

Sec. 58-64. - Alterations and new construction.

- (a) Within a designated H-Historic Properties district no owner or owner's agent shall receive a building permit to commence an activity resulting in a minor or major change to the exterior appearance of a designated landmark, landmark site, contributing property, or a vacant or cleared lot or parcel without first obtaining a finding of appropriateness.
- (b) Minor changes: for purposes of this chapter, the department may review an application and render a finding of appropriateness if an activity is determined by the department to be a minor change that does not alter the exterior appearance of a property, or vacant or cleared lot or parcel. The department shall conduct a review in accordance with subsection (e) below.
- (c) Major changes.: for purposes of this chapter, the commission shall review an application and render a finding of appropriateness if an activity is determined by the department to be a major change that will result in the substantial or irreversible alteration or demolition of, or the construction of any improvement upon a part or the entire exterior of such designated landmark, landmark site, or contributing property, or new construction on a vacant or cleared lot or parcel. The commission shall conduct a review in accordance with subsection (e) below, section 58-64.5, and section 114-619.
- (d) The chief building inspector shall not accept applications for building permits for exterior modifications, new construction, or razing permits, nor issue such permits for properties for which the owner or its representative has a petition filed for the consideration of a rezoning to the "H" historic properties district designation. Subsections (a) through (f) shall not apply to properties designated under this chapter as landmarks or landmark sites prior to January 1, 2006, unless redesignated in accordance with section 58-66.
- (e) Findings of appropriateness shall be rendered unless it is determined that:
 - (1) The activity will be detrimental to the maintenance and overall historic character of the landmark, landmark site, contributing property or district;
 - (2) The activity will impede the current or future preservation or restoration of the subject property or district;
 - (3) Adequate measures will not be taken to protect the integrity of distinctive features, finishes, construction techniques, or examples of craftsmanship of the subject or adjacent landmark, landmark sites or contributing property;
 - (4) The activity is contrary or detrimental to the findings of the original designation of the subject property or district;
 - (5) The activity will not stabilize the landmark, landmark site or contributing property for future preservation or restoration efforts; or
 - (6) The activity does not conform to criteria adopted by the common council to provide guidelines for the alteration and restoration of historic properties such as, but not limited to, those contained in section 58-64.5, H-Historic Properties district design guidelines and section 114-619, Architectural guidelines.
- (f) The application for a finding of appropriateness, shall be accompanied by all information and applicable fees required for a finding with respect to the standards of subsection (e). Within ten days of submittal for the department, and 45 days of submittal for the commission, a review of the application shall be conducted and a written finding issued to the applicant, and the chief building inspector by the director of city development.
 - (1) Upon a finding of appropriateness, the applicant may request all necessary permits and, upon receiving such permits, proceed with the approved activity.
 - (2) Within 90 days after the date of denial or of a finding of appropriateness, the applicant may adjust the plans to address factors that resulted in the finding, and resubmit the adjusted plans for review as described in [subsections] (b) or (c) above, or may appeal the finding to the plan commission. The plan commission shall review the appeal and the department or commission's finding within 30 days and forward its recommendation to the common council for final action.
- (g) In instances of overlapping jurisdictions between the department and/or commission and a design or development review body established by chapter 114, the design or development

review body shall conduct the application review, consult with the department and/or commission, and where substantiated, issue a finding of appropriateness following the standards provided in subsection (e), section 58-64.5 and section 114-619.

(Ord. No. 23-05, pt. 1, 12-6-05; Ord. No. 7-07, pt. 2, 5-1-07; Ord. No. 4-09, pt. 6, 2-18-09)

Sec. 58-64.5. - H-Historic Properties district design guidelines.

- (a) *General guidelines.* The following general guidelines are based on 36 CFR Part 67, the Secretary of the Interior's Standard, and shall be applied to projects taking into consideration economic and technical feasibility.
- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be withdrawn.
 - (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - (7) Chemical or physical treatments, such as sandblasting, that causes damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would not be impaired.
- (b) *[New construction on vacant, cleared lots.]* New construction on vacant or cleared lots or parcels within an H-Historic Properties district shall be executed in a manner that is not detrimental to the district or adjacent properties.
- (c) *Guidelines for specific architectural components.* Refer to section 114-619 H-Historic Properties district, architectural guidelines for reference to specific descriptions addressing the addition, alteration, repair, restoration, replacement or new construction of architectural components or structures.

(Ord. No. 4-09, pt. 7, 2-18-09)