



## Sample Historic Preservation Ordinance

The following information provides a framework, and some sample language, for a Local Historic Preservation Enabling Ordinance. Any ordinance must be tailored to the needs of the individual municipality, which is why we do not provide an entire “model ordinance.” Please contact the State Historic Preservation Office Certified Local Governments manager at 614-298-2000 or [nbevil@ohiohistory.org](mailto:nbevil@ohiohistory.org) for more information and for assistance in developing a local preservation ordinance.

Minimum maintenance provisions should:

1. Clearly state prohibited conditions of deterioration
2. Provide adequate enforcement procedures
3. Contain some means of addressing cases of economic hardship

### SECTION 1.0 Title

*Sample language:*

1. Historic Preservation
2. To foster civic beauty
3. To stabilize and increase property values
4. To strengthen the local economy
5. To maintain and enhance the distinctive character of historic buildings and areas
6. To safeguard the heritage of the City or Village of \_\_\_\_\_ by preserving districts which reflect elements of its history, architecture, archaeology, engineering or culture
7. To protect and enhance the City’s attractions to prospective residents, businesses and tourists
8. To facilitate reinvestment in and revitalization of certain older districts and neighborhoods

### 1.3 Definitions

When drafting your ordinance you may wish to include other terms that do not appear here. Sample definitions:

1. Alteration-Any act or process that changes one or more of the exterior architecture features of a building or structure, including but not limited to the erection, construction, reconstruction, or removal of the building or structure
2. Addition-Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure
3. Building-Any structure created for the support, shelter or enclosure of persons, animals, or property of any kind and which is permanently affixed to the land
4. Certificate of Appropriateness-A certificate issued by the architectural review board or commission indicating that a proposed change, alteration or demolition of a historic building or structure or within a historic site or district, is in accordance with the provisions of this chapter and local design guidelines
5. Change-Any alteration, demolition, removal or construction involving any property subject to the provisions of this chapter
6. Construction-The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property
7. Demolition-Any act or process that destroys in part or in whole any building or structure
8. Historic District-Any area designated by ordinance of the city or village council which may contain within definable geographic boundaries, buildings, structures or sites of historic, architectural or archaeological significance
9. Historic Structure-Any building or structure which has historic, architectural or archaeological significance and has been so designated according to the provisions of this chapter. The significance of a property to the history, architecture, archaeology, engineering, or culture of a community, state, or the nation. It may be achieved in several ways:
  - Association with broad pattern of our history, events, activities, or patterns
  - Association with important persons
  - Distinctive physical characteristics of design, construction, or form
  - Potential to yield information important in history or prehistory (archaeology)
10. Landmark-Any building, structure or archaeological site that has been designated as a "landmark" by ordinance of the city or village council, pursuant to procedures proscribed herein, that is

worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance

11. Owner-the owner or owners of record
12. Preservation-The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property
13. Reconstruction-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
14. Rehabilitation-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
15. Restoration-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
16. Review Board or Landmarks Commission-the board or commission established under the provisions of the enabling legislation

#### **1.4 Procedures For Establishing a Board or Commission**

##### *Sample language*

1. The board or commission shall consist of a minimum of five members, all of whom have demonstrated a special interest, experience or knowledge in history, architecture or related disciplines
2. At least (2) preservation related professional members to the extent such professionals are available in the community (this shall include the professions of architecture, architectural history, history, archaeology, planning or related disciplines)
3. At least (2) year terms of office which are staggered
4. Rules of procedure, including a section addressing conflict of interest, established and made public
5. At least (4) meetings a year held at regular intervals, in a public place, advertised in advanced and held in a public place
6. Review decisions made in a public forum, applicants notified of meeting's and advised of decisions

7. Written minutes of board or commission actions available for public inspection
8. Written annual report of board or commission activities, including: cases decisions, special projects, qualifications of members etc., kept on file and available for public inspection
9. Vacancies on the board or commission filled within 60 days, unless extenuating circumstances require a longer period.

### **1.5 Powers and Duties of Board or Commission**

*Sample language:*

1. The board shall have the sole power to permit, by approval of the application of any property owner, the demolition, construction, preservation, restoration, rehabilitation of any home, commercial establishment or other structure, or new construction within the historic district
2. The board or commission shall determine the appropriateness of the application regarding demolition, construction, preservation, restoration, reconstruction and rehabilitation of structures within the designated historic district

### **1.6 Procedures for the Identification, Review and Designation of Individual Landmarks and Historic Districts**

*Sample language (Designation Criteria):*

In considering the designation of any area, property, or site as a historic district or landmark, the board or commission shall apply the following criteria:

- Its character, interest or value as part of the development, heritage or cultural characteristics of the city, state or nation
- Its location as a site of a significant historic event
- Its identification with a person significant in our past
- Its exemplification of the cultural, economic or social heritage of the city, state or nation
- Its portrayal of a group of people in an era of history, characterized by a distinctive architectural style
- Its embodiment of distinguishing characteristics of a building type or architectural style
- Its embodiment of elements of architectural design, detail, materials or craftsmanship, which represent a significant architectural innovation
- Its identification as the work of an architect or master builder whose work has influenced the city, state or nation
- Its potential to yield information important in prehistory or history (archaeology)

## **1.7 Procedures for Reviewing Proposed Alterations (Including Demolition and New Construction) to Designated Resources**

*Sample language:*

1. No person shall demolish or make any alteration or environmental change to any designated historic property without first obtaining a certificate of appropriateness
2. The design review board shall make a determination on an application for certificate of appropriateness within 30 days of the filing of the action, or within 60 days if a public hearing is required, unless the applicant approves an extension of time. The board may also table the application for additional information, or for lack of information or clarification until the next meeting or for a specific period of time. If the board fails to render its decision within the specified time period, the application for certificate of appropriateness shall be deemed approved
3. The board or commission shall make a determination on an application for certificate of appropriateness within 30 days of the filing of the action, or within 60 days if a public hearing is required
4. In making such a determination, the Commission shall refer to the Secretary of the Interior's Standards' for Rehabilitation and to design guidelines adopted by the Commission

**Note: Some ordinances address the issue of demolition under a separate section**

*Sample Language:*

In addition to the above procedures, if an application for a certificate of appropriateness seeks approval of demolition, the board or commission may delay determination of the application for a period of (60, 90, 180) days upon a finding that the structure is of such importance that alternatives to demolition may be feasible and should be actively pursued by both the applicant and the board. In the event that action on an application is delayed as provided herein, the board may take such steps as it deems necessary to preserve the structure 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, marketing plans, recommendation for acquisition of the property by public or private bodies or agencies, and exploration of the possibility of moving the structure or structures

## **1.8 Enforcement Provisions and Penalties**

*Sample language:*

1. If it is found that any of the provisions of these standards are being violated, the person 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

2. Whoever constructs, reconstructs, or alters any exterior architectural feature or demolishes a substantial part or all of any building within the historic district without a Certificate of Appropriateness shall be fined not more than one hundred dollars (\$100.00). 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
3. Whoever constructs, reconstructs or alters any exterior architectural feature now or hereafter in violation of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than \$50.00 nor more than \$5,000.00

### **1.9 Appeals Procedures**

*Sample language:*

1. Decisions by the historic district commission may be appealed to the City Plan Commission within ten (10) days of the board or commission hearing. No building permit or other permit required for the activity applied for shall be issued during the ten-day period or while an appeal is pending
2. The City Plan Commission shall consider an appeal within thirty (30) days of receipt and shall utilize the written findings of the board or commission in rendering their decision. A majority vote of the Plan Commission shall be required to overturn a decision of the board or commission

### **2.0 Severability**

*Sample language:*

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

### **2.1 Minimum Maintenance Requirement**

*Sample language:*

1. No owner of a building or structure in the historic district, shall by willful action or willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to ensure such building's perpetuation and to prevent its destruction by deterioration
2. The owner of a protected property shall provide sufficient maintenance to ensure its protection from hazards and to prevent deterioration

**Bibliography**  
**Local Historic Preservation Legislation**

"Maintaining Community Character: How to Establish a Local Historic District," Pratt Cassity, National Trust for Historic Preservation, 2001.

"Establishing a Demolition By Neglect Ordinance," Dan Becker, The Alliance Review, National Alliance of Preservation Commissions, Feb./March 1999.

"Zoning and Historic Preservation," Stephen A. Morris, Cultural Resources, Partnership Notes, National Park Service, August 1998.

"A Layperson's Guide to Historic Preservation Law: A Survey of Federal, State and Local Laws Governing Historic Resource Protection," Julia Miller, National Trust for Historic Preservation, Information Series, July 1998.

Characteristics of Effective Local Historic Preservation Legislation, Judith L. Kitchen, State Historic Preservation Office, Ohio History Connection, Columbus, Ohio 1989.

Design Review in Historic Districts, Rachel S. Cox, National Trust on Historic Preservation, 1997.

Secretary of the Interior Standards for Rehabilitation, National Park Service, October 1992.