

SHELBY HISTORIC PRESERVATION COMMISSION
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RULES AND PROCEDURES
Adopted October 3, 2016 by Shelby City Council

NAME AND PURPOSE

On February 17, 2015, Shelby City Council passed Ordinance 20-2014 establishing Chapter 1488: Historic Landmarks and Buildings in the Codified Ordinances of the City of Shelby and creating the Shelby Historic Preservation Commission to preserve the city's distinctive character and its cultural, social, residential, commercial, industrial, educational, political, or architectural heritage for the enjoyment, enrichment, and benefit of the citizens of Shelby.

PUBLIC MEETINGS AND PUBLIC RECORDS

The Commission shall comply with the state and local laws dealing with public meetings and shall provide adequate advance notice of meetings in a newspaper of local distribution. Written and/or electronic minutes of Commission meetings shall be kept and made available for public inspection. All Commission documents and materials shall be available for public inspection in compliance with Ohio's public records laws through the Director of Finance and Public Record.

MEMBERS, TERMS, VACANCIES, AND COMPENSATION

Members shall have a demonstrated special interest, experience, or knowledge of historic preservation, history, architecture, or related disciplines. At least two members of the Commission shall be preservation-related professionals in a field such as architecture, architectural history, history, archeology, planning, or a related area, if such are available in the city. However, no more than two members shall be employees of or policy-makers of any one non-governmental organization.

The Shelby Historic Preservation Commission shall consist of five members. Members shall be appointed by the Mayor and confirmed by City Council. A majority of the members shall be resident electors of the city. The Commission members shall serve five-year staggered terms. Full terms begin on January 1. The initial member terms will end December 31 of 2016, 2017, 2018, 2019, and 2020. There are no term limits.

A vacancy during the unexpired term of any appointed member shall be filled, within 60 days if possible, for the remainder of the term. Members shall serve without compensation.

ETHICS AND CONFLICT OF INTEREST

Members shall be subject to city ordinances regarding conflict of interest and ethics as well as provisions on these subjects in the Ohio Revised Code. No member shall have a, direct or indirect, personal interest in any contracts, funds, or actions of the Commission.

MEETINGS, OFFICERS, TERMS, AND DUTIES

The Commission shall establish its schedule of meeting times and places and shall meet at least once quarterly.

In January of each year, the Commission shall have an organizational meeting to elect a Chair, Vice Chair, and Secretary. The term for officers shall be one year.

The Chair shall be responsible for the public announcement of all meetings, meeting agenda, and conduct all meetings. Chair will present the annual report to City Council.

The Vice Chair shall assume the duties of the Chair in the Chair's absence and any other duties requested by the Chair.

The Secretary shall be certain that written/or electronic minutes of all meetings and public hearings are complete and maintain an archive of all documents and materials with the Director of Finance and Public Record.

Exiting Commission members are expected to turn in all documents and materials they may have to the Director of Finance and Public Record.

COUNCIL REPORTS, LIAISON, AND OVERSIGHT

No later than January 31 of each year, the Commission shall submit a written report to City Council that summarizes its activities, cases, special projects, recommendations, and the qualifications of its members for the previous year. The City Project Coordinator/ Codes and Permits shall be the liaison between the Commission and City Council. All designations of local historic districts, landmarks, buildings, structures, streets, etc. must be recommended to City Council for approval.

DUTIES OF THE COMMISSION

The duties of the Commission are spelled out in Chapter 1488 Section 1488.03 of the Codified Ordinances of the City of Shelby. Short summary:

- Promote interest and educate citizens about historic preservations through public events, workshops, informational materials, and cooperation with local genealogical/historic organizations

- Maintain a system to survey and inventory local designated landmarks, historic districts, and cultural resources as to condition and preservation according to Ohio Historic Preservation Office guidelines, and provide a list to the Director of Finance and Public Record and to the Mayor.
- Issue Certificate of Appropriateness for applications to preserve, restore, rehabilitate, or demolish landmarks and structures on the local historic list.
- Assist property owners to designate local city landmarks, buildings, or structures to be placed on the Ohio Historic Inventory and/or nominated to National Register of Historic Places.
- When considering a National Register nomination or action within its jurisdiction, seek expertise and/or contract with technical consultants, as funds permit, to assist when that discipline is not represented on the Commission.
- Encourage Commission members to attend workshops, seminars, and other educational programs on historic preservation.
- Advise local officials and city government departments regarding protections of properties on the local list of historic places or districts.
- Use the U S Secretary of Interior's Standard for Rehabilitation as applicable within the city and deemed appropriate.

DEFINITIONS

The definitions used by the Commission are spelled out in Chapter 1488 Section 1488.04 of the Codified Ordinances of the City of Shelby. Those definitions are: Alteration, Archeology, Certificate of Appropriateness, Cultural Resources, and Demolition.

STANDARDS FOR DESIGNATING A LANDMARK

The Standards for Designating a Landmark are spelled out in Chapter 1488 Section 1488.05 of the Codified Ordinances of the City of Shelby. A designated landmark is real property that must have integrity of design, material, workmanship, architectural style, and have historic or cultural significance such as:

- Associated with an event or events that made a significant contribution to board patters of history.
- Associated with the life of a person significant to the past.
- Embodies the distinctive characteristic of a type, period, method of construction, or distinguishing characteristics of an architectural style, architect, or builder.

Section 1488.05 gives specific allowances for cemeteries, birthplaces, graves, religious institutions, structures that have been relocated and reconstructed, or places of a specific commemorative nature.

STANDARDS FOR DESIGNATING A HISTORIC DISTRICT

The Standards for Designating a Historic District are spelled out in Chapter 1488 Section 1488.06 of the Codified Ordinances of the City of Shelby. Historic Districts must be at least one of the criteria for Historic Landmarks as well as must:

- Have defined boundaries the set the area off in relation to surrounding.
- Have a high degree of historic integrity without excessive loss of architectural or historic character.
- Have internal historic cohesiveness in the sense of shared common history, historical development according to a master plan, shared architectural styles, or a body of architecture illustrating evolution over a period of time.

PROCEDURES FOR DESIGNATION OF INDIVIDUAL LANDMARKS

When a proposal to designate an individual property as a landmark is received from a property owner or initiated by the Commission with permission of the property owner, the Commission shall consider the proposal in terms of criteria specified in Section 1488.05 of the Codified Ordinances of the City of Shelby and make a recommendation to City Council for approval.

The procedure for proposed individual landmarks recommended to City Council for the local list of historic places is detailed in Section 1488.07 and includes:

- Notification of the property owner(s) by personal service or certified mail of the date, time, and place of a public hearing on the proposed designation. The property owner(s) and the public may respond in writing or in attendance.
- No sooner than 30 days after the notice to the owner(s) and publishing a legal notice in the local newspaper, the Commission shall conduct a public hearing to review written comments and open comments. After the hearing and with no objection by the property owner(s), the Commission forwards a copy of the minutes along with its recommendations to City Council.
- City Council shall vote by motion on the proposed designation of property at the next regular City Council meeting.
- If Council does not approve the nomination, and if the property owner(s) does not object, the Commission may revise and/or resubmit the nomination with additional supportive information and notify the property owner(s) of the date Council will act on the renomination.

After approval by City Council, the Clerk of Council shall notify all affected property owners(s) of the decision in writing, add the individual landmark designation to the list of same, and forward a copy of the information to the Mayor and pertinent city personnel.

The Commission may recommend that City Council remove from the landmarks list properties that no longer meet the criteria.

PROCEDURES FOR DESIGNATION OF HISTORIC DISTRICTS

When a proposal to create a historic district is received or initiated by the Commission, the Commission shall consider the proposal in terms of the criteria in Section 1488.06 of the Codified Ordinances of the City of Shelby and make a recommendation to City Council. The procedures followed are detailed in Section 1488.08 and similar to procedures for Designation of Individual Landmarks.

PROCEDURES FOR REVIEW OF PROPOSED ALTERATIONS TO HISTORIC LANDMARKS AND PROPERTIES WITHIN HISTORIC DISTRICTS

The procedures for review of proposed alterations to historic landmarks and properties within a Historic District are spelled out in Chapter 1488 Section 1488.09. The Commission, assisted by city personnel, shall be available to applicants as a source of information and assistance before an application is made and encourage applicants to use this service.

No person shall make any exterior alteration to or demolish any historic structure or part thereof which is a designated city landmark or lies within a local historic district without first obtaining a Certificate of Appropriateness from the Commission. A Certificate of Appropriateness must be obtained from the Commission for new construction on vacant sites inside a designated historic district.

Application(s) for a Certificate of Appropriateness shall be filed at City Hall in such form as prescribed by the Commission and approval of the Mayor. The Mayor or his/her designee is responsible for ensuring that any construction is in accordance with the Certificate of Appropriateness.

The Commission shall approve or reject an application for a Certificate of Appropriateness within 45 days of the filing of a complete application and in compliance with Section 1488.02 (f). If the Commission fails to act in the time period, the application for a Certificate of Appropriateness shall be deemed approved.

Each case requires careful consideration of its unique and relevant factors such as earlier changes, existing conditions, and surrounding properties. The Commission determines if the proposal conforms to the U S Secretary of Interior's Standard for Rehabilitation. The Commission may approve or approve with conditions a Certificate of Appropriateness.

If the Certificate of Appropriateness is denied, the Commission will notify the applicant in writing and include findings of fact supporting the decision. The Commission may suggest changes which can result in approval. The applicant has ten days from receipt of the denial to file a written notice of appeal to the Clerk of Council. City Council shall hear the appeal and render a written decision which may affirm, reverse, or modify the decision of the Commission.