

CHAPTER 26

HISTORIC PRESERVATION ORDINANCE

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26.01 PURPOSE AND INTENT. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:

A. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.

B. Safeguard the city's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.

C. Stabilize and improve property values, and enhance the visual and aesthetic character of the City.

D. Protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

26.02 DEFINITIONS. The definitions shall be as follows:

A. "Certificate of Appropriateness" means the certificate issued by the committee approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.

B. "Committee" means the Historic Preservation Committee or Committee created under this Section.

C. "Historic district" is an area designated by the Common Council on recommendation of the committee, that contains two or more historic improvements or sites.

D. "Historic site" means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

E. “Historic structure” means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state, or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.

F. “Improvement” means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including, streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

26.03 HISTORIC PRESERVATION COMMITTEE COMPOSITION.

Historic Preservation Committee is hereby created, consisting of six members. Of the membership, two shall be alderpersons; and four shall be citizen members. The Mayor shall appoint the committee subject to confirmation by the Common Council.

26.04 HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT DESIGNATION CRITERIA.

A. For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the City such as historic structure, sites, or districts which:

1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
2. Are identified with historic personages or with important events in national, state or local history; or
3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous material or craftsmanship; or
4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
5. Have yielded, or may be likely to yield, information important to prehistory or history.

B. The Committee shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this ordinance.

26.05 POWERS AND DUTIES.

A. Designation. The Committee shall have the power, subject to Section VI, to designate historic structures and or historic buildings and historic sites and to recommend designation of historic districts within the city limits. Such designations shall be made based on Section IV. Historic districts and historic buildings, shall be approved by the Common Council. Once designated, such historic structures, sites, and districts shall be subject to all the provisions of this ordinance.

B. Regulation of Construction, Reconstruction, Alteration and Demolition.

1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Committee. Also, unless such certificate has been granted by the committee, the building inspector shall not issue a permit for any such work.

2. Upon filing of any application for a Certificate of Appropriateness with the committee, the committee shall approve the application unless:

a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done:

b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;

c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or

demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;

d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;

e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

3. If the committee determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The committee shall make this decision within forty-five (45) days of the filing of the application.

4. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.

5. Ordinary maintenance and repairs may be undertaken without a Certificate of appropriateness provided that the work involves repairs to existing features of a historic structure or identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

C. Appeals. Should the committee fail to issue a Certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Common Council within thirty (30) days. In addition, if the committee fails to issue a Certificate of Appropriateness, the committee shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of the ordinance.

D. Recognition of Historic Structures, Sites and Districts. At such time as a historic structure, site or district has been properly designated, the committee, in cooperation with the property owner, may cause to be

prepared and erected on such property at city expense, a suitable plaque declaring that such property is a historic structure, site or district.

26.06 PROCEDURES.

A. Designation of Historic Structures and Historic Sites

1. The Committee may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in Section IV above. At least ten (10) days prior to such hearing, the Committee shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.

2. The Committee shall then conduct such public hearing and, in addition to the notified person, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Committee may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the Committee may designate the property as either a historic structure, or a historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, Building Inspector, Plan Commission, and the Assessor. The Committee shall cause the designation or rescission to be recorded, at City expense, in the County Register of Deeds Office.

B. Creation of Historic District

1. For preservation purposes, the Historic Preservation Committee shall select geographically defined areas within the City to be designated as Historic Districts and shall prepare a historic preservation plan for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the City, after application of the criteria in Section IV above. Each historic preservation plan prepared for or by the Historic Preservation Committee shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

2. Review and Adoption Procedure

a. **Historic Preservation Committee.** The Historic Preservation Committee shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place and purpose of the public hearing shall be sent by the City Clerk to the Alderpersons of the Aldermanic District or Districts in which the Historic District is located, and the owner of record, as listed in the office of the City Assessor, who are owners of the property within the proposed Historic District or are situated in whole or part within two hundred (200) feet of the boundaries of the proposed Historic District. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Committee shall vote to recommend, reject or withhold action on the plan.

b. **The Common Council.** The Common Council, upon receipt of the recommendation from the Historic Preservation Committee shall either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

26.07 INTERIM CONTROL. No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Committee at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Committee.

26.08 SEPARABILITY. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.