

CHAPTER 1321
Historic Landmarks Commission

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1321.01 ESTABLISHMENT OF HISTORIC LANDMARKS COMMISSION.

In recognition of the need for the establishment of a public body that will provide for the protection and enhancement of the distinctive character of the historic resources of Springfield and for the objective review of alternatives to proposed alteration or demolition of certain notable structures, works of art, objects or areas within the City of Springfield, the City Commission hereby adopts this chapter and establishes the Springfield Historic Landmarks Commission.
(Ord. 84-549. Passed 11-13-84.)

1321.02 PURPOSE.

The City Commission, being mindful of the proud history of this community, hereby declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, works of art and other objects having a special historical, community or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

- (a) Maintain and enhance the distinctive character of the historic resources of Springfield by establishment of procedures whereby certain areas, places, buildings, structures and works of art which reflect elements of

- the City's cultural, social, economic, political or architectural history shall be allowed that measure of protection afforded by a thorough study of alternatives to incompatible alterations or demolition before such acts are performed;
- (b) Contribute to the economic, recreational, cultural and educational development of the City of Springfield by:
- (1) Stimulating business and attracting industry;
 - (2) Protecting and enhancing attractions to residents, tourists and visitors;
 - (3) Stabilizing and improving property values;
 - (4) Enhancing the visual and aesthetic character, diversity and interest of the City of Springfield;
 - (5) Fostering civic pride in the beauty and notable accomplishments of the past;
 - (6) Facilitating the rehabilitation and revitalization of certain older neighborhoods;
 - (7) Promoting the use and preservation of historic sites and structures for the education and general welfare of the people of Springfield.
- (Ord. 84-549. Passed 11-13-84.)

1321.03 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- (a) "Alter" or "alteration" means a change or re-arrangement in the structural parts or building service equipment or an enlargement whether by extending on a side or by increasing the height or the moving from one (1) location or position to another. For the purpose of this chapter, alterations shall include a change in design, color, texture, material or exterior feature. Ordinary maintenance to correct any deterioration, decay or damage to a structure and to restore the structure to its condition prior to such deterioration, decay or damage are excluded from the definition of "alteration", provided such work does not involve a change in design, color, texture, material or exterior feature.
- (b) "Applicant" means any owner, owners, association, partnership or corporation who applies for a Certificate of Appropriateness.
- (c) "Landmarks Commission" means the Historic Landmarks Commission of the City of Springfield, Ohio.
- (d) "City Commission" means the City Commission for the City of Springfield.
- (e) "Exterior features" means the architectural style, general design and general arrangement of the exterior of a building or other structure including but not limited to windows, doors, porches, storefronts, cornices, siding materials and decorative trim.
- (f) "Historic District" means any area designated by the Landmarks Commission, under the provisions of this chapter, which contains properties of special character, historic, aesthetic or architectural value.
- (g) "Listed property" means any property which has special character, historic, aesthetic or architectural value as part of the heritage, development or cultural characteristics of the City of Springfield, or the United States and which has been designated as a listed property

- pursuant to the provisions of this chapter.
- (h) "Member" means any member of the Landmarks Commission.
 - (i) "Owner" means the owner of record and such term includes the plural as well as the singular.
 - (j) "Sign" means any object or device or part thereof, visible outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or event. For the purposes of this chapter, signs do not include: flags of nations, states and cities, fraternal, religious or civic organizations; merchandise, pictures or models of products and services incorporated as part of a window display; works of art which in no way identify a product; national, state, city, religious, fraternal, professional and civic symbols and crests.
 - (k) "Environmental feature" means any natural or man-made object, attachment or landscaping that is intended as part of the visual composition of a street or site, including but not limited to fences, sidewalks, driveways, exterior lighting fixtures, street trees, curbs and streets, and paving materials.
 - (l) "Substantial hardship" means a condition unique to the property under consideration and a condition under which an action by the Landmarks Commission would force the applicant to suffer practical difficulty and denial of the reasonable use of the property.
(Ord. 84-549. Passed 11-13-84.)

1321.04 HISTORIC LANDMARKS COMMISSION COMPOSITION AND TERMS.

(a) The Historic Landmarks Commission shall consist of seven (7) members who shall be appointed by the City Commission. All members shall have, to the highest extent possible, a recognized knowledge of and known interest in architectural preservation and design together with a determination to work for the overall improvement of the quality of Springfield's physical environment. Membership on the Landmarks Commission shall include: one (1) member of the City's administrative staff, who shall serve as Secretary of the Commission; three (3) at-large members that represent the disciplines of architecture, history or preservation; and three (3) citizens-at-large. Nominations may be solicited from the local chapters of the American Institute of Architects, Clark County Bar Association, Clark County Board of Realtors, Clark County Historical Society, South Fountain Preservation, Inc., and other groups or organizations that might have an interest in the Commission.

(b) Each of the members shall be appointed to a term of three (3) years. Except for the City's administrative staff member, no member shall serve more than two (2) consecutive terms. After a member has served during two (2) consecutive terms he shall be ineligible for reappointment to the Landmarks Commission until one (1) year has expired since his last date of service on the Commission. The City's administrative staff member may be reappointed for an unlimited number of consecutive three-year terms and may be replaced at the discretion of the City Commission.
(Ord. 94-139. Passed 4-19-94.)

(c) Any vacancy on the Landmarks Commission shall be filled as in the case of the original appointment, as set forth herein for the unexpired term of the member whose vacancy is so filled.

(d) All members of the Landmarks Commission shall serve without compensation and shall be subject to removal from office by a majority of the City Commission.

(e) Persons eligible for service on the Landmarks Commission shall meet the following qualifications:

- (1) Persons serving on another City board or commission shall not be eligible to serve on the Landmarks Commission.
- (2) Elected public officials shall not be eligible to serve on the Landmarks Commission.
- (3) Except as otherwise provided herein, if any member of the Landmarks Commission shall fail to meet any of the qualifications stated in subsections (e)(1) and (2) hereof his office shall immediately become vacant.
- (4) The City Commission, by ordinance and upon finding that the particular expertise of a potential appointee or member is needed on the Landmarks Commission, may waive any or all of the requirements of subsection (e)(1) and subsection (f) hereof for such appointee or member.

(f) At least four (4) of the seven (7) members of the Landmarks Commission shall be electors of the City.

(g) If any Landmarks Commission member is absent from three (3) of any six (6) consecutive commission meetings, or if such member is unwilling or unable to attend a regularly scheduled prearranged discussion of the public business of his board which fails to qualify as a "meeting" for lack of quorum, his office shall immediately become vacant. Such member shall have the opportunity to explain his absence to the City Commission and may be reappointed by a majority vote of the City Commission to complete the balance of his term.

(Ord. 95-96. Passed 3-14-95.)

1321.05 MEETINGS; RECORDS; GENERAL PROCEDURES.

(a) The Landmarks Commission shall elect from its membership a chairperson and such other officers as it may deem necessary. No chairperson shall serve more than two (2) years during a period of six (6) consecutive years. The term "year" means twelve (12) consecutive months. The Commission shall adopt rules and regulations consistent with law and ordinance. Meetings of the Commission shall be held once each month, and at such additional times as the Commission may determine; provided, however, the chairperson may cancel a meeting if no member has proposed business to be conducted at the meeting. The time of regular meetings shall be specified in the rules and regulations of the Commission. Special meetings shall be called by the chairperson. There shall be a fixed place of meeting.

(b) The Landmarks Commission shall keep minutes of its proceedings, showing the action of the Commission and the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of

all of its official action, all of which shall be filed promptly in the Department of Planning and Development. The presence of four (4) members shall constitute a quorum. The Landmarks Commission shall act by resolution and a copy of each resolution duly adopted shall be filed in the Office of the Clerk of the City Commission. (Ord. 94-368. Passed 10-11-94.)

1321.06 DUTIES OF THE LANDMARKS COMMISSION.

The Landmarks Commission shall have the following duties in addition to those otherwise specified in this chapter:

- (a) The Landmarks Commission shall function to improve the quality of life in this City by striving to further and achieve the spirit and purpose of this chapter.
(Ord. 84-549. Passed 11-13-84.)
- (b) The Landmarks Commission shall conduct or cause to be conducted or assist in the conduct of a continuing survey of all structures, works of art, objects or areas of architectural, historic or aesthetic interest in the City of Springfield, which the Landmarks Commission believes, on the basis of information available or presented to it, are or will be eligible for designation for the Local Register of Historic Properties and/or the National Register as a listed property or as a historic district.
(Ord. 85-485. Passed 9-10-85.)
- (c) The Landmarks Commission shall work for the continuing education of the citizens of Springfield with respect to the architectural and historic heritage of the City and the listed properties and historic districts designated under the provisions of this chapter, and shall make every effort to improve the overall design and environmental awareness of the people.
- (d) The Landmarks Commission shall keep a current register of all listed properties and historic districts. All listed properties shall be given a number, a description accompanied by a photograph, and the reasons for the listing. All historic districts shall also be given a number, a description and representative photographs including streetscapes, a map outlining the boundaries and the reasons for listing. This register shall be made available to the public and to any other interested party, and shall be located in the Department of Planning and Development.
(Ord. 94-368. Passed 10-11-94.)
- (e) The Landmarks Commission shall work cooperatively with planners, developers, the City, and others in long-range planning efforts to insure the inclusion of historic preservation values in such planning efforts.
- (f) The City shall seek the recommendation of the Landmarks Commission on all planning and development matters affecting designated or potential listed properties and historic districts.
- (g) The Landmarks Commission shall establish criteria, rules and regulations not otherwise included in this chapter for evaluating applications of Certificates of Appropriateness submitted to it and the manner in which they shall be processed. These criteria shall include specific considerations to be given the building materials, landscaping, signs, lighting and architectural style of the listed properties.
- (h) The Landmarks Commission may make recommendations to the City Commission for additions or revisions to this chapter.

- (i) The Landmarks Commission may delegate such ministerial duties to the Inspection Services Division of the Department of Planning and Development as the Landmarks Commission deems necessary to enable the Landmarks Commission to carry out its duties under this chapter. In addition, the Landmarks Commission may employ on a permanent or part time basis technical experts and such other employees as may be required to perform its duties, within the appropriations made available therefor, and with the approval of the City Commission.

(Ord. 94-139. Passed 4-19-94.)

- (j) The Landmarks Commission shall participate in the National Register process in the following manner:

Properties that appear to meet the criteria, or that have been determined eligible for listing in the National Register by the Secretary of the Interior, shall be nominated by the Landmarks Commission or any interested person to the National Register using the criteria and designation procedures of Section 1321.07 and the Department of the Interior.

The Landmarks Commission shall review all National Register nominations for properties within its jurisdiction.

- (1) When National Register reviews are on the agenda for Landmarks Commission review, notice will be published by release to the local news media, through City publications, or other means. The public notice shall list the proposed nominations with addresses, and shall encourage public input prior to the state review board.
- (2) The Landmarks Commission shall submit a report to the State Preservation Office prior to the final review of the Ohio Historic Site Preservation Advisory Board (OHSPAB) regarding the eligibility of each property or district proposed for nomination to the National Register within its jurisdiction. This report shall include the recommendation of the Landmarks Commission and the Mayor regarding the eligibility of the property. The report shall be made available for public inspection.
- (3) If both the Landmarks Commission and the Mayor recommend that a property not be nominated, the Landmarks Commission will so inform the property owner(s) and the state review board. Such property will not be nominated unless an appeal is filed with the State Historic Preservation Officer.
- (4) If either or both the Landmarks Commission and the Mayor agree that the property should be nominated, the report of their opinion shall be forwarded to the State Preservation Office within sixty (60) days, and the nomination will be scheduled for final review by the State Preservation Office.
- (5) Either the Landmarks Commission or the Mayor may appeal the final decision of the State Preservation Office under the aforementioned State Preservation Office appeals procedure.

The City may elect to send a supporting letter signed by both the Mayor and the president of the Landmarks Commission with the nomination when it is first submitted to the State Preservation Office. The requirements of subsection (j)(1) hereof shall apply. Upon written

agreement between the City and the State Preservation Office, the City may elect to assume responsibility for notification of property owners and the public throughout the nomination process. If such an agreement is entered into, the City shall meet the public notice requirements specified by the National Register nomination procedures of the Department of the Interior and the State Preservation Office.
(Ord. 85-485. Passed 9-10-85.)

1321.07 DESIGNATION OF LISTED PROPERTIES AND HISTORIC DISTRICTS.

(a) In considering the designation of any area, place, building, structure, work of art or similar object in the City of Springfield as a listed property or a Historic District, the Landmarks Commission shall apply the following criteria with respect to such property. One (1) or more of the following must apply:

- (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City of Springfield, State of Ohio or the United States;
- (2) Its location as the site of a significant historic event;
- (3) Its identification with a person or persons who significantly contributed to the culture and development of the City of Springfield;
- (4) Its exemplification of the cultural, economic, social, archaeological or historic heritage of the City of Springfield;
- (5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
- (6) Its embodiment of distinguishing characteristics of an architectural type or specimen;
- (7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of Springfield;
- (8) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation;
- (9) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural or architectural innovation;
- (10) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City of Springfield;
- (11) Its having yielded, or likelihood of yielding, information important to the understanding of pre-history or history.
(Ord. 84-549. Passed 11-13-84.)
- (12) Its meeting criteria for National Register of Historic Places designation as listed by the Department of the Interior.
(Ord. 85-485. Passed 9-10-85.)

(b) The Landmarks Commission shall notify the owner of any proposal to list his property. Whenever possible, the Landmarks Commission shall secure the owner's written consent for the proposed designation and upon receipt of such consent the property shall be listed upon favorable recommendation of the Landmarks Commission to City Commission and upon approval by City Commission at a regular

or special session of City Commission.

(c) In the event that such owner shall refuse or decline to give his written consent to the proposed listing and in the designation of all historic districts the following procedure shall be followed:

- (1) The Landmarks Commission shall schedule a public hearing on the question of the proposed listing, setting forth a date, time and place and causing written notice to be given to the owner; or in the case of a large historic district where individual notices may not be practical, notice to be given through existing neighborhood or other organizations.
The Landmarks Commission shall cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the hearing, the property or district involved and the date, time and place of the scheduled public hearing. These notices shall be given at least two (2) weeks before the scheduled hearing.
- (2) The Landmarks Commission shall conduct the public hearing and shall provide a reasonable opportunity for all interested parties to express their opinions. Within fifteen (15) days after the hearing, the Commission shall set forth in its recommendations such findings of fact which constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Clerk of the City Commission.
- (3) The City Commission shall give due consideration to the findings and recommendations of the Landmarks Commission, as well as such views as may have been expressed by persons participating in the hearing before the Landmarks Commission in making its own determination with respect to the proposed designation. The City Commission shall act on the proposed designation within forty-five (45) days of receipt of recommendations from the Landmarks Commission. If City Commission fails to act within forty-five (45) days, the designation shall be considered to be approved. The City Commission may designate a listed property or a Historic District at any regular or special meeting of the City Commission.
- (4) After a decision by the City Commission, the Landmarks Commission shall notify the owner(s) of the decision by the City Commission.
(Ord. 84-549. Passed 11-13-84.)

Local Register of Historic Structures and Districts

<u>Ordinance</u>	<u>Date</u>	
85-329	6-18-85	South Fountain Preservation Area
85-474	8-27-85	Pennsylvania House (1311 West Main Street)
85-565	10-8-85	IOOF Home For The Aged (404 East McCreight Avenue)
85-566	10-8-85	East High Street District
85-677	12-3-85	Arcade Building (SE corner of East High Street and

		South Fountain Avenue)
86-36	1-21-86	Myers Hall
86-224	4-8-86	The Marketplace (117 South Fountain Avenue)
86-561	9-16-86	Clark County Veterans Memorial Hall (300 West Main Street)

1321.08 LIMITATIONS ON ISSUANCE OF BUILDING, DEMOLITION AND SIGN PERMITS.

No permit shall be issued by the Manager of the Inspection Services Division of the Department of Planning and Development for the erection of a sign or construction, reconstruction, alteration or demolition of any structure, work of art, object or area within an historic district or for any listed property except in cases coming under the exclusion in this chapter, unless the application for such permit is approved by the Landmarks Commission through the issuance of a Certificate of Appropriateness in the manner prescribed herein.
(Ord. 94-368. Passed 10-11-94.)

1321.09 ISSUANCE OF CERTIFICATE OF APPROPRIATENESS.

(a) When the owner of a property within a Historic District or the owner of a listed property desires to make any change in design, color, texture, material or exterior features, including the construction, reconstruction, alteration, demolition or the erection of a sign, or any change in environmental features, such owner or his agent shall file with the Secretary of the Landmarks Commission an application in such form and with such plans, specifications and other material as the Landmarks Commission may from time to time prescribe.

(b) Within thirty (30) days of such submission, the Landmarks Commission shall consider such application, plans, specifications and other material for determination whether the Certificate of Nonapplicability of this chapter or a Certificate of Appropriateness should be issued.

(c) If the Landmarks Commission determines that no architectural or environmental feature is involved, the Secretary of the Landmarks Commission shall issue a Certificate of Nonapplicability and shall return the application, plans, specifications and other materials to the applicant.

(d) In the event that the Landmarks Commission finds that an architectural feature is involved, the Landmarks Commission shall determine whether the proposed construction, reconstruction, alteration, demolition or change of design, color, texture, or material or exterior feature of such structure, sign or environmental feature is appropriate. In making such determination the Landmarks Commission shall refer to the Secretary of the Interior's Standards for Rehabilitation, and to the design guidelines adopted by the Landmarks Commission.

(e) In the event that the Landmarks Commission finds such proposed construction, reconstruction, alteration, demolition or change in design, color, texture, material or exterior feature of any structure, sign or environmental feature to be appropriate, a Certificate of Appropriateness shall be issued by the Secretary of the Landmarks Commission.

(f) In the event that the Landmarks Commission finds such proposed

construction, reconstruction, alteration, demolition or change in design, color, texture, material or exterior feature of any structure, sign or environmental feature not to be appropriate but 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 derogation from the purposes of this chapter, then and in such event, the Secretary of the Landmarks Commission shall issue a Certificate of Appropriateness for such proposed work.

(g) In the event that the Landmarks Commission determines within the appropriate time that a Certificate of Appropriateness or Certificate of Nonapplicability of this chapter shall not be issued, it shall forthwith state in its records reasons for such determination and may include recommendations respecting the proposed construction or reconstruction, alteration, demolition or change in design, texture, color, material or exterior feature of any structure, sign or environmental feature. The Secretary of the Landmarks Commission shall forthwith notify the applicant of such determination and transmit to him a certified copy of the reasons for denial and recommendations, if any, of the Landmarks Commission.

(h) At its discretion, the Landmarks Commission may establish a waiting period not to exceed six (6) months, during which time no action shall be taken on the issuance or denial of a Certificate of Appropriateness or a Certificate of Nonapplicability. During such waiting period, the Landmarks Commission shall negotiate with the owner of the property in order to develop a compromise proposal acceptable to both.

(Ord. 84-549. Passed 11-13-84.)

(i) An appeal of the decision of the Landmarks Commission may be made to the City Commission. Such appeals must be made in writing to the City Commission within thirty (30) days of the decision by the Landmarks Commission.

(Ord. 85-485. Passed 9-10-85.)

1321.10 AUTOMATIC ISSUANCE OF CERTIFICATE OF APPROPRIATENESS.

In the event that the Landmarks Commission fails to make a determination as to whether a Certificate of Appropriateness or a Certificate of Nonapplicability is required or should issue within the period of time set forth in Section 1321.09, and if the Landmarks Commission has not formally resolved to institute a six (6) month waiting period, then the Secretary of the Commission shall forthwith issue to the applicant a Certificate of Appropriateness.

(Ord. 84-549. Passed 11-13-84.)

1321.11 EXCLUSIONS AND EXEMPTIONS.

(a) Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property or area listed under the provisions of this chapter, provided such work involves no change in design, color, texture, material or exterior appearance; nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which, in the view of the Director of Planning and Development or, in the case of commercial buildings, the Inspection Services Manager, acting lawfully, is required for the public safety because of an unsafe or dangerous condition.

(Ord. 94-139. Passed 4-19-94.)

(b) This chapter shall not apply to structures, works of art, or other property, real or personal, owned by the United States, the State of Ohio, a municipality or any instrumentality, agency or political subdivision thereof. The Landmarks Commission shall have no jurisdiction whatsoever regarding such structures, works of art and other property, real and personal, so owned. (Ord. 87-147. Passed 3-17-87.)

1321.99 PENALTY.

Violations shall be subject to the penalties provided under Section 1303.99 of the Codified Ordinances. (Ord. 84-549. Passed 11-13-84.)