

Village of New Richmond
Landmark Commission
Ordinance: 1998-02
As Amended By Ordinance: 2001-29
As Further Amended: Ordinance 2005-38

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of New Richmond, Clermont County, Ohio, that:

SECTION 1: PURPOSE

The purpose of the New Richmond Landmark Commission is to designate landmarks in the Village pursuant to the procedures hereinafter described, in order to preserve, protect and perpetuate places, buildings, structures, works of art and other objects having special historical, community or aesthetic interest or value, all for the following reasons:

- A. To safeguard the heritage of the Village by preserving sites and structures which reflect elements of the Village's cultural, social, economic, political, archaeological history or architectural history;
- B. To stabilize and improve property values;
- C. To protect and enhance the Village's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry;
- D. To enhance the visual and esthetic character, diversity and interest of the Village;
- E. To foster civic pride in the beauty and notable accomplishments of the past;
- F. To promote the use and preservation of historic and archaeological sites and structures for the education and general welfare of the people of the Village;
- G. To strengthen the economy of the Village;
- H. To take whatever steps as may be necessary to safeguard the property rights of the owners whose property is declared to be a landmark or is located in the area designated as a New Richmond Landmark District, and act in an advisory role to Architectural Commission of Review, Planning Commission and to other officials and departments of New Richmond's governmental system.
- I. Review all certificates of appropriateness application as defined by the *New Richmond Design Guidelines*.

SECTION 2: DEFINITIONS

The following definitions shall apply only to the provisions of this chapter:

- A. "Alter" or "alteration" means any material change in external architectural features of any property, including but not limited to, construction and reconstruction, which lies within a New Richmond Landmark District or has been listed under the provisions of this section, but not including demolition or removal.
- B. "Easement" means any fractional portion of a legally deeded parcel of land. An individual wishing landmark status for a building on his or her property may submit a plat designating the area to be designated landmark.
- C. "Exterior architectural feature" means the architectural treatment in general arrangement of such scale and portion of the exterior of a structure as is designated to be exposed to public view, including the kind and texture of the building materials, and the type of all windows, window lites, doors, structure massing, lights, signs and any other fixtures appurtenant to such portion.
- D. "Demolish" or "demolition" means the razing or removal, in whole or in part, of any structure.
- E. "Structure" means any building, facade, or fence, and shall be construed as if followed by the words "or part thereof"
- F. "Listed property" means any property, which has special character, historical, esthetic or architectural value as part of the heritage, development or cultural characteristics of the Village of New Richmond and the State of Ohio, which has been designated as a listed property pursuant to the provisions of this chapter.
- G. "Delisted property" means any property, which has been irreversibly altered either by demolition and/or alteration.
- H. "New Richmond Landmark District" means any area of two or more adjacent properties established by Council and designated by this section for the purpose of maintaining and fostering distinctive historical, architectural, cultural or environmental character. Sections of this Ordinance, which address a singular property, also apply to district classification of two or more adjacent properties.

I. "Site or environment" means man made features within the legal boundaries of the property independent of the main building(s). Including but not limited to, outbuildings, fences, parking areas or established bodies of water.

J. "Archaeological" sites which have historical significance in the time frame of prehistoric, pre-settlement or early settlement of New Richmond.

SECTION 3: QUALIFICATIONS OF MEMBERS

A. The Commission shall consist of five (5) voting members and three (3) ad-hoc (non-voting) members. All members should have, to the highest extent possible a recognized knowledge of and a known interest in historic preservation together with a determination to work for the overall improvement of the Commission. The Village shall make every effort to assure that at least two members shall be preservation related professional members from the fields of architecture, architectural history, history, archaeology, planning or a related discipline. In the event that fewer than two members of the Commission meet the above professional standing, resident or non-resident staff members shall be appointed to advise the Commission as needed. In addition, one member of the Commission shall be a member of The New Richmond Historical Society.

B. Each voting member of the New Richmond Landmark Commission shall have been a resident of the Village for not less than three years prior to their appointment to the Commission, and shall continue to reside in the Village during his/her term in office.

C. One voting member of the Landmark Commission shall hold an appointed seat on the Planning Commission, and act as a liaison between these two bodies. No other voting member of the Landmark Commission shall hold a position on the Planning Commission.

D. Ad-hoc (non-voting) members of the New Richmond Landmark Commission are not required to be residents of the Village New Richmond. Ad-hoc members are required to maintain an interest in the Village of New Richmond and specifically it's historical preservation efforts.

E. Voting members shall be appointed by the Village Mayor with concurrence of Council, for a period of four years, except for the initial appointments shall be for a staggered term with two (2) members being appointed for four (4) years, one (1) member being appointed for (3) years, one (1) member being appointed for two (2) years and one member being appointed for one (1) year terms. Non-voting ad-hoc members shall be appointed by the Landmark Commission for four-year terms. The initial appointments shall be made in staggered terms beginning with a four (4) year term.

- F. Vacancies shall be filled by appointment by the Mayor with concurrence of Council for the unexpired term of the member affected. All vacancies shall be filled within sixty (60) days from the date Village Council receives notice by the Chairman of the Landmark Commission of said vacancy. An extension may be granted by Village Council upon request from the chairman of the Landmark Commission.

SECTION 4: ORGANIZATION AND OFFICERS

The members of the New Richmond Landmark Commission shall choose annually one of its member to serve as Chairman for a period of one year or until his successor has been chosen.

The Landmark Commission shall adopt and maintain rules of procedures. These rules shall be reviewed annually and made available for public inspection.

SECTION 5: ADDITIONAL POWERS AND DUTIES OF THE COMMISSION

The New Richmond Landmark Commission shall have the following powers and duties in addition to those otherwise specified in this chapter.

- A. The Commission shall conduct a continuing survey of all areas, places, buildings, structures, works of art of similar objects in the Village which the Commission, on the basis of information available or presented to it, has reason to believe are, or will be eligible for designation as landmarks.
- B. The Commission shall work for, the continuing education of the citizens of the Village with respect to the historic and architectural heritage of the Village and the landmarks designated under the provisions of this chapter. It shall keep current and public a register of landmarks.
- C. Members of the Commission may inspect construction plans up to the point of time that all applicable permits have been obtained.
- D. The Commission shall have authority to establish rules and regulations consistent with the provisions of this chapter and the spirit of its purpose to assist the Commission in evaluating applications for landmark designations submitted to it, the manner in which such applications are processed and the proper and orderly conduct of its business.
- E. The Commission may accept the services, on a permanent or part-time basis of

technical experts and such other persons as may be required to perform its duties, provided that no General Fund moneys shall be used for such services, except as may be appropriated and approved by Council.

F. New Richmond Landmark Commission shall seek and maintain certified local government status with the Ohio Historic Preservation Offices of Columbus and assume responsibility and duties of that certification, provided they do not exceed the parameters of this ordinance.

G. The Landmark Commission shall act in an advisory role to other village officials and departments regarding the protection of local cultural resources and act as a liaison on behalf of the village government to individuals and organizations concerned with historic preservation.

H. All Landmark Commission members will be encouraged to attend educational sessions at least once a year, or in-depth consultation with the OHPO, pertaining to the work and functions of the commission or on specific historic preservation issues.

SECTION 6: DESIGNATION OF LANDMARK DISTRICT OR LISTED PROPERTY

A. The New Richmond Landmark Commission may designate a place, building(s), structure(s), and archaeological site, work of art of similar object in the Village as a historical listed property and/or district. The New Richmond Landmark Commission, (on its own initiative) or any owner of property may apply to the New Richmond Landmark Commission for designation of property or fractional part of property owned by him as a historical listed property. In determining whether or not to designate such place, building, structure, archaeological site, work or art or object as a historical listed property, the Commission shall consider the following criteria with respect to such item:

1. Its character, interest or value as part of the development, heritage or cultural characteristics of the Village of New Richmond, the State of Ohio or the United States.
2. Its location as a site of a significant historic or archaeological event.
3. Its identification with a person or persons who significantly contributed to the culture and development of the Village.
4. Its exemplification of the cultural, economic, social or historic heritage of the Village.
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 a distinguishing characteristic 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 Village.
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 motif.
10. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community of the Village.
11. Such other individual characteristics as shall be relevant to its designation as a historical listed property.

B. The Commission shall propose and/or review Village designations of any area, place, building, structure, archaeological site, work of art or similar object in the Village as listed property or New Richmond Landmark District and thereupon take the following action:

1. The Commission shall advise the Planning Commission of any proposal to list a property and secure from the Planning Commission its recommendation with respect to the proposal, its opinion as to the effect of the proposed designation upon the surrounding neighborhood and its opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection or modification of the proposed listing. Such recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the New Richmond Landmark Commission along with its recommendation concerning the proposed listing to Council. The New Richmond Landmark Commission may make such modification, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendations by the Planning Commission. The New Richmond Landmark Commission must refer all matters that pertain to zoning regulations and land use to the Planning Commission for its report and recommendation prior to submission to Council for final decision.
2. The New Richmond Landmark Commission shall there after notify the owner of such property of the proposal to list their property or designate a New Richmond Landmark District, which encompasses their property. Whenever possible, the Commission shall secure the owner's written consent for submittal of the proposed designation, together with its recommendations and findings of fact to Council. The Commission shall cause a legal notice to be published in a newspaper of general circulation in the Village setting forth the nature of the hearing, the property or item involved, and the date, time and place of the scheduled public hearing.
3. The New Richmond Landmark Commission shall conduct the public

hearing as provided by paragraph (2) hereof, and shall provide a reasonable opportunity for all interested parties to express their opinions under such rules as the Commission may adopt for the purpose of governing the proceedings of the hearings. Each speaker shall be fully identified as to name, address and the interests, which he represents. The Commission shall make a determination with respect to the proposed designation in writing within fifteen days after the initial hearing date and shall notify any owner or any person having a legal or equitable interest in the property, as well as such other interested parties as may request a copy thereof. The Commission shall set forth in its recommendations such findings of fact, which constitute the basis for its decision and shall transmit the recommendation concerning the proposed designation to Council.

4. Council shall give due consideration to the findings and recommendations of the New Richmond Landmark Commission, as well as such views as may have been expressed by persons participating in the hearing before the New Richmond Landmark Commission, in addition to the recommendation of the Planning Commission, in making its determination with respect to the proposed designation of any areas, places, buildings, structures, works of art and other similar objects as listed landmarks of New Richmond Landmark Districts.

Council may, at its discretion, hold public hearings on any such proposed designation whether the designation is proposed only with the consent of the owner or after public hearings before the Commission. Upon its conclusion, Council may designate such areas, places, buildings, structures, works of art and other similar objects as a historical listed property of a New Richmond Landmark District.

5. The New Richmond Landmark Commission on its own accord may remove from its listing of historical structures and sites any structure of site which has been irreversibly altered from its original nominated and recorded state.
6. As soon as is reasonably possible, the New Richmond Landmark Commission shall notify the housing inspector of the official designation. The Commission shall also file with the Recorder of Deeds of Clermont County and the Assessor of Clermont County a certified copy of the listing together with a notice briefly stating the fact of the designation and a summary of the effects the designation will have. The Commission shall send by registered mail a certified copy of the listing and a copy of the notice here in above described to the owner and any person having a legal or equitable interest in the property.
7. Notwithstanding any provision of this chapter, Council may rescind the designation only after causing a public hearing outlined in paragraph (3) of any area, place, building, structure, work of art or similar object as a listed landmark or New Richmond Landmark District. Such recession shall relieve the owner of such area, place, building, structure, work of art or similar object from any duties or penalties contained in this chapter.

SECTION 7: NATIONAL REGISTER PROCESS

In accordance with the National Historic Preservation Amendments Act of 1980, the New Richmond Landmark Commission shall submit a report to the State Preservation Office regarding the eligibility of each property of District proposed for nomination to the National Register within the Village. This report shall include the recommendation of the New Richmond Landmark Commission and the Mayor. A copy of the report prepared by the Commission of OHPO shall be made available for public inspection. The New Richmond Landmark Commission will be involved in the National Register process in the following manner:

A. The OHPO will forward a copy of completed National Register nominations with a staff review sheet to the Commission for all properties within the Village prior to the preliminary review of the nomination unless the Commission itself has initiated or reviewed the nomination prior to submission to the OHPO.

B. Following the initial review by Ohio Historic Site Preservation Advisory Commission (OHSPAC), the State Review Commission, and prior to the final review of the nomination, the Commission shall inform the OHPO and the property owner(s) as to their opinion regarding the eligibility of the property. If the New Richmond Landmark Commission and the Mayor do not agree, both opinions shall be forwarded to the OHPO

C. If both the Commission and the Mayor recommend that a property not be nominated, the OHPO will inform the property owner(s), the State Review Commission, and the property will not be nominated unless an appeal is filed with the State Historical Preservation Officer under the regulations established for the appeals process which is outlined in 36 CFR (Code of Federal Regulations), Part 60.

D. If either or both the Commission and the Mayor agree that the property should be nominated; the nomination will be scheduled for final review by the Ohio Historic Site Preservation Advisory Commission. If no report is submitted, the nomination will be reviewed within 60 days. The opinion or opinions of the Commission and the Mayor will be presented to OHSPAC for its consideration.

E. The Ohio Historic Site Preservation Advisory Commission after considering all opinions shall make its recommendation to the State Historic Preservation Officer. Either the Commission or the Mayor may appeal the final decision of the OHPO under the aforementioned appeals procedure.

In order to expedite the nomination process, the New Richmond Landmark Commission may elect to send a supporting letter with the nomination when it is first submitted to OHPO. The letter should be signed by both the Mayor and the authorized representative of the Commission. The letter may be accompanied by a formal report, but should, at least, clearly state that in their opinion the property meets the National Register criteria (including reference to specific criteria), and that the letter is their report on the property. Public participation requirements still apply.

SECTION 8: ISSUANCE OF CERTIFICATE OF APPROPRIATENESS (DELETED PER ORDINANCE 2005-38)

SECTION 9: CRITERIA FOR EVALUATING APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (DELETED PER ORDINANCE 2005-38)

SECTION 10: LIMITATIONS ON ISSUANCE OF BUILDING, ALTERATION AND DEMOLITION PERMITS (DELETED PER ORDINANCE 2005-38)

SECTION 11: RECORDS

The New Richmond Landmark Commission shall maintain complete records of all listed properties, written rules and guidelines for Commission proceedings in a book, kept for such records in the office of the Clerk of Council for public view. This designation shall also be noted in the Building Department records. The Commission secretary shall be responsible for maintaining the records and the records shall be reviewed twice a year by the Commission for completeness.

Annually, the Landmark Commission shall prepare a report to Village Council and the Planning Commission detailing all board activities including but not limited to cases, decisions, special projects and qualifications of current members. Said report shall be kept on file by the Community Development Department and available for public viewing.

SECTION 12: CHANGES NOT PROHIBITED (DELETED PER ORDINANCE 2005-38)

SECTION 13: COMPENSATION

No compensation shall be paid to any member of the New Richmond Landmark Commission for services performed on this Commission.

SECTION 14: MEETINGS

The New Richmond Landmark Commission shall hold monthly public meetings as may be provided by its published rules kept by the Clerk of Council for public inspection and all such meetings shall be held in Village Hall. All meetings shall have a previously advertised agenda. A quorum shall be a simple majority of the Commission voting members with the proceedings to follow Roberts Rules of Order. Public notice for all meetings shall be properly provided prior to any special meetings.

The Landmark Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Village Clerk.

SECTION 15: CONFLICT OF INTEREST

No voting member of the New Richmond Landmark Commission shall participate in the review of any item for discussion before such Commission if such member has any direct financial interest in the property involved in such discussion.

SECTION 16: OTHER PROVISIONS

A. Severability: If any provision of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application and to this end the provisions of this ordinance are hereby declared severable.

B. Minimum Maintenance Requirement:

(1) The owner of an historic structure or any structure within an historic district, if such structure is vacant and uninhabited, shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration.

(2) The provisions of paragraph (1) above shall be in addition to all other applicable provisions of the Village of New Richmond Housing Code.

(3) The Landmark Commission, on its own initiative, may file a petition with the housing inspector requesting that he/she proceed to take action against any owner, which in the opinion of the commission is in violation of subsection (1) above.