

Section 4-2400. L - Landmarks.

- 4-2401. **Purpose.** The purpose of this section is to: (G.O.5886, 8/9/10)
- A. Promote the creation and use of Historic Sites, Historic Landmarks, Interior Landmarks, and Historic Districts for the educational, cultural, economic, and general welfare of the public through the preservation, protection, and regulation of buildings, sites, monuments, structures, interiors, and areas of historic interest or importance within the City of Springfield;
 - B. Safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements, landscape features, and districts;
 - C. Preserve and enhance the aesthetic quality of neighborhoods;
 - D. Stabilize, improve, and sustain property values;
 - E. Strengthen the City's economic base by the stimulation of conservation and reuse of historic structures;
 - F. Insure the harmonious, orderly, and efficient growth and development of the municipality;
 - G. Foster civic pride in the beauty and the noble accomplishments of the past; and
 - H. Establish a visual archive of buildings, sites, monuments, structures, interiors, and areas of historic interest or importance within the City of Springfield which are slated to be removed from the landscape.

4-2402. **Designation of a Historic Site, Historic Landmark, Interior Landmark, or Historic District.**

- A. **Criteria for Selection of a Historic Site, Historic Landmark, Interior Landmark, or Historic District.** The Landmarks Board shall recommend to the City Council that a site, structure, object, or district be designated if the proposed feature(s) meets one or more of the following criteria:
 - 1. Has significant character, interest, or value as part of the city, region, state or nation's history; or is associated with the life of a personality significant to the past; or (G.O.5886, 8/9/10)
 - 2. Is the site of a historic event with a significant effect upon the development, heritage or cultural characteristics of the city, region, state, or nation; or
 - 3. Exemplifies the cultural, political, economic, social, or historic heritage of the community; or
 - 4. Portrays the environment in the era of history characterized by a distinctive architectural style; or

5. Embodies those distinguishing characteristics of an architectural type or engineering specimen; or
6. Is the work of a designer or architect or contractor whose individual work has influenced the development of the city, region, state, or nation; or
7. Contains elements of design, detail, materials, or craftsmanship which represent a style unique to the past; or
8. Is a part of or related to a square, park or other distinctive area and thus should be developed and preserved; or
9. Represents an established and familiar visual feature of the neighborhood, community, or skyline, owing to its unique location or singular physical characteristics; or
10. Is part of or related to a distinctive, geographical area which should be developed or preserved according to a plan based on cultural, historic or architectural motif; or
11. Has yielded, based upon physical evidence, or is likely to yield information important to history or prehistory.
12. In addition, the Landmarks Board shall consider the site, structure, object, or district in light of its integrity of:
 - a. location,
 - b. design,
 - c. setting,
 - d. materials,
 - e. workmanship,
 - f. feeling,
 - g. association, and
 - h. its suitability for preservation and reuse.

B. **Nomination Procedure.** Nomination of a site, structure, object, interior, or district for Historic Site, Historic Landmark, Interior Landmark, or Historic District designation may be filed by any of the following methods: (G.O. 4570, 11/27/95) (G.O. 4592, 4/1/96) (G.O. 4736, 9/2/97)

1. Nomination by resolution of either the City Council, the Landmarks Board, or the Planning and Zoning Commission.
2. For a Historic Site, a Historic Landmark, or an Interior Landmark, nomination by the owner or owners of all fee interests in the property, or their authorized agent(s).

3. For a Historic District, nomination by a verified petition of the owners or authorized agents of at least thirty (30) percent of the property within the proposed district as measured by the land area of such property.

Nominations shall be filed at the City Clerk's office and shall be made on forms or pursuant to standards established by the Landmarks Board for this purpose. Nominations for Historic Landmarks, Interior Landmarks, or Historic Districts initiated by property owners shall be accompanied by fees as required by *Section 3-1400, Fees*, and to cover any advertising, notification of property owners, filing and other costs. The Landmarks Board shall notify property owners of the pending nomination and invite their comments. Owner consent is not, however, a requirement prior to listing on the Springfield Historic Register. The Landmarks Board may call witnesses to present testimony or documentary evidence to establish a record regarding the historical, architectural, cultural, or archaeological importance of the proposed Historic Site, Historic Landmark, Interior Landmark, or Historic District.

- C. **Landmarks Board Action on Nominations.** The Landmarks Board shall make a decision regarding its designation recommendation within a reasonable time, preferably at the close of the hearing, provided that if the matter is not decided at the close of the hearing and is taken under advisement, no more than twenty-eight (28) days shall elapse before a decision is rendered.

If the Landmarks Board determines that the property does not meet the criteria for designation, the nomination will not be forwarded to the City Council unless the applicant so requests within ten (10) days of denial by the Landmarks Board.

For properties meeting the criteria for designation or for properties not meeting the criteria but for which the decision has been appealed by the applicant to City Council, the Landmarks Board shall prepare and forward to City Council a written recommendation concerning the nomination. The recommendation will include, at a minimum, the following items:

1. A statement that the nominated property does or does not meet the criteria for designation;
2. A statement of the attributes of the area or site as such attributes relate to and comply with the designation criteria;
3. A statement of the significant exterior architectural features of the nominated Historic Site or Historic Landmark or Interior Landmark or types of significant exterior architectural features of structures within a nominated Historic District that should be protected;
4. A statement of whether or not, in the board's review, the designation is in compliance with prior actions of the City Council approving plans and programs. It shall be the duty of the Director of Planning and Development to report to the Landmarks Board as to the existence of such plans and programs which might have application to the property proposed for designation and further, to offer a professional opinion as to whether or not the proposed designation is in accordance with such plans and programs;

5. A statement of the relationship of the nominated Historic Site, Historic Landmark, Interior Landmark, or Historic District to the ongoing effort of the Landmarks Board to identify and nominate all potential areas and structures that meet the criteria for designation;
6. A map showing the location of the nominated Historic Site, Historic Landmark, Interior Landmark, or the boundaries of the nominated Historic District;
7. A picture or pictures of the nominated Historic Site, Historic Landmark, Interior Landmark, or Historic District;
8. A list of property owners of the Historic Site, Historic Landmark, Interior Landmark, or Historic District and a statement that all owners of record have been notified of the Landmarks Board's consideration of the property for designation. Any correspondence - pro or con - concerning property owners' stance on designation shall also be attached; and
9. A recommendation that the property should or should not be listed as a Historic Site, Historic Landmark, Interior Landmark, or Historic District.

D. **Historic Sites Designation and Declaration of Intent to Designate Historic Landmarks or Historic Districts.** Upon receipt of the Landmarks Board's recommendations, the City Council shall consider the nomination at their next regularly scheduled meeting. The City Council shall: (G.O. 4736, 9/2/97)

1. Deny the nomination; or
2. By resolution, designate the property as a Historic Site; or
3. By resolution, declare their intent to designate the property as a Historic Landmark or Historic District.

The Landmarks Board's recommendation required in *Subsection 4-2402.C* will be attached and made a part of the Historic Site designation or Declaration of Intent to Designate resolutions.

In case of a protest against such nomination, duly signed and acknowledged by the Owners of thirty (30) percent or more, either of the area of the land (exclusive of streets and alleys) included in such proposed site, landmark or district or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the nominated site, landmark, or district, such resolution shall not become effective except by the favorable vote of two-thirds (2/3) of all members of City Council.

E. **Effect of Historic Site Designation.** Properties designated as Historic Sites under the provisions of this section shall not be altered or demolished in whole or in part unless an application for a building or demolition permit is filed with the Director of Building Development Services and a Certificate of Appropriateness and/or Certificate of Economic Hardship as provided for in *Subsections 4-2404* and *4-2405* is granted by the Landmarks Board. Upon approval of a Certificate of Appropriateness and/or Certificate of Economic Hardship, or upon the expiration of sixty (60) days from the date of the application for the building or

demolition permit, the Department of Building Development Services shall grant the permit, subject to the requirements of any applicable provisions of the code or regulations. This provision shall not apply to interior alterations.

The provisions of this section shall not apply to the alteration, construction or demolition of any structure or feature on a Historic Site where a permit for the performance of such work was issued prior to the day that the City Council passed a resolution designating the Historic Site and where such permit has not expired or been cancelled or revoked, provided that construction or demolition is started and diligently prosecuted to completion in accordance with the Building Code.

- F. **Effect of Declaration of Intent to Designate a Historic Landmark or Historic District.** No building or demolition permit shall be issued by the Department of Building Development Services for alteration, construction, demolition, or removal of a nominated Historic Landmark or of any property or structure within a nominated Historic District from the date a resolution declaring intent to designate is passed by City Council until the final disposition of the nomination by the City Council unless such construction, alteration, removal, or demolition is determined necessary for public health, safety and welfare and is approved by the procedures prescribed in *Subsections 4-2404 and 4-2405*. In no event shall this interim control be in place for more than one hundred eighty (180) days. This provision shall not apply to interior alterations. (G.O.5886, 8/9/10)

The provisions of this section shall not apply to the alteration, construction or demolition of any structure or other feature on a Historic Landmark site or within a Historic District where a permit for the performance of such work was issued prior to the day the City Council passed a resolution declaring their intent to designate the Historic Landmark or Historic District and where such permit has not expired or been cancelled or revoked, provided that construction or demolition is started and diligently prosecuted to completion in accordance with the Building Code.

- G. **Action Required After Declaration of Intent to Designate a Historic Landmark or Historic District.** Upon declaration of their intent to designate a Historic Landmark or Historic District, the City Council's resolution concerning the property shall be forwarded to the Planning and Zoning Commission for their consideration. Designation of sites, structures, objects, or districts for Historic Landmark or Historic District status shall then be made in the same manner prescribed for the designation of other zoning districts by this code and subject to compliance with this article.

Notice of consideration of a Historic Landmark or Historic District designation shall be the same as is required for consideration of the adoption or amendment of zoning district boundaries by the Planning and Zoning Commission as prescribed in *Section 3-3700, Amendments*. As part of such notice, the Director of Planning and Development shall notify the owner or owners of record of affected properties by mail of the proposed designation, including a copy of the proposed designation ordinance, a letter outlining the basis for the designation, and the obligations and restrictions which result from such designation.

The Planning and Zoning Commission shall consider the nomination at their next regularly scheduled meeting and shall forward the nomination with its recommendations to the City Council. The resolution declaring the City Council's intent to designate and all exhibits pertaining thereto will be attached and made a part of the designating ordinance.

- H. **Effect of Designation as a Historic Landmark or Historic District.** Designation of a site or tract as a Historic Landmark or Historic District is intended to be an overlay zoning district and the regulations imposed by such district shall be in addition to the regulations of the underlying zoning district applicable to the subject parcel. All provisions of this section shall be applicable to this district.
- Tracts, structures, or sites designated by the City Council as being a Historic Landmark or Historic District shall be so noted on the official zoning map of the City.
- I. **Notification of Designation of Historic Landmark or Historic District.** Upon designation by the City Council, the City Clerk shall inform the owner or owners of all fee interests in the property or properties designated of the designation by registered letter and shall also provide proper notice to the Landmarks Board and the Directors of the Departments of Planning and Development, Public Works and Building Development Services of the City of Springfield. The City Clerk shall also file a notarized certificate of notification or affidavit verifying the designation with the Greene County Recorder of Deeds to provide proper chain of title notice of such designation.
- J. **Authority to Amend or Rescind Decision.** The Landmarks Board shall have the authority to effect the amendment or repeal of any designation of a site, structure, object, or district in the same manner and according to the same procedure as provided herein for the original designation.

4-2403. **Certificate of Appropriateness.**

- A. **When Required.** A Certificate of Appropriateness shall be required in the following instances before the commencement of exterior work upon any new or existing structure or outside work on any site or parcel designated as a Historic Landmark or as being within a Historic District except for ordinary maintenance and repair:
1. Any construction, alteration, or removal affecting the exterior of a site or structure that requires a building or demolition permit from the City of Springfield including but not limited to the construction of new structures;
 2. A material change to the exterior appearance of existing structures including but not limited to additions, reconstruction or alterations, which affects a significant exterior feature of a structure as specified in the materials attached to the ordinance designating the Historic Landmark or Historic District;

3. Any action resulting in the application of paint to a previously unpainted brick or masonry exterior surface or the application of stucco or siding;
4. The construction or enlargement of a driveway or parking area or erection of fencing;
5. Work by the City of Springfield or any of its agencies or departments which would require a Certificate of Appropriateness if undertaken by a private citizen and any Public Improvement Project, which, in the opinion of the Director of Planning and Development would affect a Historic Landmark or Historic District;
6. The placement or construction of any building one hundred (100) square feet or less in size upon the premise of a Historic Landmark or within any Historic Landmarks District, with the exception of animal enclosures, gazebos, children's playhouses, and green houses, and structures associated with the temporary use of street festivals so long as said structures are removed at the expiration of the applicable use permit issued by the Director of Building Development Services as established by *Section 5-1200, Temporary Uses*; and (G.O. 5125, 10/15/01)
7. A material change to the interior appearance of existing structures, including but not limited to additions, reconstruction, or alterations, if a significant interior feature of a structure was listed in the nomination for the Historic Landmark or Historic District. (G.O.5886, 8/9/10)

B. Administrative Review. A person who is required to obtain a Certificate of Appropriateness shall submit an application to the Director of Planning and Development, hereinafter referred to as Director. Persons desiring to perform work on structures or parcels designated as Historic Landmarks or located within a Historic District are required to contact the Director in order to determine if a certificate is required. If the application is for work that will have no effect on exterior architectural details or is one of any number of items that the Landmarks Board has designated for action, then the Director shall review the application and issue or deny a Certificate of Appropriateness. Such certificate shall be in addition to all other permits required by the City. If the request is within the Director's jurisdiction and is denied by the Director, the applicant may appeal such decision to the Landmarks Board. Permits required by the City involving items requiring a Certificate of Appropriateness shall not be issued by the City until the Director has issued said certificate, has issued a Certificate of Economic Hardship, or in the event of demolition being refused, the requisite time period has expired. If the Director determines that the application is for action not designated for administrative review, then the Director shall submit the application to the Landmarks Board. The Director may require as a condition of processing the application that the applicant submit information as determined by the Director. The Director shall also have the authority to refer any building or demolition permit application for structures on a lot contiguous to any Historic Landmark or Historic District to the Landmarks Board for the sole purpose of review and comment when, in his opinion, the proposed improvements would have a significant adverse impact on the Historic Landmark or Historic District. (G.O.5886, 8/9/10)

- C. **Landmarks Board Review and Action on Certificates of Appropriateness.** Applications for Certificates of Appropriateness must be complete and be received in the Director's office no later than fifteen (15) days prior to a scheduled Landmarks Board meeting. Signs indicating the proposed action and the time, date, and place of the hearing shall be posted by the applicant on the property being considered not less than ten (10) days prior to the hearing. The applicant must comply with standards and procedures provided and approved by the Director of the Planning and Development Department and on file in the City Clerk's office, regarding compliance with this section. The Landmarks Board shall review the application and approve, approve subject to specific conditions, or disapprove the certificate based on the guidelines set forth in this section. (G.O. 5886, 8/9/10) (G.O. 5954, 11/14/11)

If the certificate is denied, no permit for the work shall be issued and the applicant shall not proceed with the work. The Landmarks Board shall state the reasons for denial in writing to the applicant and shall also make suggestions in regard to appropriate changes.

- D. **Review Criteria.** The Landmarks Board in considering whether or not to issue a Certificate of Appropriateness shall be guided by the general purpose of this section and the following:

1. The Secretary of Interior's Standards for Rehabilitation as listed below.
 - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- 2. Any design guidelines or standards that the Landmarks Board may establish and adopt.
 - 3. For new construction, the Landmarks Board shall also consider the extent to which the building or structure would be harmonious with or incongruous to the old and historic aspects of the surroundings. It is not the intent of this section to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility shall be evaluated in terms of the appropriateness of materials, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof.
 - 4. For demolitions, the Landmarks Board shall also consider the following:
 - a. The degree to which the proposed removal would serve to destroy the integrity and continuity of the Historic Landmark or Historic District of which it is part.
 - b. The nature of the resource as a representative type or style of architecture, socio-economic development, historical association or other element of the original designation criteria applicable to such structure or site.
 - c. The condition of the resource from the standpoint of structural integrity and the extent of work necessary to stabilize the structure.

- d. The ability of the subject structure or site to produce a reasonable economic return on investment to its owner, provided, however, that it is specifically intended that this factor shall not have exclusive control and effect, but shall be considered along with all other criteria contained in this section.
- e. The post-demolition plans for the site and the relation of those plans to the surrounding area.

In the event the Landmarks Board concludes that the request, if granted, will have a detrimental effect upon the Historic Landmark or Historic District or any adverse impact on an historical or architectural resource, then the Landmarks Board shall deny the request for a certificate.

- E. **Certificate of Appropriateness Applications Affecting Archeological Resources.** With regard to the development of a property containing a designated archaeological resource, a Certificate of Appropriateness shall be required prior to the issuance of the permit for which the applicant has applied; and further, the following requirements shall be satisfied:
 - 1. The applicant shall consult with the State Historic Preservation Officer concerning the effect of the proposed action on the site and what action(s) should be undertaken to record and/or preserve the site.
 - 2. All development affecting the designated archeological resource shall provide for the permanent preservation of the resources or provide for recordation of the site as advised by the State Historic Preservation Officer.
 - 3. Prior to the hearing by the Landmarks Board for issuance of the Certificate of Appropriateness, the applicant shall cause to have presented the comments and recommendations of the State Historic Preservation Officer with respect to the resource under consideration and the application which would affect it.
- F. **Work Required to Conform with Certificate of Appropriateness.** Work performed pursuant to the issuance of a Certificate shall conform to the requirements of such certificate, if any. The Director of Building Development Services shall inspect from time to time any work performed pursuant to a certificate to assure such compliance. In the event that such work is not in compliance, the Director of Building Development Services shall issue a stop work order. A certificate shall become void unless construction is commenced within one hundred eighty (180) days of date of issue. All City licenses shall be issued on condition that the person owning or occupying the premises will comply with conditions, if any, in the certificate.
- G. **Applicant's Action if Application is Denied.** In the event that a certificate is denied, the applicant may: (G.O.5886, 8/9/10)
 - 1. Not resubmit a denied application without substantial change, but may change the original proposal and resubmit the application within fifteen (15) days of denial by the Landmarks Board; or

2. Apply for a Certificate of Economic Hardship; or
3. File an appeal to the Board of Adjustment within fifteen (15) days of the denial by the Landmarks Board; or
4. If the request is for a demolition permit, the applicant may also wait one hundred eighty (180) days, at which time said demolition permit shall be issued unless the City Council has extended the time for demolition. The Landmarks Board may request that the demolition be delayed for an additional one hundred twenty (120) days by action of the City Council. The City Council may, after receipt of such request, hold a public hearing and delay the demolition for an additional one hundred twenty (120) days.

H. **Board's Action During Demolition Delay.** In the event the demolition is delayed as provided in *Subsection 4-2403 G.5.*, the Board shall take such steps as it deems necessary to preserve the structure concerned in accordance with the purposes of this section. Such steps shall include, but shall not be limited to, consultation with civic groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies and exploration of the possibility of moving one or more structures or other features to an appropriate location with respect to the integrity of the structure or features. (G.O. 4519, 06/12/95)

4-2404. **Certificate of Economic Hardship.**

- A. **Application Procedure.** Application for a Certificate of Economic Hardship shall be submitted to the Director of Planning and Development. Applications for Certificates of Economic Hardship must be complete and received in the Director's office no later than fifteen (15) days prior to a scheduled Landmarks Board meeting. Signs indicating the proposed action and the time, date and place of the hearing shall be posted by the applicant on the property being considered not less than ten (10) days prior to the hearing. The applicant must comply with standards and procedures provided and approved by the Director of the Planning and Development Department and on file in the City Clerk's office, regarding compliance with this section. (G.O.5886, 8/9/10) (G.O. 5954, 11/14/11)
- B. **Review Criteria.** The Landmarks Board will review the application at a public hearing and may solicit expert testimony or require that the applicant for a Certificate of Economic Hardship make submissions concerning any or all of the following information before it makes a determination on the application.
1. Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Landmarks Board for changes necessary for the issuance of a Certificate of Appropriateness.
 2. A report from a licensed engineer or architect with experience in recognized historic property rehabilitation, as to the structural soundness of any structures on the property and their suitability for rehabilitation.

3. A report from a state-certified real estate appraiser as to the estimated market value of the property in its current condition, after completion of the proposed construction, alteration, demolition or removal, after any changes recommended by the Landmarks Board and, in the case of a proposed demolition, after renovation of the existing property for continued use.
4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional, experienced in recognized historic property rehabilitation, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
5. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operation and maintenance expenses for the previous two (2) years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
6. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
7. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.
8. Assessed value of the property according to the two (2) most recent assessments.
9. Real estate taxes for the previous two (2) years.
10. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other.
11. Amount paid for the property, date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
12. Annual debt service, if any, for the previous two years.
13. Any consideration by the owner as to profitable adaptive uses for the property.
14. Replacement construction plans for the property in question. Post-demolition plans shall include, but are not limited to, drawings or sketches with sufficient detail to show the exterior appearance and architectural design of the proposed building or use, but does not require construction documents to be completed.

15. Financial proof of the ability to complete the replacement project, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution.
16. Any other information considered necessary by the Landmarks Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.

C. **Landmarks Board Review and Action.** The Landmarks Board shall review all information and shall either approve, approve subject to conditions, or deny the application for a Certificate of Economic Hardship. A Certificate of Economic Hardship shall be issued when the structure or part thereof has degenerated beyond feasible limits for rehabilitation or rehabilitation is impracticable and there is an economic hardship.

If approved, the Director of the Department of Building Development Services will be instructed to issue a building or demolition permit, as requested, for the proposed work unless an appeal of the decision to the Board of Adjustment is filed within fifteen (15) days of the decision. If denied, the applicant shall have the right to appeal the decision to the Board of Adjustment. The Board of Adjustment shall conduct a full and impartial hearing on the matter before rendering a decision. The same standards shall be applied by the Board of Adjustment as established herein. The Board of Adjustment may affirm, reverse, or modify the decision of the Landmarks Board in whole or in part.

- 4-2405. **Public Safety.** Nothing in this section shall be construed to prevent the construction, alteration, or demolition of any site, building, structure, object, or district, or part thereof, deemed necessary or ordered by the City Council or the Director of Building Development Services to ensure public safety. The Director of Building Development Services shall notify the Landmarks Board prior to issuing any such order affecting a designated Historic Site or Historic Landmark or property within a Historic District to ensure that all alternatives have been considered. When it reasonably appears that an immediate danger to the health, safety, and welfare of any person exists, the Director of Building Development Services may take emergency measures to vacate, repair, or demolish such a building or structure. (G.O.5886, 8/9/10)
- 4-2406. **Enforcement and Penalties.** Enforcement and penalties shall be as required by *Section 3-1500, Zoning Enforcement*, of this Article.
- 4-2407. **Responsibility.** Any person who shall own a designated Site or Landmark or site or structure within a Historic District shall be jointly and severally responsible for compliance with the provisions of this section and is expected to inform any purchaser of the designation. (G.O.5886, 8/9/10)
- 4-2408. **Interpretation.** Questions of interpretation of this section may be referred to the Administrative Review Committee.