

CHAPTER 1189
Downtown Preservation District

Table listing sections 1189.1 through 1189.13 including PURPOSE, DOWNTOWN BUSINESS & PRESERVATION DISTRICT, DEFINITIONS, ESTABLISHMENT OF DESIGN REVIEW BOARD, POWERS AND DUTIES OF THE DESIGN REVIEW BOARD, TRIGGERING MECHANISM FOR DESIGN REVIEW, LIMITATIONS ON ISSUANCE OF CERTIFICATIONS OF APPROPRIATENESS, CERTIFICATION OF OCCUPANCY, AND DEMOLITION PERMITS, CERTIFICATE OF APPROPRIATENESS, APPEALS, PENALTIES, SEVERABILITY, MINIMUM MAINTENANCE REQUIREMENT, and EXCLUSIONS.

1189.1 PURPOSE

- A) To establish procedures whereby the above districts are afforded protection from actions that would be detrimental to preserving established historical and cultural resources in the community;
B) To follow the Standards and Guidelines of the United States Secretary of Interior for Rehabilitating Historic Buildings within these districts.

1189.2 DOWNTOWN BUSINESS & PRESERVATION DISTRICTS.

- A) The Council has designated a section of Mason as a Downtown Business District. The Downtown Business District can be described as:
1) The parcels fronting Main Street from Mason Road to Kings Mills Road, and
2) The parcels fronting Reading Road/US 42 from 4th Avenue to Main Street

Buildings in the Downtown Business District that are to be renovated with State of Ohio Downtown Revitalization Funds are required to submit building alteration plans to the City's Design Review Board for review and adherence to the rules and regulations outlined in this regulation.

- B) The Council has designated a section of the Downtown Business District as a Preservation

District whereby all buildings in this district are required to submit alteration applications to the Design Review Board. The Downtown Preservation District can be described as:

- 1) Those properties fronting West Main Street located on the southern side of West Main Street from Mason Road on the west to South Forest Avenue, and
- 2) Both the southern and northern parcels fronting West and East Main Street from South Forest Avenue eastward to Kings Mill Road and then proceeding eastward to include only the north western parcel fronting East Main Street to Cowan Drive, and
- 3) The western parcels along Reading Road/US 42 from 2<sup>nd</sup> Avenue, northeasterly to the West Main Street intersection, and
- 4) Those eastern parcels fronting Reading Road/US 42 from Dr. Frank Batsche Way northeasterly to West Main Street.

The designation of this Preservation District was based on historic, architectural, archaeological, and cultural significance related to the historical development of the City of Mason. The majority of the buildings in this district are contributing buildings (more than 50 years of age, possess some type of architectural/historical significance), and collectively form a distinctive area exemplifying significant architectural styles and/or portray the early historical development of the City.

- C) The areas within the Downtown Business District are adjacent to the Downtown Preservation District.

### 1189.3 DEFINITIONS.

The following definitions shall apply only to the provisions of the Design Review Regulations of the City of Mason Municipal Zoning Code:

ALTER or ALTERATION: Any material change in an external architectural feature of any property which lies within a Preservation District or adjoining Downtown Business District covered in this regulation, including demolition, removal, construction, modification to existing signage or placement of new signage, roofs, windows, siding awnings/canopies, additions, doors/entrances, but not including the landscaping of real property and painting.

APPLICANT: Any owner, owners, person(s), association, partnership, or corporation who applied for a Certificate of Appropriateness in order to undertake any change on property subject to this regulation.

CERTIFICATE OF APPROPRIATENESS: Document issued by the Design Review Board certifying that renovations or construction preserve a building's historical character.

COUNCIL or CITY COUNCIL: The legislative body of the City of Mason.

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DOWNTOWN BUSINESS DISTRICT: An area within the corporate limits of the City of Mason Ohio, designated by Council to be subject to the provisions of this Regulation if a property owner uses State of Ohio Downtown Revitalization Funds to rehabilitate property.

EXTERNAL ARCHITECTURAL FEATURE: The architectural style, general design and arrangement of the exterior of a structure including, but not limited to, the type, color (for new construction and rehabilitation), and texture or the building material, doors, windows, roof, porches and other appurtenant fixtures.

MEMBER: Any member of the Design Review Board as established under the provisions of this Regulation.

PRESERVATION DISTRICT: An area within the corporate limits of the City of Mason Ohio, designated by Council to be subject to the provisions of this Regulation.

PLANNING COMMISSION: The Planning Commission of the City of Mason as established by Article VII, Section 7 of the Charter of the City of Mason.

REVIEW BOARD: The Design Review Board established under the provisions of this Chapter.

#### 1189.4 ESTABLISHMENT OF DESIGN REVIEW BOARD.

There is hereby established a Design Review Board, which shall have the powers and duties, as are hereinafter set forth in this Regulation. The Board shall consist of seven members, who shall be appointed by the City Manager subject to confirmation from Council. Design Review Board members shall be appointed with due regard for the need to include Preservation District property owners and professional expertise in the fields of architecture, engineering, history, archaeology, urban planning, landscape architecture, art design or other related disciplines. The Design Review Board shall consist of 1.) One architect; 2.) a council member; 3.) a member of the Mason Historical Society; 4.) a Preservation District property owner; 5.) a business owner of the Downtown Business District; 6.) a general resident of Mason; and 7.) a member of Planning Commission. Members shall be appointed to serve three years, except the Council member shall be appointed to a two-year term. For the initial year, two members shall have one-year terms, two members shall have a two-year term, and three members shall have a three-year term. Members shall serve until their successors have been named and qualified. A majority of the membership of the Board shall constitute a quorum, and any action or decision of the Board shall have the support of such a majority of its members.

## 1189.5 POWERS AND DUTIES OF THE DESIGN REVIEW BOARD.

- A) The Design Review Board shall annually select one of its members to serve as chairperson and one as vice chairperson. The City Manager shall provide such staff assistance as is necessary and available. All municipal departments and agencies shall cooperate in expediting the work of the Design Review Board.
- B) The Design Review Board shall adopt rules and regulations, consistent with this Regulation, governing its procedures and transactions. The Design Review Board shall meet as required to carry out the review of applications for Certificates of Appropriateness, and such other related work as may be accepted through request of Council or undertaken on its own motion. Meeting shall be held at least once each month when there are applications to be considered and not less than once a year. Special meetings may be held at the call of the chairperson of the Design Review Board.
- C) Within the boundaries of the Preservation District, and other areas as delineated in this Regulation, the Design Review Board shall review any proposed new construction and alterations to property as herein defined. The Board's approval of such new construction and alteration shall be secured before any owner of property may commence work thereon. In reviewing proposed alterations to property, the Design Review Board shall at a minimum use as evaluative criteria, the ten federal standards established by the Secretary of the U.S. Department of the Interior as follows:
- 1) Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
  - 2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
  - 3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
  - 4) Changes, which may have taken place in its course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes that may have acquired significance shall be recognized and respected.
  - 5) Distinctive stylistic features or examples of skilled craftsmanship, which characterize building, structure, or site, shall be treated with sensitivity.
  - 6) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual

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- qualities. Repair or replacement of missing architectural features, should be substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different elements from other building or structures.
- 7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
  - 8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to, any project.
  - 9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
  - 10) Whenever possible, new additions or alterations to structures shall be done in such manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- D) The Design Review Board shall also utilize the U.S. Secretary of Interior's Guidelines for Rehabilitating Historic Buildings in their review and deliberation.
- E) The Design Review Board may amend and/or impose more refined design review criteria with Council approval based on the Preservation District's predominant architecture, historical significance, and its cultural/archaeological attributes.

#### 1189.6 TRIGGERING MECHANISM FOR DESIGN REVIEW.

Once a property owner applies for a building permit for new construction or an alteration within the Preservation District, the permit application will be deemed as an application to the Design Review Board. All property owners within the Preservation District must receive Design Review Board approval prior to building permit issuance.

#### 1189.7 LIMITATIONS ON ISSUANCE OF CERTIFICATES OF APPROPRIATENESS, CERTIFICATE OF OCCUPANCY, AND DEMOLITION PERMITS.

No alteration of any structure of significant exterior architectural feature thereof in any designated Preservation District shall be undertaken prior to obtaining a Certificate of Appropriateness from the Design Review Board and a Building Permit shall not be issued by the Engineering and Building Department for the construction, reconstruction, alteration, or demolition of any area, place, site, building, structure object, or work of art within a designated Preservation District unless the application for such permit is approved by the Design Review Board through the issuance of a certificate Appropriateness in the manner prescribed herein.

#### 1189.8 CERTIFICATE OF APPROPRIATENESS.

- A) When the owner of a property within a Preservation District proposes new construction or alteration to any portion of a structure within the district he/she shall first apply for (through the Engineering and Building Department) and secure a Certificate of Appropriateness from the Design Review Board. The application for a Certificate shall be made with the City Planner, together with such plans, specifications, and other material as the Design Review Board may from time to time prescribe.
- B) Within forty-five (45) days of filing, the Design Review Board shall consider the applications, plans, and specifications.
- C) If the proposed alteration is determined to have no adverse effect by the Design Review Board on the Preservation District, and does not violate the spirit and purpose of these regulations, then the Board Secretary shall issue the Certificate of Appropriateness.
- D) If the Design Review Board determines that the proposed alteration will have an adverse effect on the Preservation District, and does violate the spirit and purposes of these regulations, then the Board shall deny issuance of the Certificate of Appropriateness.
- E) In the event that the Design Review Board determines within the forty-five (45) day review

period that a Certificate of Appropriateness shall not be issued, it shall forthwith state in its records reasons for such determination and may include recommendations respecting the proposed construction, reconstruction, alteration, or demolition of any area, place, building, structure, site, object, or work of art. The Secretary of the Board shall forthwith notify the applicant and the Engineering and Building Department of such determination and transmit to him/her a certified copy of the reasons for denial and recommendations, if any, of the Board.

- F) Upon denying a Certificate of Appropriateness, the Board shall impose a waiting period of at least thirty (30) days, but not to exceed six (6) months from the date of disapproval, during which time the Board shall negotiate with the owner of the property in order to develop a compromise proposal acceptable to both. The first meeting between Board and applicant shall be held within thirty (30) days from the date of disapproval. If a compromise proposal is accepted by both parties, the Board may henceforth issue a Certificate of Appropriateness.
- G) In the case of denial of a Certificate of Appropriateness for demolition:
- 1) The Board and applicant shall undertake meaningful and continuing discussion during the waiting period in order to find a means of preserving the property. The Board and applicant shall investigate the feasibility of all means of preserving the listed property. If the Board and applicant do not agree on a means of preserving the structure at the initial meeting, then they must continue to undertake meaningful and continuing discussions for the purpose of finding a method of saving the structure, and such good faith meetings shall be held at least every forty-five (45) days after the initial meeting.
  - 2) If the applicant fails to meet with the Board in good faith, at the time specified, then the Board denial of the application will stand.
  - 3) If, after holding such good faith meeting in the waiting period specified by the Board, the Board determines that failure to issue a Certificate of Appropriateness will create a substantial hardship to the applicant and that such certificate may be issued without substantial detriment to the public welfare and without substantial deviation from the purposes of this Chapter, then and in such event, the Secretary of the Board shall issue a Certificate of Appropriateness for such
  - 4) If, after holding such good faith meetings in the waiting period specified by the Board, no alternative solution to incompatible construction, reconstruction, or alteration is reached then the applicant may appeal the decision.

#### 1189.9 APPEALS.

- A) Decisions by the Design Review Board may be appealed in writing by the applicant within

seven (7) business days of the Design Review Board's decision.

- B) The Planning Commission shall consider an appeal at a public hearing within thirty (30) days of receipt of notice of appeal, and shall utilize the written findings of the Design Review Board.
- C) A majority vote of the Planning Commission shall be required to overturn a decision of the Design Review Board.
- D) Decisions by the Planning Commission shall be deemed final administrative orders for appellate purposes and shall be thereafter regulated by Chapter 2506 of the Ohio Revised Code.

#### 1189.10 PENALTIES.

Whoever constructs, reconstructs, alters, changes, or demolishes any exterior feature of any structure, work of art, object, or area in violation of this Regulation, or whoever maintains, changes, or installs a sign in violation of this Regulation, shall be deemed in violation of the Municipal Code and such violation shall be punishable under Section 1135.11 of the Municipal Code. Each day of violation shall constitute a separate and distinct violation for as long as one (1) year with respect to alterations and for as long as two (2) years with respect to demolition. These periods correspond to those during which the Board may delay a proposed alteration or demolition.

#### 1189.11 SEVERABILITY.

If any provision of this Chapter or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application and to this end the provisions of this Chapter are hereby declared severable.

#### 1189.12 MINIMUM MAINTENANCE REQUIREMENT.

The owner of an historic structure or any structure within the Preservation District shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration, whether the building is vacant or inhabited.

#### 1189.13 EXCLUSIONS.





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Normal and ordinary maintenance functions performed on buildings within the Preservation District and the removal/demolition of declared public nuisance (e.g. fire damaged buildings) that pose a threat to the health and safety of the general public shall be excluded from this Regulation.

**CITY OF MASON  
 DOWNTOWN CDBG  
 TARGET AREA**

**Legend**

-  Downtown CDBG Target Area
-  Railway

