

35.7.8 Historic District

35.7.8.1 Definition

Districts which may be designated historic landmarks pursuant to Section 35.7.6.1 shall be referred to as “historic districts” and shall mean geographically definable areas possessing significant concentration, linkage or continuity of buildings, structures, sites areas or land which are united by architectural, historical, archeological or cultural importance or significance.

35.7.8.2 Restrictions

All buildings, structures, sites, areas or lands located within a designated historic district, whether individually designated historic or not, are subject to these regulations. No person shall construct, reconstruct, alter, change, restore, remove or demolish in any way the exterior features of such building, structure or site, area or land until a permit has been granted by the building official of the city. Furthermore, no public improvements, including but not limited to street construction, signs, lighting, sidewalk construction, parking facilities and traffic system changes, except traffic-control signs and devices, shall be made within or affecting an historic district without approval of the city council after recommendation has been submitted by the historic landmark commission and appropriate city departments.

35.7.8.3 District Boundaries

The boundaries of historic districts shall be drawn so as to include all buildings, structures, sites areas or lands which meet one (1) or more of the criteria set out in Section 35.7.6.5 or which directly affect or relate to such buildings, structures, sites, areas or lands meeting one (1) or more of the Section 35.7.6.5 criteria, provided that at least fifty-one (51) percent of the total structures within the boundaries are of architectural, historic, archeological or cultural importance or value.

35.7.8.4 Establishment of historic districts

A. Applications for consideration of an historic district shall be based upon architectural, historical, archeological or cultural importance or value and accompanied by a report to the landmark commission containing the following information:

1. A list of specific buildings, structures, sites, areas or lands of importance or value located within the proposed district boundaries and a description of the particular importance or value of each such building, structure, site, area or land;
2. A map showing the boundaries of the proposed historic district drawn to a scale of one (1) inch equals two hundred (200) feet, and the location of each structure of importance or value identified by a number or letter designation.
3. Sufficient photographs of each building, structure, site, area or land of importance or vale showing the condition, color, size and architectural detail of each, and where possible:
 - a. Date of construction;
 - b. Builder or architect;
 - c. Chain of uses and ownership;
 - d. Architectural style;
 - e. Materials;
 - f. Construction technique;
 - g. Recognition by state or national government as architecturally or historically significant, if so designated.

B. Application for establishment of an historic district on the basis of cultural or archeological importance or value shall be accompanied by a report containing the following information:

1. A map showing the boundaries of the proposed district drawn to a scale of one (1) inch equals two hundred (200) feet;
2. A description of the cultural or archeological importance or value of the building, structure, site, area or land being proposed for historic designation; and
3. Any evidence which would show recognition by either the state and/or the national government.

C. Applications to increase the boundaries of an historic district may be made in one (1) or more of the following conditions are met:

1. When buildings, structures, sites, areas or lands of importance or value related to the district are requested for inclusion;
2. When facts previously undisclosed to or unknown by the landmark commission are revealed which indicate that a particular building or site is possessed of special architectural, archeological, cultural or historical importance or value.

D. Applications to reduce the boundaries of an historic district may be made when one (1) or more of the following conditions have been met:

1. When it can be shown that a particular building, site, area or land has no historic, architectural, archeological or cultural importance or value to the viability of the district;
2. When exclusion of buildings, structures, sites, areas or lands is necessary for major new development that would support either the architectural, historical, archeological or cultural character or economic viability of the district;
3. When it can be shown that no degradation of the district, either physical, historical, architectural, archeological or cultural, will result from exclusion of property from the district.

E. Application for inclusion or exclusion may be made when either continued exclusion or inclusion of property within the district would render it an economic hardship for reasonable continuation in its present exterior form. In order to establish such economic hardship, the owner must show that no reasonable alternative use exists which allows the exterior of the building to remain in its original style. In evaluating economic return, the commission may request the owner to document the value, rents, returns, tax burden and/or contracts pertaining to the property.

35.7.8.5 Criteria for designation of historic districts.

In evaluating applications for historic districts, the historic landmark commission shall consider Section 35.7.6.5 and Section 35.7.6.13. If the landmark commission recommends the establishment of an historic district, it shall cause to be prepared an historic district designation ordinance which shall contain, but not be limited to, the following:

- A. A statement of purpose setting forth the commission's reasons for recommending designation of the district;
- B. A legal description of the boundaries of the district;
- C. Maps, charts and photographs of the buildings, structures, sites, areas or lands located within the district;
- D. Findings that support the criteria required in Sections 35.7.6.5 and 35.7.6.13, if applicable, that establishes the particular importance or value of the district;
- E. Recommendations for the protection and preservation of the district referred to as the district preservation plan.

35.7.8.6 District preservation plan.

The district preservation plan for the protection and preservation of the historic district shall include but shall not be limited to the following:

- A. **Zoning classification of uses.** The historic landmark commission may examine the uses existing within the district in terms of their individual and continued effect upon the character, safety, economic and physical impact of the district and may recommend such changes in zoning, height and area regulations.
- B. **Building code requirements.** The commission may review and recommend any amendments to the building regulations it feels necessary to preserve the architectural and historic integrity and authenticity of structures within each such district.
- C. **Sign regulations.** The commission may review the provisions of the sign regulations that are permissible within each such district and recommend such alterations in size, location, type and construction they feel appropriate. In preparing such recommendations, the commission shall consider existing signs as well as criteria for future signs. If an existing sign is deemed to have a negative impact on the character of the district, the commission may recommend a method of removal or improvement of such sign, reviewing such sign changes with owners or tenants prior to such recommendation.
- D. **Parking regulations.** The commission may review the parking regulations in existence in the district and recommend any changes in numbers or location of on-street and off-street parking requirements it feels necessary to enhance the district. It shall review the adequacy of parking facilities in or affecting the district and may offer recommendations for such public and/or private parking lots, garages or structures it deems to be in the best overall interest of the district.
- E. **Architectural regulations.** As a guide for those seeking a certificate of appropriateness pursuant to Section 35.7.6.9, the historic landmark commission may, in conformance with the applicable zoning classification, height, and area limitation and in keeping with the significant architectural, historical archeological or cultural elements of each such district, recommend regulations affecting the exterior of the building, including but not limited to the following:
 1. Acceptable material for new construction such as stucco, masonry, metal and glass curtain;
 2. Appropriate architectural character, scale and detail for new construction;

3. Acceptable appurtenances to new and existing structures such as gables, parapets, balconies and dormers;
4. Acceptable textures and ornamentation such as paint colors and types, use of wood, stone, metal, plaster, plastics and other manmade materials, use of shutters, wrought and cast iron, finishes of metal, colors of glass, such as silver, gold, bronze, smoke, and other details or architectural ornamentation;
5. Acceptable accessories on new or existing structures such as light fixtures, gaslights, canopies, exterior carpentry, tile or wood, banners, flags and projections; and
6. For those properties which are sites, areas, lands, buildings, structures or vacant lots which are not of historical, architectural, archeological or cultural importance or value, development or redevelopment may be at the owner's discretion as long as there is no variance from this historic district preservation plan as to materials, scale and detail, appurtenances, textures, ornamentation and accessories and the owner complies with existing regulations. In these instances, no review by the landmark commission would be required, and no certificate of appropriateness would apply.

F. Transit and traffic operations. The commission may review the transit and traffic operations in and through the district and provide recommendations to the urban transportation department and city council on routes, schedules, one-way and two-way street patterns, park and rides, shuttle services, and pedestrian facilities that will enhance and preserve the character of the district.

G. Public improvements. The landmark commission may recommend to the city council acceptable public architectural and engineering designs including street lighting, street furniture, signs, landscaping, utility facilities such as electric poles and wires, telephone lines; design textures of sidewalks and streets such as brick, stone and tile, and such other elements as deemed necessary for enhancement and preservation of the district.

35.7.8.7 Administrative requirements of landmark commission.

A. When the historic landmark commission considers an area as a possible historic district, it shall, prior to rendering its final recommendation and report, submit its report, including the district preservation plan or any proposed ordinance amendments, to all city departments, boards and commissions and other public agencies directly affected.

B. In addition, it shall prior to rendering its final recommendation make the plan available to the landowners in the proposed district. If the area under consideration has established an historic district committee, the commission may include the comments of such committee in its final report. If appropriate and desired, the commission should recommend that the city council adopt the restrictions to ensure that future public investment complies with the term of the district.

C. Commission-approved medallions for designated structures within the district shall be prepared and, subject to the approval of the owners, may be affixed to the "H" designated structures.