

17.340 HISTORIC PRESERVATION.(Cr. Ord. #21-95)

(1) 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.

(2) DEFINITIONS. The definitions used herein are defined as follows:

(a) Certificate of Appropriateness. (Am. Ord. #20-97) The certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction or demolition of an historic structure, historic site or any improvement in an historic district which would include relocation of an historic structure to another location on or off its existing site.

(b) Commission. The Historic Preservation Commission created under this section.

(c) Historic District. An area designated by the Council, on recommendation of the Commission, that contains 2 or more historic improvements or sites.

(d) Historic Site. Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which an historic event has occurred and which has been designated as an historic site under this section or an improvement parcel, or part thereof, on which is situated an 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. 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 an historic structure pursuant to the provisions of this section.

(f) Improvement. 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.

(3) HISTORIC PRESERVATION COMMISSION.

(a) Membership. (Am. Ord. #1-96; #07-03) A Historic Preservation Commission is hereby created, consisting of 7 members. Of the membership, if available in the community, one shall be a registered architect, one shall be an historian, one shall be a licensed real estate broker, one shall be an Alderperson and 3 shall be citizen members of which one must be a youth. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the Commissioners subject to confirmation by the Council. Terms shall be for 3 years except that the term of the Alderperson Commissioner shall be for one year. The appointments, except the Alderperson, shall be staggered the first year with 2 members for 3 years, 2 members for 2 years and 2 members for one year.

(b) Powers and Duties. The Commission shall have the power, subject to subsection (6) below, to designate historic structures and historic sites and to recommend designation of historic districts within the City limits. Such designations shall be made based on subsection (4) below. Historic districts shall be approved by the Council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this section.

(4) HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT DESIGNATION CRITERIA.

(a) For purposes of this section, an 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 structures, 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 materials or craftsmanship; or
4. Are representative of the notable work of a master builder, designer or architect who influenced his/her age; or
5. Have yielded, or may be likely to yield, information important to prehistory or history.

(b) The Commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this section.

(5) REGULATION OF CONSTRUCTION, RECONSTRUCTION, ALTERATION AND DEMOLITION.

(a) No owner or person in charge of an historic structure, historic site or structure within an 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 Commission. Also, unless such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work. No fee shall be paid by the owner to the City when applying for a certificate of appropriateness unless it is necessary to hold a special meeting of the Historic Preservation Commission to act on said application and, in that event, a \$25 filing fee shall be paid by the owner to the City. (Am. Ord. #12-97)

(b) Upon filing of any application for a certificate of appropriateness with the Commission, the Commission shall approve the application unless:

1. 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.
2. In the case of the construction of a new improvement upon a historic site or within an 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.
3. In the case of any property located in an 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.
4. The building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State.
5. 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.

(c) If the Commission 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. The Commission shall make this decision within 45 days of the filing of the application.

(d) 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 required for the proposed work.

(e) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided that the work involves repairs to existing features of an historic structure or site or the replacement of elements of a structure with pieces 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.

(f) Appeals. Should the Commission 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 Council within 30 days. In addition, if the Commission fails to issue a certificate, the Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate within the guidelines of this section.

(g) Recognition of Historic Structures, Sites and Districts. At such time as an historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property a suitable plaque declaring that such property is an historic structure, site or district. The property owner shall pay for the plaque if the historic designation is of the owner's structure or site; the City shall pay for the plaque if the designation is of an historic district.

(6) PROCEDURES.

(a) Designation of Historic Structures and Historic Sites.

1. The Commission may, after notice and public hearing, designate historic structures and historic sites or rescind such designation or recommendation after application of the criteria in subsection (4) above. At least 10 days prior to such hearing, the Commission 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 200 feet of the boundaries of the property affected.

2. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the Commission may designate the property as either an historic structure or an 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 and the Building Inspector. The Commission shall cause the designation or rescission to be recorded, at City expense, in the County Register of Deeds office.

3. Costs. The costs of the proceedings, including publication, witness and recording fees, shall be paid by the property owner if he/she is requesting action by the Commission. If the City is requesting action by the Commission, it shall pay the costs of the proceedings.

(b) Creation of Historic District. For preservation purposes, the Commission shall select geographically defined areas within the City to be designated as historic districts and shall prepare an historic preservation plan for each area. An 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 subsection (4) above. Each historic preservation plan prepared for or by the Commission 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.

(7) REVIEW AND ADOPTION PROCEDURE.

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

(b) Action by the Council. The Council, upon receipt of the recommendations from the Commission, shall hold a public hearing, notice to be given as noted in subparagraph (a), above, and shall, following the public hearing, either designate or reject the historic district. Designation of the district shall constitute adoption of the plan prepared for the district and direct the implementation of the plan.

(8) 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 Commission at which a nomination form is first presented until the final disposition of the nomination by the Commission or the Council unless such alteration, removal or demolition is authorized by formal resolution of the Council as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

(9) VIOLATION AND PENALTIES. Any person violating any provision of this section shall forfeit \$50 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Building Inspector.