

CHAPTER 1317
Historical and Architectural Protection
and Preservation Commission

1317.01	Purposes.	1317.06	Regulation of environmental changes.
1317.02	Definitions.	1317.07	Appeal procedure.
1317.03	Historical and Architectural Protection and Preservation Commission.	1317.08	Repair or maintenance exception.
1317.04	Written consent of property owner required.	1317.09	Separability; health and safety provisions preserved.
1317.05	Criteria for designation of landmarks.		

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CROSS REFERENCES

"HPD" Historic Preservation District - see P.& Z. 1141.02,
 Ch. 1163

1317.01 PURPOSES.

The purposes of this chapter are to:

- (a) Safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political or architectural history;
 - (b) Stabilize and improve property values;
 - (c) Strengthen the economy of the City;
 - (d) Protect and enhance the City's attractions to residents, tourists and visitors, and encourage business and industry;
 - (e) Foster civic pride in the beauty and notable accomplishments of the past; and
 - (f) Promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City.
- (Ord. 489. Passed 9-3-74.)

1317.02 DEFINITIONS.

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

- (a) "Alteration" means any material change in the external architectural features of any improvement which has been designated as a landmark.
- (b) "Applicant" means any person, persons, association, partnership or corporation who applies for a building permit in order to make a change on property subject to this chapter.

- (c) "Commission" means the Milford Historical and Architectural Protection and Preservation Commission as established under the provisions of this chapter.
- (d) "Landmarks" means any building or site which has a special character or special historical or architectural value as part of the development, heritage or cultural characteristics of the City of Milford, State of Ohio, or the United States and which has been designated as a landmark.
- (e) "Member" means any member of the Commission.
- (f) "Owner" means the owner of record and such term includes the plural as well as the singular.
- (g) The wording Historical and Architectural Protection and Preservation Commission and The Landmark Commission are used interchangeably and has the same meaning and powers.
(Ord. 489. Passed 9-3-74.)

1317.03 HISTORICAL AND ARCHITECTURAL PROTECTION AND PRESERVATION COMMISSION.

(a) In order to execute the purposes declared in this chapter there is hereby created the Historical and Architectural Protection and Preservation Commission. The Commission shall consist of five members, appointed by a majority of Council: at least one shall be a registered architect; at least one shall be a historian, and such historian shall be chosen from nominations presented by the City Historical Society, Inc.; at least one whose education, experience and training qualifies him in building construction; at least one shall be the Chairman of the Planning Commission; and at least one shall be a member of Council.

(b) The terms of the members shall be as follows: the architect, the building construction representative and the historian shall serve for three years from the date of appointment; one shall serve for three years, for two years and for one year, and thereafter one shall be appointed for a full term each year. The member from Council shall serve for his term and the Chairman of the Planning Commission shall serve so long as he is Chairman of the Planning Commission.

(c) The members of the Commission shall elect from among themselves a chairman and a secretary to conduct the business of the Commission for a term of one calendar year.

(d) The Commission shall meet as frequently as necessary to give applicants their prompt attention.
(Ord. 489. Passed 9-3-74.)

1317.04 WRITTEN CONSENT OF PROPERTY OWNER REQUIRED.

(a) This chapter shall not be binding on any property owner who does not want to be included therein. In order for this chapter to be binding on any property owner, the Historical and Architectural Protection and Preservation Commission shall receive from such property owner his written consent for his property to be designated as a landmark and to be included under the terms and conditions of this chapter.

(b) Once the written consent has been given by such property owner and such property has been designated as a landmark, then such property is included under the terms and conditions of this chapter, and such designation shall be permanent.

(Ord. 489. Passed 9-3-74.)

1317.05 CRITERIA FOR DESIGNATION OF LANDMARKS.

(a) In considering the designation of any building, structure, work of art or similar object in the City as landmarks, the Historical and Architectural Protection and Preservation Commission shall apply the following criteria with respect to such property:

- (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City, State of Ohio or the United States;
- (2) Its location as a 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;
- (4) Its exemplification of the cultural, economic, social, political or historic heritage of the City;
- (5) Its embodiment of distinguishing characteristics of an architectural type of specimen;
- (6) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City;
- (7) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation; and
- (8) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood community of the City.

(b) The Commission may accept or reject requests of property owners to be declared "landmarks"; it can propose to property owners that it would be valuable to the City should a building, structure, work of art or object be declared landmarks and it shall follow the prescribed procedure:

- (1) The Commission shall notify the owner of the property of the proposed designation and receive from him written consent for such designation.
- (2) The Historical and Architectural Protection and Preservation Commission shall advise the Planning Commission of the proposed designation and secure from the Planning Commission its recommendation of the proposed designation in relation to the Zoning Code and its opinion of the effect on the surrounding neighborhood. The Planning Commission may approve, reject or modify the request of the Historical and Architectural Protection and Preservation Commission. That recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the Planning Commission along with its

recommendation to Council. The Historical and Architectural Protection and Preservation Commission may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation of the Planning Commission.

- (3) Council shall give due consideration to the findings and recommendations of the Historical and Architectural Protection and Preservation Commission and the recommendations of the Planning Commission in making its determination with respect to the proposed designation of any building, structure, work of art or other similar object as landmarks. Council may, in its discretion, hold public hearings on any such proposed designation. Upon conclusion of its study and if Council approved the designation it shall designate by ordinance such building, structure, work of art or object as landmarks.
(Ord. 489. Passed 9-3-74.)

1317.06 REGULATION OF ENVIRONMENTAL CHANGES.

(a) Whenever an application is made to the Building Department for a building permit to modify an existing landmark in any of these manners:

- (1) Building to be enlarged, remodeled or constructed;
- (2) Sign, wall or walk to be installed;
- (3) Demolition or rehabilitation project; and/or
- (4) Grading, planting or landscaping,

that application shall be promptly referred to the Historical and Architectural Protection and Preservation Commission for its review and approval under the provisions of this chapter before the permit request shall be granted. The Commission shall meet within a week and make its determination within ten days within receipt of the application. The applicant shall be notified to appear at the meeting. In its review, the Historical and Architectural Protection and Preservation Commission shall inquire into the general nature and the specific details of the application in order to determine whether the proposed request shall be appropriate within the intent of this chapter. In determining appropriateness, the Commission shall consider, in addition to other pertinent factors, the historical and architectural value and significance, architectural style, general design, texture and other visible external aspects of the other structures in immediate vicinity, in order to achieve a harmonious blend within the neighborhood. And in conducting its inquiry and review, the Commission may request from the applicant such additional information, sketches and data as it shall reasonably require. It may recommend to the applicant changes in the plans that it considers desirable, and can accept his voluntary amendment of the application to include or reflect such changes. The Commission Secretary shall keep a record of its proceedings and shall append to the application copies of information, sketches and data needed to clearly describe any amendment to it, such to be furnished by the applicant.

(b) When its review is concluded, the Commission shall determine, by vote of its members, whether the application for a permit as presented or as amended, shall be approved. If approved, the Commission shall return the application and appended material to the Building Inspector with the recommendation that the permit be issued, provided all other requirements are met. If not approved, the Commission shall return the application and appended material to the Building Inspector with the instruction that the permit not be issued because the intent and purposes of this chapter were not satisfied. When so instructed, the Building Inspector shall not issue the permit, and the applicant shall be notified of the decision and reasons for it.

(Ord. 489. Passed 9-3-74.)

1317.07 APPEAL PROCEDURE.

(a) Council shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Historical and Architectural Protection and Preservation Commission in the enforcement of this chapter.

(b) Appeals to Council shall be taken by any person aggrieved. Such appeal shall be taken within thirty days after the ruling has been made by the Commission, by filing with the Commission and with the Clerk of Council a notice of appeal, specifying the grounds for the appeal. The Commission shall make available to Council all papers constituting the record upon which the action appealed from is taken.

(c) Council shall hold a public hearing on each and every appeal and shall give public notice thereof. The appeal shall be heard at the next regular meeting of Council after the receipt of the notice of appeal.

(d) Council shall decide the appeal and give a ruling, which was decided by a majority vote, no later than the next regularly scheduled Council meeting following the hearing of the appeal.

(e) In exercising its powers Council may reverse, sustain or modify the decision appealed from. Every appeal granted or denied by Council shall be accompanied by a written finding of fact and specifying the reason for granting or denying the appeal.

(Ord. 489. Passed 9-3-74.)

1317.08 REPAIR OR MAINTENANCE EXCEPTION.

Nothing in this chapter shall be construed to prevent any ordinary repair or maintenance of the exterior architectural feature now designated landmarks which involve no change in material design, arrangement or texture, in order to maintain a building that is safe and consistent with the Building Code.

(Ord. 489. Passed 9-3-74.)

**1317.09 SEPARABILITY; HEALTH AND SAFETY PROVISIONS
PRESERVED.**

(a) The provisions of this chapter shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of the court shall not impair any of the remaining provisions.

(b) The provisions of this chapter shall not abrogate any building, fire, safety or health code that is enacted for the preservation of the public peace, property, health, safety and welfare of the City.
(Ord. 489. Passed 9-3-74.)