

City of Napoleon
Preservation District Preservation Commission Review
Application for Certificate of Appropriateness

Applicant: _____

Location of Property: _____

Applying for a Certificate of Appropriateness

Why do I need a Certificate of Appropriateness?

The City of Napoleon declared as a matter of public policy that distinctive areas of the City where structures tend to be more than fifty (50) years of age exemplify a predominant architectural style, possess historical significance, and/or portray the early development of the City collectively contribute to the economic, cultural, and educational development of the City. The City declared as a matter of public policy that the preservation and enhancement of such historic buildings and areas in the City is a public necessity and is required in the interest of the health, safety, and welfare of the people.

The City declared the necessity to identify areas, places, buildings, structures, sites, objects, and works of art based upon historic, architectural, archaeological, or cultural significance related to the historical development of the City for establishment as a preservation district. Therefore, the City established a Preservation District along with procedures for the enforcement of historic design review guidelines whereby historic, architectural, archaeological, and cultural resources within a duly designated preservation district are afforded protection from actions that would be detrimental to their preservation, enhancement, and continued use, as well as to prevent inappropriate or incompatible construction within the preservation district. Purely residential structures were expressly exempt from regulation.

When should I get one? Answer: Before making *any* exterior changes.

Within the boundaries of any preservation district established, a certificate of appropriateness is required from the Preservation Commission, **before** any owner of property used for commercial purposes may receive a zoning permit or commence work for any proposed construction, reconstruction, alteration, replacement, repair, modification, or demolition of a structure, exterior wall, or exterior architectural feature of any building or structure, including installation or visible changes to fences, signs, or other visible exterior improvements (See 1138.05(a) Codified Ordinance).

Exclusions are provided for normal maintenance and repair, demolition after substantial damage, and emergency orders (See 1138.05(b) Codified Ordinance).

If you intend to make a change to the exterior of your property, complete this application packet and return it to the City Building, at 255 W. Riverview, P.O. Box 251, Napoleon, Ohio 43545.

If you are changing or installing signage, please note that the certificate of appropriateness is still required, however, there are separate signage requirements within City code; see section 1335 of Napoleon's codified ordinances (available online at www.napoleonohio.com - click on

Engineering Department, and then click *City of Napoleon Codified Ordinances*, or inquire at the City Building).

Procedure for Applying for a Certificate of Appropriateness (1138.08) Codified Code

Step 1: (Suggested) Meet with or contact Tom Zimmerman, Zoning Administrator for the City of Napoleon, to discuss the option of exploring your proposed building changes with someone from the Preservation Commission, the Zoning Administrator or consulting with an outside preservation expert prior to completing your plans or completing the application for a Certificate of Appropriateness. Mr. Zimmerman can assist you in complying with the City's Preservation Guidelines, and sign ordinances. In addition, you are welcome to consult with Napoleon Alive, Inc., for more information about the Downtown Revitalization Grant Program, which requires compliance with the Preservation District Guidelines. Email info@napoleonalive.org, or Call 419-906-1130.

Step 2: (Required) Blank applications for a Certificate of Appropriateness are available at the Zoning Administrator's office at the City Building. The application must be completed in full and must include the address of the property for which the Certificate of Appropriateness is being requested, the property owner's name, phone number, mailing address; the tenant's name and mailing address, if applicable; and a narrative which clearly describes the proposed activity subject to Preservation.

Complete the application for a Certificate of Appropriateness for Exterior Changes and return it to the City Building to the attention of the Zoning Administrator.

The application for a Certificate of Appropriateness should be accompanied by:

- color photos of each building elevation of an adequate size, detail, and clarity for reasonable use by the Preservation Commission;
- Sketches of proposed new construction facades, or changes to each exterior wall, or proposed installation or visible changes to signs, fences, and/or other visible exterior improvements.
- Sketches shall be drawn as near as possible to scale and be easily understandable.
- Sketches shall depict and fully describe using notations all proposed changes and additions, including: structural changes which impact the exterior of the building; all windows and doorways; roof lines; Signage;
- A description of the proposed materials to be used;

A request for a Certificate of Appropriateness shall be accompanied by any applicable fees as may be established by the City.

Step 3: Determination of Completeness and scheduling of Administrative Hearing

- Upon receipt of a request for a Certificate of Appropriateness, the Zoning Administrator shall make a determination the application is complete. The applicant shall be informed of any omissions to the application. The determination that an application is "complete" shall be noted on the face of the application by the Zoning Administrator.

- The administrative hearing will be scheduled by the Preservation Commission to be held 10 to 45 days from the date of the completed application.
- Applications involving building demolition require special consideration by the Preservation Commission. (§1138.09)
- The public shall be given notice of: the date, time, and place of the administrative hearing; a short description of the purpose, location of the subject property, and the review body involved; and informed that a copy of the application, together with all maps, plans, and reports submitted with reference thereto, shall be on file for public examination in the office of the Zoning Administrator.
- Public notices shall be provided as described in §1138.09(b).

Step 4 - Administrative Hearing Held, Decision Rendered

- All administrative hearings of the Preservation Commission shall be open to the public, and conducted according to the procedures set forth in Ordinance 1138.09(c).
- Regardless of any continuances of the hearing, the Preservation Commission shall make every reasonable effort to render a decision on the application within forty-five (45) days after the application was received, unless an extension of time is agreed to by the applicant. § 1138.09(d)
- The Preservation Commission shall consider the application(s), plans and specifications, and determine whether the proposed construction, reconstruction, alterations, or demolition is appropriate, or whether it has an adverse effect upon the purposes of the Preservation District.
- The Preservation Commission shall issue its decision in the form of a written Final Order in which it expressly sets forth the findings and conclusions of fact used as the basis or rationale for the decision.
 - Approval. If the applicant has proven by the preponderance of the evidence on the whole record that the proposed activity will have no adverse effect on a Historic Resource or the historic character or architectural integrity of all or a portion the Preservation District, then the Preservation Commission shall vote to grant the application and cause the Chairman to endorse a Certificate of Appropriateness and return the applications, plans and specifications to the applicant.
 - Approval Subject to Modifications. The Certificate of Appropriateness may include any reasonable conditions placed upon the approval regarding the proposed activity. Such conditions shall be made part of the Certificate of Appropriateness and of any subsequent zoning approval. Receiving a Certificate of Appropriateness does not negate requirements to adhere to all other City zoning regulations and City, County and/or State building regulations.
 - Demolition application approvals – see Ordinance No. 1138.09
 - The Certificate of Appropriateness will be valid for one (1) year from the date of approval.
 - Denial. If the Certificate of Appropriateness is denied, the applicant shall be notified in writing of the following:
 - The reasons for denial, and recommendations for a subsequent resubmission of a modified application, if any.
 - The Preservation Commission shall offer to undertake continuing and meaningful discussions with the applicant over a period of at least thirty (30) days, but not to exceed six (6) months, from the date of denial, during

which time the Preservation Commission shall search for an acceptable compromise proposal that would allow for approval.

- Denial of Application for Demolition – (see Ordinance 032-09 Section 9

Procedures for the Appeal of the Preservation Commission's Final Order are contained in § 1138.10.

Remedies and Penalties pertaining to Certificates of Appropriateness are contained in Ordinance No. 1138.11.

- Aggrieved parties or persons may institute legal proceedings to prevent violation of Chapter 1138, and to abate any illegal condition, or to cause the removal of any illegal changes or alterations by appropriate legal means.
- In addition to remedies sought, violation of the provisions of this Ordinance, or any Certificate of Appropriateness granted by the Preservation Commission shall be deemed guilty of an unclassified misdemeanor, punishable by a fine not to exceed \$1000.00 for each violation. Each day of violation shall constitute a separate and distinct violation.

Step 5: (May be required) While waiting on the Certificate of Appropriateness to be processed, contact the Building and Zoning Department to learn whether a construction permit will be required.

Name of Applicant:

Certificate of Appropriateness

Application Checklist

Description of proposed changes, including materials, dimensions, and color scheme (can be in the form of a drawing)*: _____

Written contractor's construction proposal for each change to be made: _____

Photo of building facade or real property where changes will be made: _____

If necessary, copy of construction permit issued by the City of Napoleon Building Dept: _____

Completed application packet: _____

Applicant has reviewed the U.S. Secretary of the Interior's *Standards for Rehabilitation*,** the City's sign ordinance (if applicable), and other criteria for evaluation set forth in Chapter _____ of the City's Codified Ordinances: _____

Name of Applicant:



Application for Certificate of Appropriateness

Submit to:

City Building, 255 W. Riverview, Napoleon, OH 43545. Telephone: 419-592-4010

Location of Building: _____

Property Owner Information:

Property Owner

Street Address

City Zip Code

Telephone Number

Email

Lessee Information:

Lessee

Name of business in building, if any

Street Address

City Zip Code

Telephone Number

Email Address

Description of Proposed Change:

Please describe the proposed change(s) below, or add an attachment if necessary. Include a reasonably accurate drawing of the changes and any supplemental visual materials. Also include a list of specific materials to be used. Attach samples and/or brochures if possible.

Name of Applicant: _____

Acknowledgement:

I understand that changes made to buildings in the designated preservation District or to designated landmark properties, and/or the placement of signs without the issuance of a Certificate of Appropriateness, building permit (if applicable), and sign permit (if applicable) could subject me to enforcement action up to and including possible criminal penalties under Chapters 1138, 1301 & 1335 of the Codified Ordinances of the City of Napoleon, as well as other applicable provisions of law.

I understand that compliance with the BOCA Property Maintenance Code will be required as prescribed in Chapter 1311 of Codified Ordinances.

I understand that my application for a Certificate of Appropriateness must be complete prior to posting in the Zoning Administrator's office for ten (10) days, and that after the posting period the Preservation Commission may or may not approve a Certificate of Appropriateness. The Preservation Commission may review the application prior to the completion of the ten-day posting period, but cannot issue a Certificate of Appropriateness prior to the completion of the ten-day posting period. I understand that I may need to apply for a building permit (Chapter 1301) from the Building and Zoning Department for certain types of construction.

Signed: _____
Property Owner

Property Owner

For office use:

Date Received by Code Enforcement Official: _____ By: _____

Date posted by Code Enforcement Official: _____
(Application must be complete; must be at least ten (10) days prior to a hearing date or prior to the issuance of a Certificate of Appropriateness)

The above application was APPROVED ___ DENIED ___ By the Preservation Commission Review Board on the _____ day of _____, 20 _____, with the following conditions:

Signature: _____ Date: _____
(Preservation Commission Review Board Chairman)