

Living With Historic District Zoning



Historic Zoning

The Oregon District, the first historic district, was designated in 1972. Today Dayton has ten Historic Districts, each unique in character and architecture. The Landmark Commission was established as a nine member citizen board, appointed by the City Commission, to encourage sensitive and compatible modifications to historic structures and to protect the integrity of Historic Districts and Structures. The Landmark Commission consists of at least two registered architects, three historic district residents, and one representative from the Montgomery County Historical Society. All members of the Landmark Commission must demonstrate a positive interest in historic preservation.

Duties of the Landmark Commission and Staff

The Landmark Commission reviews all Major Modifications and appeals of Preservation Officer decisions. The staff to the Landmark Commission is designated by the Director of the Department of Planning and Community Development and consists of the Secretary to the Landmark Commission and the Historic Preservation Officer. The Secretary and the Preservation Officer maintain records and minutes of the Landmark Commission, approve, modify, or disapprove minor architectural modifications and major modifications specifically assigned by the Landmark Commission. The Preservation Officer also maintains records of each historic property. These records are available for review by request through the Department of Planning and Community Development.



Certificate of Appropriateness

Before modification is made to a property in a Historic District, the owner must seek a Certificate of Appropriateness for the proposed activity from the Department of Planning and Community Development by calling (937)333-3670. There are two classes of Modifications: Minor and Major. Minor Modifications consist of repainting existing painted surfaces, replacement of doors, windows, gutter systems, etc., which match the existing, minor repair of surfaces, repair or installation of fencing and landscaping. Major Modifications consist of construction or removal of buildings, additions, accessory structures, porches, construction or removal of decorative details, construction or removal of door and window openings, or the alteration of significant style elements like slate and tile roofs.

How to Obtain a Certificate of Appropriateness

To obtain a Certificate of Appropriateness, simply fill out the appropriate form available from the Department of Planning and Community Development. The completed application, along with the requested attachments, will be reviewed by the Preservation Officer. If the proposed modification is minor and in compliance with the Blueprint for Rehabilitation, 2nd edition, the Preservation Officer issues a Minor Certificate of Appropriateness. If the modification is major, or if the applicant is appealing the decision of the Preservation Officer, the proposal is reviewed by the Landmark

Commission at the next scheduled Landmark Commission Meeting. The application must be filled out completely, legibly, and all requested information must be included. The application must be received at least two weeks before the meeting to be placed on the agenda. Landmark Commission meetings are every second and fourth Thursday at 3:00 PM, sixth floor training room, City Hall.



Hearing Before the Landmark Commission

The applicant will receive notice of the hearing by mail one week prior to the meeting. The proposal is presented to the Landmark Commission by staff at the public hearing. The presentation consists of slides and overheads which are provided by the Department of Planning and Community Development, and the information submitted by the applicant. After the staff presentation, there is an opportunity for the applicant to address the Landmark Commission and answer questions. The Landmark Commission will then hear any public comments and deliberate. The decision of the Landmark Commission will be either to approve,

postpone or table the proposal, which requires a simple majority, or to modify or deny the proposal, which requires a majority of the appointed members. The decision of the Landmark Commission will be issued in writing by the Secretary within seven days of the hearing.

Appeal of the Landmark Commission Decision

The decision of the Landmark Commission can be appealed to the Board of Zoning Appeals as prescribed in the R.C.G.O. 150.256 by notifying the Secretary of the Board of Zoning Appeals within 14 days after the Landmark Commission renders its decision. The Board of Zoning Appeals will affirm, reverse, or remand the decision of the Landmark Commission based on one of the following:

- A) That the Landmark Commission erred in its application of the architectural design standards or
- B) That the Landmark Commission committed procedural error which substantively affected the rights of the applicant or the rights of any interested party of record to a Certificate of Appropriateness.



Additional Information

The Certificate of Appropriateness expires in one year, but can be renewed for two additional six month periods. The Certificate of Appropriateness is in addition to the usual permits required by the City, and any other permits should be obtained at the One-Stop Center, 371 W. Second Street, Dayton, Ohio 45402. The phone number is (937) 333-3883. The historic district zoning code is enforced through the Department of Building Services. Each district is assigned to a Code Enforcement Official and questions concerning code violations should be directed to the district official.

Copies of the above referenced Blueprint for Rehabilitation, 2nd edition, the Historic District Ordinance, Rules and Regulations of the Landmark Commission, and the Secretary of the Interior Standards for Rehabilitation are available upon request by contacting:

City of Dayton
Department of Planning and Community
Development, 101 West Third Street
Dayton, OH 45402 - (937)333-3670.

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