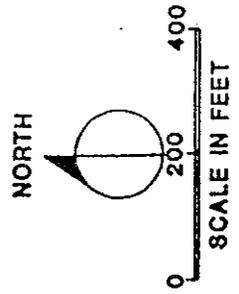


Walnut Street Urban Conservation District

EAST



WALNUT STREET URBAN
CONSERVATION DISTRICT - EAST
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The following ordinance was adopted by the Springfield City Council on September 17, 1984:

SECTION 1 - That the following property, to wit:

**WALNUT STREET URBAN CONSERVATION DISTRICT - EAST
LEGAL DESCRIPTION**

Beginning at a point 20' East of the SW cnr. of Lot 3, O.H. Mitchell's Add., thence E to the SE cnr. of Lot 10 Mitchell's Add., thence S 49.5', thence E 100.5', thence S 8', thence E 578.65' M/L, thence N 83.5', thence E 68' to the SW cnr. of Lot 12 Chamberlain's Add., thence E along the S line of lot 12 through 10 of Chamberlain's Add. to the SE cnr. of Lot 10, thence N 101.5' along E line of said Lot 10, thence E 200' to a pt. on the E ROW of Fremont Ave., thence S 101.5' - to the SW cnr. of Lot 5 Chamberlain's Add., thence E along the S line of Lots 1 through 5 of said Add. to the SE cnr. of said Lot 1 being a pt. on the SW ROW of Burlington Northern RR, thence continuing E 220' S of and parallel to Walnut St. to a pt. on the W line of Lot 6, Arlington Heights Add., thence N along the W line of said Addition 120', thence E 202' to a pt. on the E ROW line of Weller, thence S 80', thence E 162' M/L, thence S 50.5' to a pt. 52' W of the SE cnr. of Lot 3 Arlington Heights Add., thence continue E across 14.5' vacated alley (Delaware) to SW cnr. Lot 1 E Elm St. Add., thence continue E along S line of Lots 1 through 14, E Elm St. Add., thence continue E 100' to SW cnr. of Lot 17 E Elm St. Add., thence continue E 100' to SE cnr. of Lot 18 said Add., thence continue E 52.18', thence N 231' to the S ROW of Walnut St., thence W along the S ROW of Walnut St. to a pt. 60' S of the SE cnr. of Lot 176 Kennedy Heights Sub., thence N to the SE cnr. of said Lot 176, thence continuing N along the E line of said Lot 176 to the NE cnr. of said lot, thence W along the N line of Lots 176 through 172 Kennedy Heights Sub., said pt. being 15' W of the SE cnr. of Lot 163 Kennedy Heights Sub., thence N 53' along the W line of said Lot 163, thence 10' W along the S line of said Lot 163, thence continuing W along the S line of Lots 164 through 171 Kennedy Heights Sub. 200' to the SW cnr. of said Lot 171, thence S 27' to a pt. 210' N of N ROW of Walnut St., thence W 204.3', thence S 3', thence W 80', thence N 18', thence W 97.5', thence S 17', thence W 80' to a pt. on the E ROW of vacated alley (Delaware) 181.8' N of the N ROW of Walnut St., thence S 41.8', thence W across vacated alley (Delaware) 14.5' to the NE cnr. of Lot 8, Block 9 Frisco Heights Add., thence continuing W along the N line of Lots 8 through 14, Block 9 said Add. to the NW cnr. of Lot 14, Block 9 Frisco Heights Add. and being a pt. on the E ROW line of Weller Ave., thence continue W 40' across Weller Ave. to the NE cnr. of Lot 7, Block 8, Frisco Heights Add., thence N 10' to center line of vacated alley, thence W along center line of vacated alley to a

pt. on the E ROW line of Pickwick Ave. 10' N of the NW cnr. of Lot 12, Block 8, Frisco Heights Add., thence continue W across Pickwick 50' to a pt. on the W ROW line of Pickwick, the pt. being the NE cnr. of Lot 2, Block 7, Frisco Heights Add., thence continue W 46' to the SE cnr. of Lot 1, Pickwick Terrace Add., thence continue W along the S line of Lots 1 through 7 Pickwick Terrace to the SW cnr. of said Lot 7, a pt. on the NE ROW of the Burlington-Northern RR, thence continue W to a pt. on the W ROW line of said RR 150' N of N ROW line of Walnut St., thence northwesterly along the RR ROW to a pt. 270' N of the N ROW line of Walnut St., thence W across that portion of vacated Fremont Ave. and continuing W along the center line of vacated alley to a pt. 10' N of the NW cnr. of Lot 1 Whiteheads Sub., thence continue W across Kickapoo Ave. to a pt. 270' N of the N ROW line of Walnut St., thence N along the W ROW line of Kickapoo Ave. to the S ROW line of McDaniel St., the pt. being the NE cnr. of Lot 10, L.C. Hubble's Sub., thence W along S ROW of McDaniel St. 213' to the NW cnr. of Lot 8, L.C. Hubble's Sub., thence S 93.5', thence W 125' to a pt. on the E line of Lot 1, Hawthorne Add. 93.5' S of the S ROW line of McDaniel St., thence S 118.5' to a pt. 10' S of the SE cnr. of Lot 1, Hawthorne Add., being the center line of vacated alley, thence W 166' to a pt. 212' S of the S ROW of McDaniel St., being a pt. on the E line of Lot 8, Hawthorne Add., thence South along E. line of Lots 8 and 9 to the SE cnr. Lot 9 said Add., thence West 84' along S line of said Lot 9 to a point N of the E line of Lot 10 Hawthorne Add., thence to SE cnr. of said Lot 10, thence SWly across Walnut Street to a point 20' E of NW cnr. of Lot 3, O.H. Mitchell's Add., thence to point of beginning.

(Location: Walnut Street -- Point east of National to point west of Glenstone).

The same is hereby rezoned from R-1, Single-Family District, and R-3, Multi-Family District, to Urban Conservation District No. 1, known as the East Walnut Street Urban Conservation District, and Chapter 36, Article I, Zoning, of the Springfield City Code, Section 80.030 thereof, Zoning Maps, is hereby amended, changed and modified accordingly; which district shall be subject to the regulations set forth in Section 80.1150, Urban Conservation District, and the regulations set forth in Sections 2 and 3 of this ordinance.

SECTION 2 - The following regulation shall govern and control the use and development of land in East Walnut Street Urban Conservation District No. 1, which regulations are as follows:

REGULATIONS

A. Uses Permitted: The following uses shall be permitted:

1. All uses permitted by right in the "R-1" One-Family District as set forth in Section 80.100 of the Zoning Ordinance.
- B. Use Permits: All uses permitted upon issuance of a special use permit in the "R-1" One-Family District as set forth in Section 80.100 of the Zoning Ordinance provided all conditions of the use permit as required therein are satisfied and a Certificate of Appropriateness as set forth in this ordinance is obtained.
- C. Application and Standards Relating to Use Permits. No use permit shall be issued unless the following conditions have been met or provisions made therefore:
 1. The application including site plan is complete and does not contain or reveal violations of the regulations applicable to the Walnut Street Urban Conservation District.
 2. Existing buildings proposed to be converted to uses requiring a "Use Permit" must meet all fire, health, building, plumbing, and electrical requirements of the City of Springfield.
 3. The proposed site plan does not interfere with easements, roadways, utilities and public or private rights-of-way.
 4. The proposed use as shown by the site plan is not injurious or detrimental to the use and enjoyment of surrounding property.
 5. The circulation element of the proposed site plan does not create hazards to safety on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.
 6. The screening of the site provides adequate shielding for nearby, less intense uses.
 7. The proposed structures or landscaping are not lacking amenity in relation to, or are not incompatible with nearby structures and uses.
 8. The proposed use as shown by the site plan does not create drainage or erosion problems on or off the site.

9. The application and Site Plan have been reviewed by the Historic District Review Board to determine whether the goal of historic preservation is met, the existing structure is preserved, and any exterior modifications are consistent with the Secretary of Interior's Standards for Historic Preservation Projects and the East Walnut Street Urban Conservation District Design Guidelines. Such determination shall be shown by the Board issuing a Certificate of Appropriateness.

10. The City Council may require such additional conditions as it deems necessary to further the public interest, to achieve the intent of the Urban Conservation District Plan and to assure that the conditions stated above are satisfied.

D. Other Zoning Regulations. All other zoning regulations pertaining to the R-1 Multi-Family District shall apply to the Area except for use regulations unless otherwise modified herein.

The following general provisions apply to all property located within the East Walnut Street Urban Conservation District.

Certificate of Appropriateness

1. Certificate of Appropriateness - When Required

A person shall be required to secure a Certificate of Appropriateness in the following instances before the commencement of exterior work upon any new or existing structure, or outside work on any site or parcel in the Walnut Street Urban Conservation District except for ordinary maintenance and repair.

a. Any construction, alteration or removal affecting the exterior of a structure that requires a building or demolition permit from the City of Springfield including but not limited to the construction of new buildings.

b. A material change to the exterior appearance of existing structures including but not limited to additions, reconstruction, or alterations, which affects a significant exterior architectural feature of a structure as specified in the Urban Conservation

District Design Guidelines or Historic Survey conducted in East Walnut Street Urban Conservation District, copies of which are on file with the Director of Community Development for the city.

- c. Any action resulting in the application of paint to a previously unpainted brick or masonry exterior surface or the application of stucco or siding.
 - d. The construction or enlargement of a driveway or parking area or erection of fencing.
 - e. 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 Community Development would affect the East Walnut Street Urban Conservation District.
2. Administrative Review: A person who is required to obtain a Certificate of Appropriateness shall submit an application to the Director of Building Regulations hereinafter referred to as Director. Persons in the district are encouraged 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 Historic District Review Board (hereinafter called the Board) has designated for action, then the Director may 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 Historic District Review Board. Permits required by the city involving items requiring a Certificate of Appropriateness shall not be issued by the City until the City 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 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 the Walnut Street Urban Conservation District to the Board for the sole purpose of review and comment when, in his opinion, the proposed improvements would have a significant adverse impact on the Urban Conservation District.

3. Board Review and Action on Certificates of Appropriateness: The Board shall meet within ten (10) working days of notification that the Director has received an application for a certificate, and approve, approve subject to specific conditions, or disapprove the certificate based on the guidelines set forth in this ordinance.

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

4. Review Criteria: The Board in considering whether or not to issue a Certificate of Appropriateness shall be guided by the general purpose of this ordinance and the following:
 - a. The Secretary of Interior's Standards for Historic Preservation Projects, a copy of which is attached hereto and incorporated herein by reference as Exhibit A.
 - b. The Design Guidelines for the Walnut Street Urban Conservation District which are on file with the Director of Community Development.
 - c. For new construction, the 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 ordinance 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.

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

5. 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 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 shall issue a stop work order. A certificate shall become void unless construction is commenced within six (6) months of date of issuance. 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.
6. Applicant's Action if Application is Denied: In the event that a certificate is denied, the applicant may:
 - (a) Produce new evidence supporting his proposal and resubmit the application within ten (10) working days of denial by the Board.
 - (b) Wait six (6) months and resubmit the application.
 - (c) Apply for a Certificate of Economic Hardship.
 - (d) If the request is for a demolition permit, the applicant may also wait 180 days, at which time said demolition permit shall be issued unless the City Council has extended the time for demolition. Any person who has been denied a demolition permit while the moratorium for the Walnut Street Area was in effect shall be given credit with respect to the delay experienced during said moratorium. The Board may request that the demolition be delayed for an additional 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 120 days.

E. Certificate of Economic Hardship

Application Procedure

Application for a Certificate of Economic Hardship shall be made on a form prepared by the Board and submitted to the Director. The Board shall meet within ten (10) working days of notification that the Director has received a completed application for a Certificate of Economic Hardship.

1. Review Criteria:

The 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.

- a. 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 Historic District Review Board for changes necessary for the issuance of a Certificate of Appropriateness.
- b. A report from a licensed engineer or architect with experience in rehabilitations as to the structural soundness of any structures on the property and their suitability for rehabilitation.
- c. 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 Board and, in the case of a proposed demolition, after renovation of the existing property for continued use.
- d. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in

rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

- e. If the property is income-producing, the annual gross income from the property for the previous two years, itemized operation and maintenance expenses for the previous two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 - f. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 - g. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
 - h. Assessed value of the property according to the two most recent assessments.
 - i. Real estate taxes for the previous two years.
 - j. Form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture, or other.
 - k. Any other information considered necessary by the Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.
2. Board Review and Action: 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 Regulations will be instructed to issue a building or demolition permit, as requested, for the proposed work. 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 board in whole or in part.

F. Enforcement and Penalty

Provisions pertaining to administration of enforcement and penalties as set forth in Chapter 36, Article I and XI, Sections 36-1170.04 to 36-1170.10 shall apply to the East Walnut Street Urban Conservation District.

SECTION 3 - DEFINITIONS. Unless specifically defined below, words or phrases in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

- A. Alteration: Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal, of any feature of the structure.
- B. Economic Hardship: When the landowner cannot economically utilize the property and it is impractical to sell or lease it or no market exists for it at a reasonable price.
- C. Design Guidelines: A standard of appropriate activity that will preserve the historic architectural character of a structure or area.
- D. Degenerated Beyond Feasible Limits for Rehabilitation: When the conditions of the structure are such that the economics of restoration preclude the landowner from making any reasonable economic use of the property if restored, or the restoration is infeasible from a technical or mechanical standpoint.
- E. Ordinary Maintenance and Repair: Where the purpose of the work is stabilization or is normal, customary and routine affecting the exterior of the structure or the outside of the site, except for items specifically requiring a Certificate of Appropriateness.
- F. Public Improvement Project: An action by the City of Springfield or any of its departments or agencies involving major modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping, or portions of the public infrastructure.

- G. Rehabilitation: The act or process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use, while preserving those portions or features of the property that are significant historically, architecturally, or culturally.
- H. Rehabilitation Impracticable: Infeasibility of restoration not only because of physical condition but also inability to turn the property to use or account profitably.
- I. Removal: Any relocation of a structure, object or artifact on its site or to another site.
- J. Significant Exterior Architectural Feature: Those features which are important to or expressive of the architectural quality and integrity of the structure and its setting and which include, but are not limited to, building, detail, proportion, rhythm, scale, setting, shape, and workmanship.
- K. Stabilization: The act or process of applying measures to halt deterioration and to establish the structural stability of an unsafe or deteriorated structure while maintaining the essential form as it presently exists without noticeably changing its exterior appearance.
- L. Structure: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, fences, pergolas, gazebos, radio and television antennae, solar collectors, microwave antennae including supporting towers, roads, ruins or remnants (including foundations), swimming pools, walkways, or any similar item.
- M. Survey: The systematic gathering of information on the architectural historical, or archaeological significance of buildings, sites, structures, objects, or areas through visual assessment in the field and historical research for the purpose of identifying sites, areas, and districts worthy of preservation.

SECTION 4 - This ordinance shall be in full force and effect from and after passage.

Passed at meeting SEPTEMBER 17, 1984

/s/ George Seruggs
Mayor

Attest: /s/ Don Kelley, City Clerk

Approved as to form: /s/ Howard Wright, City Attorney

Approved for Council action: /s/ Don Bausch, City Manager

"EXHIBIT A"

**SECRETARY OF INTERIOR'S STANDARDS
FOR HISTORIC PRESERVATION PROJECTS**

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as a product of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications or features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

APPENDIX 1 -

AFFECTED ADDRESSES

East Walnut Street from a point east of National Avenue to a point west of Glenstone Avenue and all of Cordova Court. The following addresses are included:

East Walnut Street Addresses

1208	1345	1465	1635
1213	1351	1471	1638
1218	1354	1477	1647
1221	1358	1481	1648
1230	1363	1485	1655
1231	1400	1501	1656
1234	1401	1504	1666
1235	1404	1505	1673
1244	1410	1510	1700
1249	1420	1513	1701
1260	1430	1520	1704
1300	1435	1523	1708
1303	1440	1526	1714
1314	1448	1531	
1320	1451	1538	
1330	1456	1603	
1333	1460	1611	
1336	1461	1619	
1344	1464	1622	

Cordova Court Addresses

300	316
307	319
310	336
311	342

APPENDIX 2 -
SUMMARY OF AMENDMENTS

October 1, 1989 - No amendments have been made as of this date.