
1126.00 ARCHITECTURAL CONSERVATION /HISTORIC DISTRICTS
(EOR2005-7-71) (Amend. OR2011-12-122) (Amend. OR2013-2-22) (Amend. OR2015-2-13)

1126.00 Purpose: It is the purpose of Section 1126.00, et seq., to protect the economic, cultural, and educational welfare of the citizens of the City of Hamilton by preserving and protecting significant architectural and/or historic structures, sites, monuments, streetscapes and neighborhoods by the establishment of restrictions on construction, erection, alteration, painting, design, color, removal, moving or demolition of buildings and structures, and the construction, erection, mounting, painting, design, color, moving, demolition, or revision of signage in the any hereinafter designated Architectural Conservation/Historic District. The further purpose of said Section 1126.00, et seq., shall include but not be limited to the following:

Combating conditions of blight and deterioration in aging neighborhoods through protection from a decrease in value of individual real property resulting from the destruction and/or degradation of architectural and/or historic features in residential and commercial structures, sites, monuments, streetscapes and neighborhoods.

The encouragement of investment in architectural and/or historic resources that can result in stabilization or increase in property values and strengthen the economy of the City of Hamilton.

Ensure that new development is compatible with existing structures and the Comprehensive Plan of the City of Hamilton through improvements in the aesthetic quality of the designated districts for safe, harmonious, and integrated building design continuity by establishing uniform, mass, height, setback, material and design standards in order to promote a positive visual image for the City of Hamilton.

Protect and promote public safety and preservation of air and light quality by limiting maximum building height of any building to within the stream reach of existing firefighting equipment.

1126.20 Definitions:

For the purposes of this Chapter Architectural Conservation/Historic Districts Zoning Ordinance the following words and phrases, shall have the meanings respectively ascribed to them. These definitions are germane to the Architectural Conservation/Historic Districts Zoning Ordinance. The definitions are as follows:

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, painting, design change, color change, or removal of the building or structure (REVISED OR2015-2-13)
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 for the shelter, support or enclosure of persons, animals, chattels or property of any kind.
 - a. **Building, Height of:** The vertical distance from the grade at a building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hip roof.
 - b. **Building, Setback Line:** A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.
4. **Certificate of Appropriateness** - A certificate issued by the architectural review board or commission indicating that a proposed change, alteration, painting, design change, color change, or demolition of a historic building or structure, or signage, or within a historic site or district, is in accordance with the provisions of this chapter and local design guidelines. (REVISED OR2015-2-13)
5. **Change** - Any alteration, painting, design change, color change, demolition, removal or construction involving any property subject to the provisions of this chapter. (REVISED OR2015-2-13)
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 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:
 - a. Association with broad pattern of our history, events, activities, or patterns
 - b. Association with important persons
 - c. Distinctive physical characteristics of design, construction, or form
 - d. 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 Council, pursuant to procedures described herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance (REVISED OR2018-7-70)
11. **Like for Like** – A repair or improvement in relation to a property in an Architectural Conservation/Historic District or a property listed on the State of Ohio Historic Inventory in which the repair or improvement is being done that utilizes the existing materials/colors and replaces them with matching materials/colors. (OR 2016-8-67)
12. **Owner** - the owner or owners of record
13. **Preservation** - The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property
14. **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
15. **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
16. **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
17. **Review Board** - the board or commission established under the provisions of the enabling legislation (OR2011-12-122) (REVISED OR2018-7-70)

18. **Sign** - As Defined by Section 1108.00 Definitions of the Hamilton Zoning Ordinance (OR2015-2-13)

- a. New permanent signage or any change of signage, is considered an Alteration to the historic property as defined in the aforementioned Section 1126.20 of the Hamilton Ordinance. Such proposal shall submit a Certificate of Appropriateness Application for review and approval by the Architectural Design Review Board per Section 1126.00 of the Hamilton Zoning Ordinance.
- b. Proposed freestanding permanent signage must comply with Section 1138.71.D of the Hamilton Zoning Ordinance.
- c. All proposed permanent signage must comply with the regulations of Section 1138.00 of the Hamilton Zoning Ordinance.

1126.30 **Architectural Conservation/Historic Districts And Structures – Local Register:**

There are hereby established locally registered Architectural Conservation/Historic Districts with all structures contained within as having historic significance and/or character. In addition, there are locally registered specific structures that may be outside of these districts that have historic significance and/or character as well. The districts and structures are identified as follows:

- A. **German Village**, the description of which is attached hereto, marked Exhibit A and incorporated herein by reference.
- B. **Rossville Historic District**, the description of which is attached hereto, marked Exhibit B and incorporated herein by reference.
- C. **Dayton-Campbell Historic District**, the description of which is attached hereto, marked Exhibit C and incorporated herein by reference.
- D. **North Dayton-Lane Local Area**, the description of which is attached hereto, marked Exhibit E and incorporated herein by reference. (OR 90-1-2)
- E. **CSX Railroad Passenger Station**, located at South Fifth and Henry Streets consisting of Entire Lots Numbered 1151, 1152, 1153 and 1154 as the same as are known and designated on the revised list of lots in the Fourth Ward of the City of Hamilton, Butler County, Ohio. (OR 93-12-132)
- F. **Local Inventory of Structures Outside of Districts** – structures both inside and outside of the districts may be identified by the inventory map created by the Miami University Cartography Laboratory for the City of Hamilton Planning Department circa 1986. Individual properties subsequently designated by the ADRB and City Council as having architectural and/or historic significance can be added or deleted to this list based on the rules stipulated in 1126.70. The structures listed on this inventory will be under the purview of the ADRB.

The requirements of Sections 1126.00, et seq., are hereby superimposed upon, and are in addition to, the requirements of the existing Zoning Districts contained within the Architectural Conservation/Historic Districts. The Architectural Conservation/Historic Districts shall be designated by the symbol "C/H" on the Official Zoning Map. (OR2011-12-122)

1126.31 **Special Provisions** Applicable to Residential Uses within Historic Districts
(OR 2014-9-90)

Within the boundaries of the German Village Historic District, Rossville Historic District and Dayton-Campbell Historic District, regardless of the current underlying Zoning there is hereby established the following minimum requirements for residential uses.

- 1) Minimum Lot Area per Dwelling Unit – 3500 square feet
- 2) Minimum Off Street Parking required per Dwelling Unit – 2 spaces
- 3) Off Street Parking Area Design Requirements
 - Each Off Street Parking Space shall have a minimum of 9' x 18' in area
 - Off Street Parking Spaces shall be surfaced with an asphaltic, concrete, cement binder, brick concrete paver, or other approved pervious paving product so as to provide a dustless surface and shall be graded and drained per Director of Public Works.
 - A minimum of 20% of all Off Street Parking Areas shall be suitably screened and landscaped so as to provide a visual barrier between all Off Street Parking Areas and adjacent properties.
 - Any proposed fencing, wall, or landscaping associated with Off Street Parking Areas shall be reviewed and approved by the Architectural Design Review Board.

1126.40 **Architectural Design Review Board:** There is hereby established an Architectural Design Review Board, consisting of eleven (11) members, three (3) members appointed by the City Manager, six (6) members nominated by the organizations listed below and confirmed by the City Manager, and one member from City Council and the Planning Commission, as ex-officio voting members. (OR2009-10-106)(Revised OR2013-8-65)(Revised OR2015-3-24)(REVISED OR2018-7-70)

A) All members shall be residents of the City of Hamilton, Ohio, and shall be appointed to serve a two (2) year term. Whenever an organization listed below fails to nominate a member the existing member may serve an additional six (6) months upon approval by the City Manager.

- (1) One (1) member nominated by the Hamilton Chamber of Commerce and confirmed by the City Manager.
- (2) One (1) member of the City Council, as an ex-officio voting member appointed by City Council.
- (3) One (1) member from the City of Hamilton Planning Commission, as an ex-officio voting member appointed by the Planning Commission.
- (4) One (1) member nominated by Historic Hamilton and confirmed by the City Manager.
- (5) One (1) member who is a trained architect, landscape architect, city planner, or engineer with a degree from an accredited college or university, or at least two (2) continuous years verifiable professional work experience. Qualifications to be reviewed and confirmed by Staff and/or the Architectural Design Review Board as deemed necessary. This member is appointed and confirmed by the City Manager. (REVISED OR2018-7-70)
- (6) One (1) member nominated by the Rossville Historic Preservation Association and confirmed by the City Manager.
- (7) One (1) member nominated by the Dayton Lane Historic Area, Inc. and confirmed by the City Manager.
- (8) One (1) member nominated by Hamilton's German Village Inc. and confirmed by the City Manager.
- (9) One (1) member nominated by the Downtown Special Improvement District and confirmed by the City Manager.
- (10) Two (2) members appointed by the City Manager, as At-Large voting members.

At least two of the members must meet the Secretary of Interior's Standard for Professional Qualifications, which must be a preservation related field that includes planning, architecture, landscape architecture, architectural history, conservation, cultural anthropology, curation, engineering, folklore, and history. All members shall have experience or an interest in historic preservation. (OR2009-10-106)

- B) An alternative member shall be appointed or nominated and confirmed as outlined in 1126.40(A) to substitute for a member when such member is absent or unable to participate on an item before the Board. The alternate member shall meet all the qualifications of the member they are appointed to substitute for as listed in Section 1126.40. The alternate member shall possess all the powers and responsibilities of such member of the Board. (OR2009-10-106)
- C) Members of the Architectural Design Review Board shall serve without compensation and vacancies caused by death, resignation, or termination of eligibility to serve, shall be filled in the same manner as original appointments are made.
- D) The Architectural Design Review Board shall annually select one of its own members as Chairperson. The Chairperson shall call meetings and preside at meetings and hearings of the Architectural Design Review Board. A Secretary shall be appointed by the City Manager from the Community Development of the City. The Secretary shall possess at least the minimum qualifications of an Associate Planner, or a higher but related classification, as defined by the class description for that position adopted by Civil Service Commission of the City of Hamilton. The Secretary shall not be a voting member of the Architectural Design Review Board and shall keep minutes and records of all proceedings of the Architectural Design Review Board. At the discretion of the Architectural Design Review Board the Secretary and/or Chairperson may be given authority to approve such minor rehabilitation activities as the Architectural Design Review Board may determine if such minor rehabilitation activities meet the standards hereinafter set forth. (OR2009-10- 106)
- E) The Architectural Design Review Board may adopt rules of procedure and provide for regular and special meetings. Meetings shall be open to the public. Records will be made available to the public through the Secretary upon request. Architectural Design Review Board members shall not vote if personal or pecuniary interests are involved. Six (6) members present shall constitute a quorum. If a quorum is present, a simple majority vote of those present shall be required to approve or disapprove a motion. (OR2009-10-106) (Revised: OR2015-3-24)
- F) Applicants will be notified of the meeting date, time, and location and are encouraged to attend and present the details of their project. Once a decision has been rendered by the Board, the applicant will be notified in writing of the Board's decision within one week of that decision.
- G) The Board recognizes four classifications of meetings (regular, working, special, and emergency) - of which there will be no less than 1 meeting per quarter, or at least 4 per year. These meetings will be publicly announced, and a posted agenda will be made available.
- H) All Architectural Design Review Board Rules, Procedures, and Guidelines will be made available to the public. (OR2011-12-122)

1126.50 Certificate Of Appropriateness: No alteration, painting, design change, color change, construction, reconstruction, erection, removal or exterior work on a structure, and no construction, erection, mounting, painting, design change, color change, moving, removal, or revision of permanent signage to any property in an Architectural Conservation/Historic District where such action or work will affect the exterior architectural and/or historic features or appearance of a structure, site, monument, streetscape, or neighborhood shall be permitted unless and until a Certificate of Appropriateness for such action or work has been applied for and issued by the Architectural Design Review Board, its Secretary, or Chairperson, as authorized by said Architectural Design Review Board. An application for any building permit for use in an Architectural Conservation/Historic District shall also be considered an application for Certificate of Appropriateness. In addition to the requirements for a building permit, an application shall include such other information as may be required by the Architectural Design Review Board for a Certificate of Appropriateness. (REVISED OR2015-2-13)

A fee will be charged for any Certificate of Appropriateness application that is required to be heard before the Architectural Design Review Board, unless the proposed change is returning to or restoring to previous or original historic materials that can be referenced in past Architectural Design Review Board or other official City of Hamilton/State of Ohio Historic Inventory records. Fee information is listed in section 1190.12 Certificate of Appropriateness. (OR 2016-8-67)

Upon receipt of an application by the Planning Department of the City, such application shall be forwarded to the Secretary of the Architectural Design Review Board who shall formally record the date of receipt of the application and submit the same to the Architectural Design Review Board for timely disposal. The Architectural Design Review Board shall act upon any application within thirty (30) calendar days from the date of filing with the secretary. Extensions of time may be granted with the mutual consent of the applicant and the Architectural Design Review Board. In the event the Architectural Design Review Board does not act to approve or disapprove an application within the stated time limit of thirty (30) days, the application shall be deemed to have been approved by the Architectural Design Review Board. (OR 86-9-47)

In the event the Architectural Design Review Board issues to an applicant Certificate of Appropriateness, such Certificate shall remain valid for a period of six (6) months from the date of issuance. During the period of validity, the work for which said Certificate was issued must commence and proceed without unreasonable delay. If such work is not commenced, or if such work is delayed for a period exceeding six (6) months, the Certificate of Appropriateness shall expire; provided, however, the Secretary may grant one (1) or more extensions of time not to exceed an additional eighteen (18) months. A request for an extension shall set forth the reasons for delay. In the event the Architectural Design Review Board refuses to issue to an applicant Certificate of Appropriateness, the Architectural Design Review Board shall attempt to reconcile an alternative plan with the applicant that is acceptable both to the applicant and to the Architectural Design Review Board. If the Architectural Design Review Board and the applicant are unable to reconcile an alternative plan, the applicant may appeal the decision of the Architectural Design Review Board to the Board of Zoning Appeals pursuant to the applicable provisions of Section 1160.00, et seq. and Section 1170.00, et seq., of the Zoning Ordinance No. 7503, as amended.

In the event the Secretary or Chairperson refuses to issue to an applicant Certificate of Appropriateness for minor rehabilitation, the applicant may appeal the decision to the Architectural Design Review Board.

In determining whether or not the Architectural Design Review Board will approve the issuance of a Certificate of Appropriateness, said Board shall consider whether the proposed change will adversely affect or destroy any significant exterior architectural and/or historical feature of the structure, site, monument, streetscape or neighborhood, whether such change is inappropriate or inconsistent with the purpose of Section 1126.00, et seq., and whether it will adversely affect or destroy the general architectural and/or historical significance of the Architectural Conservation/Historic District. In addition to the foregoing, the Architectural Design Review Board will apply the specific design standards for each separate Architectural Conservation/Historic District when reviewing, all projects in that district, in determining whether to approve or disapprove the issuance of Certificate of Appropriateness

As new districts and landmarks are added to the inventory, guidelines will be drawn up that offer recommendations and parameters on how to adhere to the character of these new districts. (OR2011-12-122)

1126.51 The specific design standards for the areas described in Section 1126.30 A, B, C, D, and E of the Architectural Conservation/Historic District are as follows:

- A) That the exterior architectural and/or historical character and functional plan of the property, when changed, will not be at such variance with existing properties in the immediate neighborhood or Zoning District as to cause substantial depreciation of the property values of such properties or the neighborhood.
- B) That the site utilization and orientation of the proposed change is reasonably integrated with existing roads, drives, vehicular traffic patterns and pedestrian walkways abutting the property to which the proposed change is to be made.
- C) That the proposed change is compatible with the subject property and/or a majority of properties in the immediate surrounding area in terms of: height, proportion of a facade, openings within a facade, relationships of solids to voids in a facade, entrances to sidewalks, materials, textures, color, architectural details, roof shapes, landscaping, continuity and scale.
- D) That the proposed change complies with the "Secretary of the Interior's Standards of Rehabilitation", dated 1977, (appearing at Section 36 of the Code of Federal Regulations, Part 67), or as they may be subsequently amended if adopted by Council. Said standards are 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 that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity;
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible; in the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities; repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings 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 archeological 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 material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment; and
- (10) Wherever possible, new additions or alterations to structures shall be done in such a 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.

E) Any work done shall be performed in a good and workmanship like manner according to accepted standards and practices in the trade as outlined in the Architectural Design Review Board Policies & Guidelines. (OR2009-10-106) (REVISED OR2018-7-70)

1126.60 **Certificate Of Appropriateness - Demolition**: In the event an application for a Certificate of Appropriateness includes demolition of any property in the Architectural Conservation/Historic District the applicant shall be required to submit evidence to the Architectural Design Review Board indicating that at least one the following conditions prevail:

- A) That the property proposed for demolition is not inherently consistent with other properties in its area of the Architectural Conservation/Historic District
- B) That the property proposed for demolition contains no features of architectural and/or historical significance; or
- C) That there is no reasonable economic use for the property as it exists or as it might be rehabilitated, that there is no feasible means or prudent alternative to demolition,
- D) Existing structures listed in section 1126.110 (Central Area Building Inventory) shall be maintained. For buildings listed in that inventory, the cost of rehabilitation must exceed 67% of the replacement cost of the same structure at the time of the proposed demolition based on the Marshall Swift Construction Cost Index or a similar industry standard index before a Certificate of Appropriateness for demolition can be issued. No building listed in the Central Area Building Inventory may be demolished without approval by the Architectural Design Review Board regardless of existing building condition. (OR2013-2-22)
- E) Both the architectural and historical significance of the property, its relation to the street and to the historic district as a whole shall be considered.

If the Architectural Design Review Board finds that the application does not meet the above criteria, the application for Certificate of Appropriateness for demolition shall be refused. The Architectural Design Review Board may delay determination of the application for a period of one hundred twenty (120) days upon a finding that the property is of such architectural and/or historic significance that alternatives to demolition may be feasible. In the event that action upon such application is delayed, the Architectural Design Review Board may take such steps as it deems necessary to preserve the property in accordance with the purposes of Section 1126.00, et seq. such steps may include but shall not be limited to consultation with civic groups, public agencies and interested citizens. If the Architectural Design Review Board and the applicant are unable to reconcile an alternative plan to demolition, and if the Architectural Design Review Board shall refuse to recommend the issuance of a Certificate of Appropriateness for demolition, the applicant may appeal the decision of the Architectural Design Review Board to the Board of Zoning Appeals pursuant to the applicable provisions of Section 1160.00, et seq., and Section 1170.00, et seq., of the Zoning Ordinance No. 7503, as amended. (OR2009-10-106)

1126.70 Additions To Or Deletions From The Architectural Conservation / Historic District:

Additions to or deletions from the Architectural Conservation/Historic District may be initiated by the Architectural Design Review Board, City Council, or any owner(s) of the subject property to be added or deleted. Such action shall be commenced with the filing of an application with the Architectural Design Review Board. In considering the addition or deletion of such property or properties, the Architectural Design Review Board shall apply, in addition to any other available information, the following criteria:

- A) The character, interest or value of the area or property as part of the development, heritage or cultural characteristics of the City, State or the United States;
- B) The location as a site of a significant historic event;
- C) The identification with a person or persons who significantly contributed to the culture and development of the City;
- D) The exemplification by the area or property of the cultural, economic, social or historic heritage of the City;
- E) The embodiment of distinguishing characteristics of an architectural type or specimen;
- F) Identification as the work of an architect or notable builder whose individual work has influenced the development of the City;
- G) The embodiment of elements of architectural design, detail, materials or craftsmanship which represent architecture of significant character, charm or grandeur; and
- H) A unique location or physical characteristic representing an established and familiar visual feature of a neighborhood or of the City.

After receipt of an application to add to or delete property from an Architectural Conservation/Historic District, the Architectural Design Review Board shall instruct its Secretary to schedule a public hearing on the application and to notify owners of the property or properties described in the application. Such public hearing shall be scheduled within thirty (30) days of receipt of the application. After the public hearing, the Architectural Design Review Board shall decide within thirty (30) days whether to recommend approval or disapproval of the application. (OR 93-9-100)

- l) If an application to designate property as an Architectural Conservation/Historic District or to remove the Architectural Conservation/Historic District designation from property does not include or require a change in the existing Zoning District designation [for example- a change from an Agricultural (AG) District to a Single Family Residence District (R-1), then the application need not be submitted to nor be approved by the Planning Commission. In such cases, the Architectural Design Review Board's recommendation concerning the application to designate property as or to remove the designation of property as a Architectural Conservation/Historic District shall be made directly to Council for legislative consideration. (OR 93-9-100)

If an application to designate property as or to remove the designation of property as a Architectural Conservation/Historic District also includes or requires a change in the existing Zoning District designation (for example- a change from an Agricultural (AG) District to a Single Family Residence District (R-1), in addition to adding to or deleting from the Architectural Conservation/Historic District) then both a recommendation by the Architectural Design Review Board, which shall make a recommendation limited to the Architectural Conservation/Historic District aspect of the application, and the Planning Commission, which shall make a recommendation limited to the Zoning District aspect of the application, shall be required for legislative consideration by City Council. In such cases, the recommendation of the Architectural Design Review Board on the Historic District aspect of the application shall be submitted by the Architectural Design Review Board directly to Council for legislative consideration. Similarly, the recommendation of the Planning Commission on the Zoning District aspect of the application shall be submitted by the Planning Commission directly to Council for legislative consideration (OR 93-9-100)

1126.80 Further Duties Of The Architectural Design Review Board: To assist applicants, the review board shall publish and make available general guidelines for the review of applications. In addition, the Review Board may function as follows:

- A) Act in an advisory role to any City board, Commission or to City Council upon request
- B) Conduct or cause to be conducted a historic survey on official survey forms of any property within the City which it believes may be eligible for inclusion in the Architectural Conservation/Historic District;
- C) Provide continuing education to residents of the City with respect to the importance of historic preservation in conserving the architectural and/or historical heritage of the City, State and Nation. Items of continuing education will include periodic workshops (Building Doctor Workshops), literature development, and neighborhood/district presentations by select local historians.
- D) Obtain technical assistance (with or without compensation) which it feels it requires to perform its duties. Such authority shall be subject to appropriation of funds by Council
- E) Monitor the Districts designated in this Ordinance to ensure compliance.
- F) Conduct or encourage members to attend training/educational sessions at least once a year, or in-depth consultation with the OHPO, pertaining to work and functions of the commission or on specific historic preservation issues. Barring extenuating circumstances, all commission members should attend such a session at least once yearly. The OHPO will provide orientation materials and training for local commissions.
- G) Additional responsibilities may be undertaken by the commission upon mutual written agreement between the SHPO and the City – i.e. review of all proposed National Register nominations within its jurisdiction. A written agreement will address what duties are to be performed, what staff assistance is need to perform the work, and what level of activity in each area of responsibility will be maintained. All delegated responsibilities must be complementary.
- H) A detailed inventory of the designated districts, sites, and/or structures under the specific jurisdiction of the local government shall be maintained. In addition, all inventory material shall be:
 - a. Maintained securely and be accessible to the public, except that access to archaeological site locations may be restricted.
 - b. Recorded on Ohio Historic Inventory, Ohio Archaeological inventory forms, and/or forms compatible with OHPO's computerized inventory and therefore compatible with the comprehensive preservation planning process.
 - c. Available through duplicates (with contact prints) to the OHPO. Digital images are also acceptable.
 - d. Updated periodically to reflect changes, alterations, and demolitions. (OR2011-12-122)

1126.90 Maintenance And Repair: It is the intent of this section to preserve from deliberate or inadvertent neglect the features of buildings within an Architectural Conservation/Historic District, when such maintenance is necessary to prevent deterioration and decay of the property thus causing, in effect, demolition by neglect. Neither the owners nor the persons in charge of property within an Architectural Conservation/Historic District shall permit such property to fall into a state of disrepair so as to produce, or tend to produce, a detrimental effect upon the character of the Architectural Conservation/Historic District as a whole or the life and character of a property, including but not limited to:

- A) The deterioration of flooring or floor supports, walls or other vertical structural supports;
- B) The deterioration of roofs, ceilings and roof supports or other horizontal members;
- C) The deterioration of exterior chimneys;
- D) The deterioration or crumbling of exterior plaster or mortar;
- E) Deteriorated or ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
- F) The deterioration of any significant architectural features;
- G) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

Compliance with this Section shall be in accordance with Chapter 521 and Chapter 17 of the Codified Ordinances of the City of Hamilton and enforced by the Health Department. Any work done on the repair and maintenance of the building and other structures shall be performed in a good and workmanship like manner according to accepted standards and practices in the trade as outlined in the *Architectural Design Review Board Policies & Guidelines*. (OR2009-10-106)
(REVISED OR2018-7-70)

1126.100 Miscellaneous: Nothing in Section 1126.00, et seq., shall be construed to prevent or regulate:

- A) Interior arrangements, other than maintenance and repair work as listed in Section 1126.90;
- B) Ordinary maintenance or repair of any exterior features to any property within an Architectural Conservation/Historic District which does not involve a change in design, material, color, signage, or outer appearance thereof;
- C) Construction, reconstruction, alteration, restoration, or demolition of any such feature which the City Manager or Designee or similar official shall certify is required by the public safety because of an unsafe or dangerous condition; Any such action required by the City of Hamilton Health Department shall be coordinated with the Planning Department and Architectural Design Review Board; and
- D) Emergency repairs.
- E) Nothing in Section 1126.00, et seq., shall be construed to mean that the alteration or rehabilitation of any property in the Architectural Conservation/Historic District is required, other than the maintenance requirements of Section 1126.90 hereof.
(OR2009-10- 106)

1126.110 Central Area Building Inventory: The Central Area Building Inventory shall include the following properties. (OR2013-2-22) (REVISED OR2018-7-70)

105 Court Street	320 High Street	320 S. Front Street
228-234 Court Street	332 High Street	105 N. Second Street
309-311 Court Street	10 Journal Square	128 N. Second Street
19 S. Front Street	225 Ludlow Street	2 S. Second Street
23 S. Second Street	311-315 Ludlow Street	120 S. Second Street
1 High Street	337 Ludlow Street	319 S. Second Street
101 High Street	10 Monument Street	136 N. Third Street
219 High Street	20 Monument Street	100 S. Third Street
222 High Street	100 Monument Street	215 S. Third Street
228-236 High Street	111 S. Front Street	220 S. Third Street
254 High Street	212 S. Front Street	225 S. Third Street
300 High Street		301 S. Third Street

1126.120 Violations: Whoever violates any of the provisions of Section 1126.00, et seq., shall be deemed guilty of a third degree misdemeanor, and upon conviction thereof, shall be fined not to exceed the sum of five hundred (\$500.00) Dollars. Each day the violation continues shall be considered a separate offense. In the event of a violation of Section 1126.00, et seq., or imminent threat thereof, the City or the owner of any property within the Architectural Conservation/Historic District who would be especially damaged by such violation, may institute a suit for injunction pursuant to Section 713.13 of the Ohio Revised Code.