CRITERIA FOR DESIGNATION OF LANDMARKS AND DISTRICTS.

The Elyria Landmarks Preservation Commission shall prepare detailed criteria and procedures for designation of individual landmarks and historic districts. Such criteria shall be modeled after guidelines developed by the U.S. Department of the Interior relating to historic preservation. The criteria, when authorized by Council, shall govern the designation of landmarks and historic districts in the City.

(Ord. 98-176. Passed 8-3-98.)

1103.06 CERTIFICATES OF APPROVAL REQUIRED; EMERGENCIES.

No person owning, renting or occupying a property which is designated as a listed property or which is part of or within a Landmark Preservation District shall make any alteration or perform any demolition without first obtaining a certificate of approval therefor from the Elyria Landmarks Preservation Commission. This section shall not prevent the City from acting to prevent immediate peril to its residents. In the event of fire or other emergency in which, in the judgment of the Safety-Service Director, immediate action is required, permission to demolish is hereby granted.

(Ord. 98-176. Passed 8-3-98.)

1103.07 CERTIFICATE APPLICATIONS; ISSUANCE OR DENIAL; APPEALS.

The Building Department shall be made aware of all designations made pursuant to this chapter and shall refer all applicants for building permits to the Elyria Landmarks Preservation Commission. A building permit for alteration or demolition shall not be issued unless a certificate of approval from the Commission has been obtained.

The Commission shall prepare an application form and a list of the procedures necessary for obtaining certificates of approval, which shall be made available to the general public. Any application shall be reviewed within thirty (30) days of receipt thereof or at the next regularly scheduled Commission meeting, whichever first occurs. The applicant shall be given written notice of the Commission meeting at which his or her application will be considered. A written notification of the Commission's decision will also be sent to each applicant by regular mail.

If the Commission finds that the proposed work will not adversely affect the building under the terms of this chapter, then a certificate of approval shall be issued. If the Commission finds that the proposed work will result in an adverse effect to the City under the terms of this chapter, and that the proposed work significantly violates the terms of the Commission's design guidelines, then a certificate of approval shall be denied.

When a certificate of approval is issued, a time period shall be specified during which the proposed work shall be completed. The time period shall be established by the Commission in its operating procedures based upon the type of work to be performed and a reasonable length of time for that type of work to be completed. In no case shall a certificate of approval be valid for more than eighteen (18) months from date of issuance by the Commission.

If a certificate of approval is denied by the Commission, the applicant may revise and resubmit the application at any time. Any decision of the Commission may be appealed before Council. A majority vote of Council is necessary to over-ride a Commission ruling.

(Ord. 98-176. Passed 8-3-98.)

1103.08 VIOLATIONS.

No person shall construct, reconstruct, alter, change or demolish an external architectural feature of any property, area or object in violation of this chapter.

(Ord. 98-176. Passed 8-3-98.)

1103.99 PENALTY.

See Section [1127.99](#) of these Codified Ordinances for penalties for any violation of this chapter and for misdemeanor classifications.

(Ord. 2004-177. Passed 12-20-04.)