

# City of Cleveland Heights, Ohio



## Landmark Ordinance Update PUBLIC MEETING

March 11, 2024

NAYLORWELLMAN,LLC  
HISTORIC PRESERVATION CONSULTING  
RETAIN ☐ RESTORE ☐ REVIVE

[naylorwellman.com](http://naylorwellman.com)



Cleveland Heights

This project was conducted to support the City of Cleveland Heights Landmark Commission in their efforts to preserve and protect buildings, sites, structures and objects that reflect the City's history; stabilize and improve property values; enhance the character, diversity, and interest of the City; foster civic pride; promote preservation; and safeguard the property rights of the owners of Landmarks and property located in a Landmark District. This Revised Ordinance is undertaken as part of the City of Cleveland Heights review of all city ordinances.



This project was made possible in part by a grant from the National Park Service, U.S. Department of Interior, administered by the State Historic Preservation Office of the Ohio History Connection. This program receives federal assistance for the identification and protection of historic properties.

#### LANDMARK COMMISSION

Mazie Adams, Chair  
Jim Edmonson  
Ken Goldberg  
Margaret Lann  
Thomas Veider  
Danielle Cohen

#### ADMINISTRATION

Kahil Seren, Mayor  
Eric Zamft, AICP, Planning and Development Director  
Karen Knittel, Assistant Planning Director  
Brooke Siggers, Planner

CLEVELAND HEIGHTS



# LANDMARKS

## LANDMARK COMMISSION ORDINANCE, 1973

The City of Cleveland Heights Council established a Landmark Commission by ordinance in 1973, recognizing the importance of the history and architecture of the City.

## CERTIFIED LOCAL GOVERNMENT (CLG), 2019

The City of Cleveland Heights became a CLG in 2019, aligning itself with State and Federal standards for designation of local Landmark properties and historic design review using the **Secretary of the Interior's Standards for Rehabilitation**.

## HISTORIC PRESERVATION DESIGN GUIDELINES, 2021

The Landmark Commission established Historic Design Guidelines in 2021 for design review of Cleveland Heights Landmark properties using the **Secretary of the Interior's Standards for Rehabilitation**.

## LANDMARK COMMISSION ORDINANCE UPDATE, 2024

The Landmark Commission is updating the Chapter 143 Ordinance in 2024 to align with CLG and the Historic Preservation Design Guidelines.



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# Landmark Commission Ordinance Update GOALS



## Cleveland Heights All are welcome.

- Update for clarity, conciseness and alignment with Secretary of Interior Standards for Rehabilitation, City of Cleveland Heights Historic Preservation Design Guidelines and National Register Criteria.
- Conduct a general review for compliance with property rights law.
- Review the process for Landmark designation and design review.
- Ensure that the designation criteria are interpreted broadly to include architectural significance, historic significance, and cultural significance to identify landmarks that are equitable and inclusive.
- Review approval criteria for property owner-initiated changes in the exterior of landmarks and interior where it is part of the designation.
- Review criteria for Certificate of Appropriateness applications with identification of specific timelines.
- Examine demolition, owner provisions and create an appeals process.
- Public, SHPO and Law Director review and input.

# Landmark Commission



**Seven (7) members appointed by Council** who have demonstrated special interest, experience, or knowledge in one of the following areas:

architecture,  
history,  
historic preservation,  
law,  
realty,  
archeology,  
art history,  
planning,  
or related disciplines.

At least two (2) members of the Commission shall be professionals in a preservation-related field to the extent such professionals are available and willing to serve.

Up to three (3) alternate members of the Landmark Commission may be appointed by Council.



## Powers and Duties:

- Continue to survey Cleveland Heights properties for properties eligible for Landmark designation.
- Designate Landmarks.
- Review and make determinations on application for a Certificate of Appropriateness.
- Work for the continuing education of residents regarding the historic and architectural heritage of the City.
- Establish historic preservation guidelines for design review in accordance with the United States Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67.7 (b))
- Act in an advisory role to other officials and departments regarding the protection of designated and eligible Landmarks.
- Act as a liaison on behalf of the City of Cleveland Heights to individuals and organizations concerned with historic preservation.
- Barring extenuating circumstances, attend an educational session at least once a year.
- Confer recognition upon the owners of Landmarks.

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## Landmark Commission Ordinance



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The **purpose** of the Landmark Commission is to designate Landmarks in the City of Cleveland Heights in order to preserve, protect, and perpetuate districts, sites, buildings, structures, and objects having a special historical, community, or aesthetic interest or value, for the following reasons:

- (a) To safeguard the heritage of the City of Cleveland Heights, by preserving properties which reflect elements of the City's cultural, social, economic, political, or architectural history;
- (b) To stabilize and improve property values;
- (c) To protect and enhance the City of Cleveland Heights' heritage, and attractiveness to residents, tourists, and visitors, and serve as a support and stimulus to businesses;
- (d) To enhance the visual and aesthetic character, diversity, and interest of the City of Cleveland Heights;
- (e) To foster civic pride in the beauty and notable accomplishments of the past;

## Landmark Commission Ordinance



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- (f) To promote the use and preservation of properties for the education and general welfare of the people of the City of Cleveland Heights;
- (g) To safeguard the architectural integrity of the City's designated Landmarks;
- (h) To promote environmental sustainability through historic preservation and adaptive reuse of historic properties;
- (i) To seek alternatives to demolition or incompatible alterations to Landmark properties before such acts are performed; and
- (j) To encourage the development of vacant Landmark properties in accordance with the neighborhood character.

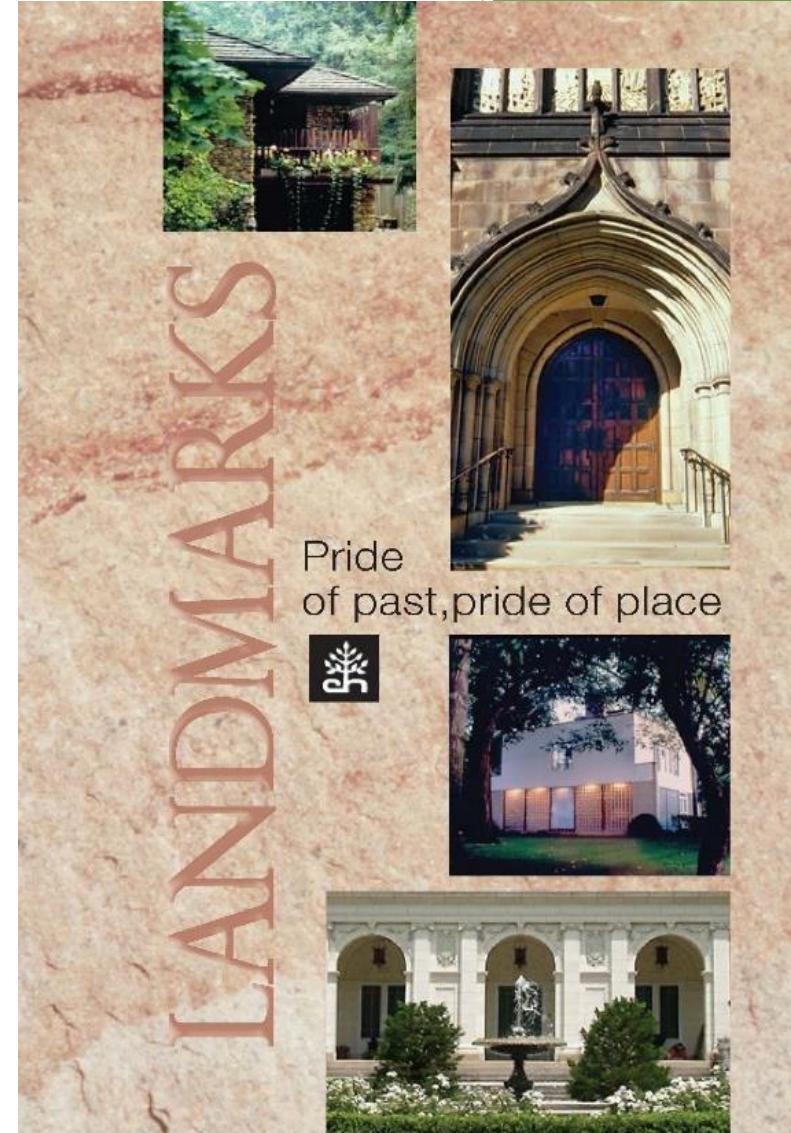
## What is a Landmark?

### LANDMARKS

- Landmark properties include individual properties or properties within a historic district which has been designated a Landmark by the Landmark Commission.
- A list of the individual Landmarks is available at the City of Cleveland Heights website, Historic Landmarks, Landmarks Booklet .  
<https://www.clevelandheights.com/260/Historic-Landmarks>

### NATIONAL REGISTER OF HISTORIC PLACES

- The National Register is the official list of the Nation's historic places worthy of preservation, as authorized under the National Historic Preservation Act of 1966. Listing does not place any additional local, state or federal design review requirements on a property owner.
- National Register listing does not automatically invoke local landmark designation; properties are not subject to review by the Landmark Commission unless they have been separately designated a Landmark.



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## Landmark – Criteria for Designation

In determining whether or not to recommend designation of a **property** as a Landmark, the Commission shall consider the following criteria with respect to historic significance:

**Properties include a historic district, site, building, structure, or object.**

### GENERAL CRITERIA

- Its character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Cleveland Heights, Cuyahoga County, the State of Ohio, or the United States.
- Its identification with a person or persons who significantly contributed to the culture and development of the City of Cleveland Heights, the county, state, or nation.
- Its embodiment of distinguishing characteristics of an architectural style or building type, method of construction.
- Its identification as the work of an architect, landscape architect, or master builder whose individual work has influenced the development of the City of Cleveland Heights.
- Its embodiment of elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural or structural innovation.
- It has yielded or may be likely to yield, information important in the prehistory or history of the City of Cleveland Heights.



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## Landmark – Process for Designation



**STEP 1:** The Landmark Designation Process can be initiated by the Landmark Commission, an individual, group or organization by completing the **Landmark Nomination form** available at <https://www.clevelandheights.gov/260/Historic-Landmarks>



**STEP 4:** The Commission will prepare a report and recommendation to include photographic documentation, a map or site plan showing boundaries, a physical description, history, and statement of historic significance and integrity in relation to the criteria for designation, period of significance and for districts, a list of contributing and non-contributing properties. If the Landmark Commission recommendation is to decline designation of the Landmark, no further action shall be taken.



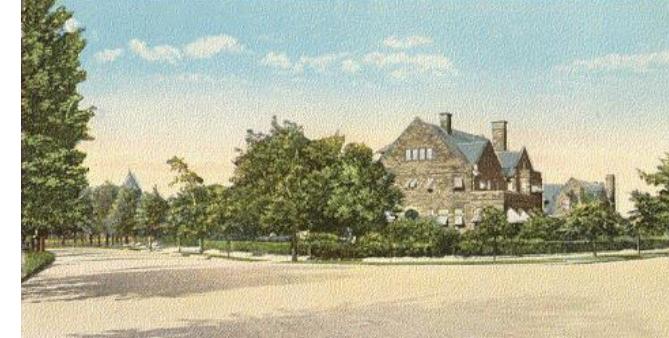
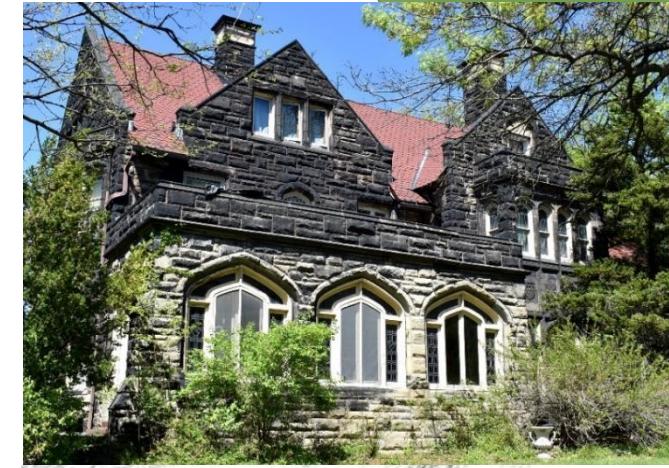
**STEP 2:** Written Notice will be sent by mail to the owner(s) of a proposed Landmark designation.



**STEP 5:** Within sixty (60) days after the Commission's recommendation for designation, schedule a second public hearing to present the report and provide an opportunity for all interested parties to express their opinions.



**STEP 6:** Within sixty (60) days of the second public hearing, the Commission shall make a final determination the designation. The designation of a Landmark becomes effective as of the date of adoption of a corresponding resolution by the Landmark Commission.



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## Landmark – Historic Design Review

A Certificate of Appropriateness is required for City of Cleveland Heights Landmark designated properties before:

- **Property Changes**
- **Exterior Alterations**
- **New Construction**
- **Demolition**
- **Moving**

A Certificate of Appropriateness is a document issued by the Landmark Commission certifying that a Landmark property project meets the Secretary of the Interior's Standards for Rehabilitation design criteria.



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Maintenance and Repair are encouraged but do not require a Certificate of Appropriateness. Maintenance and repair are defined as the process of conserving and fixing a building over time to prevent deterioration and do not involve a change in the exterior design, material, or outer appearance of a Landmark or property in a Landmark District.

Buildings or Districts are designated in an “as-is” condition. There is no obligation for the owner to make repairs or restore a building to its original appearance with the designation. The Landmarks Ordinance would be triggered only when qualifying changes are proposed.

## Historic Design Review Process

## Secretary of the Interior's Standards for Rehabilitation

**Certificate of Appropriateness Application Form**, Available  
at <https://www.clevelandheights.gov/267/Historic-Preservation>

**Signage & Murals**

**Accessibility Solutions**

**Site Design**

**Additions**

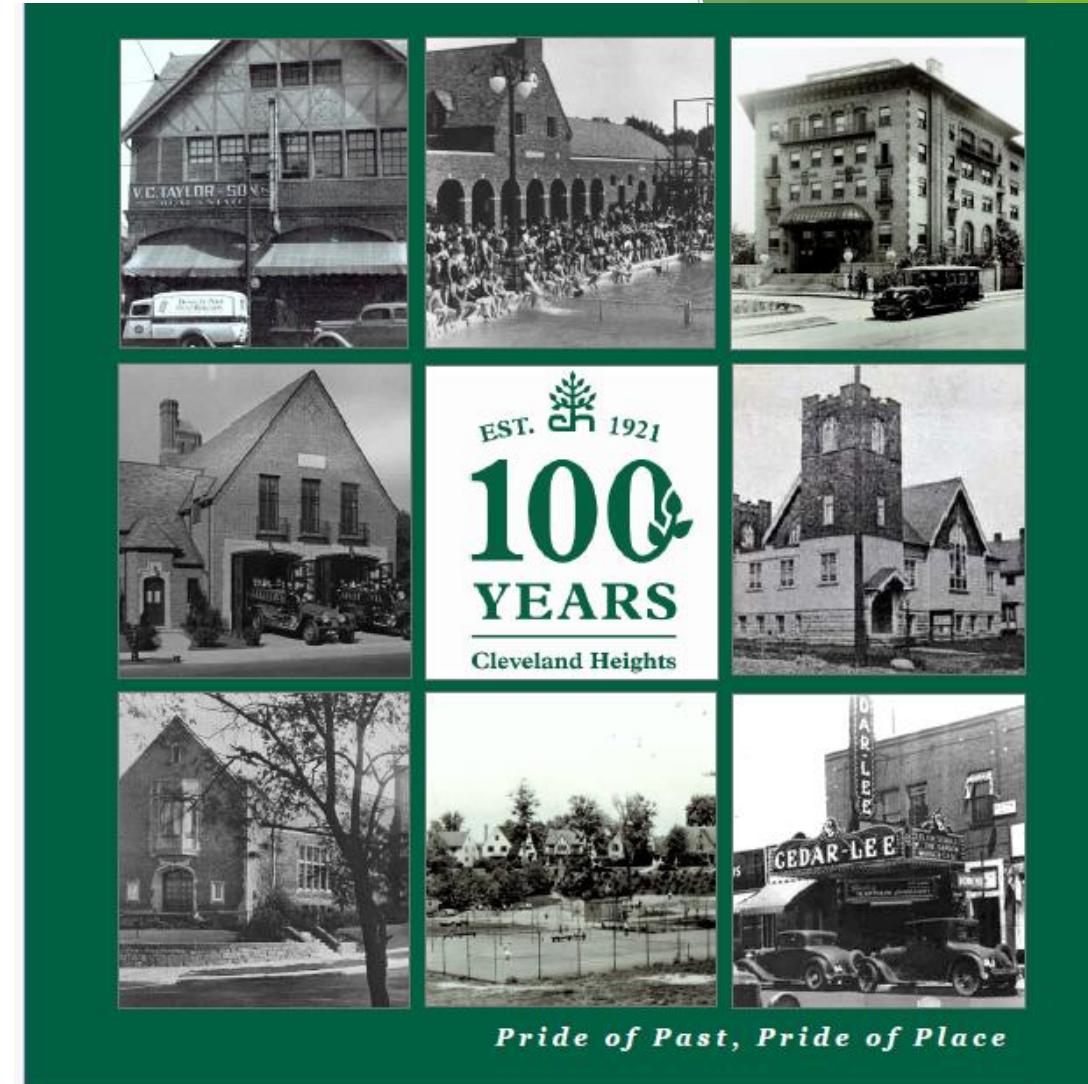
**New Construction**

**Accessory Buildings**

**Enhancements**

**Demolition, Mothballing & Relocation**

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CITY OF CLEVELAND HEIGHTS  
LANDMARK COMMISSION  
HISTORIC PRESERVATION DESIGN GUIDELINES

## Proximity

For the purpose of determining compatibility of design, the potential for one property, by virtue of its location, to materially and adversely affect a Landmark property. Proximity shall include:

- (1) Properties on the same side of the street which abut the Landmark property;
- (2) Properties across the street immediately opposite the Landmark property; and
- (3) All other properties abutting the Landmark property.



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## Demolition

(1) **The demolition of a Landmark shall not be permitted unless one (1) of the following conditions exist:**

(i) Demolition has been ordered by the Building Commissioner for public safety reasons.

(ii) The owner demonstrates that the Landmark is either:

- not habitable or otherwise not safe; or
- the repair or rehabilitation of the property is not economically feasible and the property's condition did not result from damage which has been purposefully caused to the property, or allowed to occur due to the neglect of the owner.
- No permit to demolish will be permitted under this paragraph unless the owner obtains a Certificate of Appropriateness from the Landmark Commission and a final motion of approval from the Architectural Board of Review for the building or structure which will replace the property to be demolished.

(iii) The owner demonstrates to the satisfaction of the Landmark Commission that denial of the demolition is inconsistent with a legitimate interest in the health, safety, and welfare of the City.

(iv) The demolition request is for an incompatible addition or a portion of a Landmark property that is not historically significant, and, the demolition will not adversely affect the historic significance of the Landmark.

(2) **Pending Landmark Application.** No property may be demolished during the pendency of a Landmark designation application

(3) **Mandatory Stay of Demolition.** No permit to demolish shall be issued by the Building Commissioner for thirty (30) days following the final administrative adjudication by the City or final outcome of an appeal.



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## Appeals

Any person adversely affected by a decision of the Landmarks Commission may appeal the determination of the Landmark Commission to Council. An appeal shall be considered by Council only after formal action has been taken at a public meeting by the Landmark Commission with regard to an application for a Certificate of Appropriateness.

### Initiation of Appeal

Within ten (10) calendar days of such action, shall be filed with the Clerk of Council.

#### Public Hearing by Council

Council shall hold a **public hearing** of the appeal within seventy-five (75) days of the date the appeal.

#### Notice of Public Hearing

Shall be given by the City by posting on the City's website at least ten (10) days prior to the hearing. Written notice shall be mailed to the appellant, and to owners of any other property deemed by the Clerk of Council to be affected.

#### Decision by Council

Council shall render a decision to affirm, modify, or reverse the decision of the Landmark Commission. The Council decision shall be final and appealable only to Common Pleas Court under Ohio RC Chapter 2506.



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# PROJECT SCHEDULE

- October 16, 2023**  
KICK-OFF MEETING with Key Stakeholders / INTERNAL MEETING #1
- November 13, 2023**  
INTERNAL MEETING #2  
HISTORIC RESEARCH / PRELIMINARY DRAFT DUE
- December 11, 2023**  
PUBLIC MEETING #1 to PRESENT PRELIMINARY DRAFT
- January 11, 2024**  
INTERNAL MEETING #3 - Naylor Wellman, Staff and Law Director  
Law Director Comments received 2/26/24  
PRELIMINARY DRAFT submitted to SHPO for REVIEW  
SHPO Comments received 2/1/24
- February 26, 2024**  
INTERNAL MEETING #4 – Review Staff, Law Director & SHPO Comments
- March 11, 2024**  
PUBLIC MEETING #2 to PRESENT FINAL DRAFT  
SUBMIT to SHPO for APPROVAL – 30-day review
- April 15, 2024**  
DELIVER Electronic Copy subject to SHPO APPROVAL



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# NAYLOR WELLMAN, LLC

HISTORIC PRESERVATION CONSULTING

RETAIN ☦ RESTORE ☦ REVIVE



Principals **WENDY HOGE NAYLOR** and **DIANA WELLMAN** are registered Preservation Consultants qualified under the Federal Historic Preservation Professional requirements as described in the *United States Secretary of the Interior's Standards for Archeology and Historic Preservation* (48 FR 44716).