

CHAPTER 157: HISTORIC PRESERVATION

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§ 157.01 PURPOSE

(A) The purpose of historic preservation and protection is:

(1) To promote the educational, cultural and general welfare of the citizens of Lawrenceburg and to ensure the harmonious and orderly growth and development of the municipality;

(2) To maintain established residential neighborhoods in danger of having their distinctiveness destroyed;

- (3) To enhance property values and attract new residents;
- (4) To ensure the viability of the traditional downtown area and to enhance tourism within the City of Lawrenceburg; and
- (5) It is deemed essential by the City of Lawrenceburg that qualities relating to its history and harmonious outward appearance of its structures be preserved.

(B) These purposes are advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance of and to ensure compatibility in regards to style, form, proportion, texture, and material between historic buildings and those of contemporary design.

(C) It is the intention of the city through this chapter to preserve and protect historic or architecturally worthy buildings and neighborhoods of the historic districts created in accordance with this chapter.

(Ord. 13-2011, passed 4-18-11)

§ 157.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERATION A material or color change in the external architectural features of any building within a historic district.

CITY The City of Lawrenceburg, Indiana.

CLASSIFICATIONS

(1) Outstanding: the “O” classification means that the property has sufficient historic or architectural significance such that it is listed, in the National Register of Historic Places (the “National Register”). Outstanding resources can be of local, state, or national importance.

(2) Notable: the “N” classification means that the property does not merit the outstanding rating, but it is still above average in its importance.

(3) Contributing: the “C” classification means that the property is at least 40 years old, but does not meet the criteria for an “O” or “N” classification. Contributing properties are important to the density or continuity of the area’s historic fabric.

(4) Non-Contributing: property classified as “NC” is not included in a historic inventory unless it is located within the boundaries of a historic district. Such properties may be less than 50 years old, or they may be older properties that have been altered in such a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings.

COMMISSION The historic preservation commission established by this chapter.

DEMOLITION The complete or substantial removal of any building or structure located in a historic district.

HISTORIC DISTRICT A single building or a concentration of buildings, or neighborhoods, the boundaries of which are described or delineated on a map approved in an ordinance

INTERESTED PARTY One of the following:

- (1) The Mayor.
- (2) The City Council.
- (3) The city plan commission or other agency having land use planning jurisdiction over a historic district designated by ordinance.
- (4) An owner or occupant of property located in a historic district established by an ordinance adopted by the City Council.
- (5) The state historic preservation officer designated under I.C. 14-21-1-19.

PRESERVATION GUIDELINES Locally developed criteria which identify design concerns to assist property owners in maintaining the character of the historic district or buildings during the process of rehabilitation or new construction.

ROUTINE MAINTENANCE Work for which no Certificate of Appropriateness is required.

VISUAL COMPATIBILITY Those elements of design that meet the guidelines set out in § 157.08.

(Ord. 13-2011, passed 4-18-11)

§ 157.03

ESTABLISHMENT AND ORGANIZATION OF COMMISSION

(A) *Establishment* There is hereby established the Historic Preservation Commission of the City of Lawrenceburg, Indiana (hereinafter referred to as the “Commission”).

(B) *Composition; appointment* The Commission shall consist of three voting members. The voting members shall be appointed by the Mayor and shall be residents of the city who are interested in the preservation and development of historic areas. The members of the Commission should include professionals in architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. Up to three nonvoting, advisory member(s) may be appointed to the Commission by the Mayor. Commission members shall serve without compensation, except for reasonable expenses incurred in the performance of their duties.

(C) *Term* Voting members shall serve for a term of three years. The term for nonvoting, advisory members shall be for three years. A vacancy shall be filled within 90 days for the duration of the term.

(D) *Commission Administrator* A city administrator designated by the Mayor shall serve as the ex-officio administrator of the Commission. The administrator shall provide staff assistance to the Commission, act as the Commission’s secretary, and issue Certificates of Appropriateness as directed by the Commission.

(E) *Officers* The Commission shall elect from its membership a Chairperson, Vice-Chairperson, and Treasurer who shall serve for one year and who may be re-elected. The Commission Administrator shall serve as the Commission’s secretary.

(F) *Rules* The Commission shall adopt rules for the transaction of business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings.

(G) *Meetings* Commission meetings must be open to the public and the public record shall be kept of the Commission’s resolutions, proceedings, and actions. The Commission shall hold regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Commission and its rules.

(Ord. 13-2011, passed 4-18-11)

§ 157.04

POWERS AND DUTIES OF COMMISSION

(A) The Commission shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in a historic district. The Commission may not consider details of design, interior arrangements, or building features, if those details, arrangements, or features are not subject to public view, and may not make any requirement except for the purpose of preventing development, alteration, or demolition in the historic district obviously incongruous with the historic district.

(B) Council will establish and approve a historic district map. The Commission shall classify and designate on the map all buildings within each historic district described on the map. Buildings shall be classified as historic or non-historic in the manner set forth in divisions (C) and (D) below.

(C) Buildings classified as historic must possess identifies historic or architectural merit of a degree warranting their preservation. They may be further classified as Outstanding, Notable, or Contributing (as defined in § 157.02 above). In lieu of these further classifications, the Commission may devise its own system of further classification for historic buildings.

(D) Non-historic buildings and structures are those not classified on the map as historic under division (B) above.

(E) The Commission may adopt preservation guidelines for architectural review. If adopted, preservation guidelines shall be published and made readily accessible to the general public.

(F) The Commission has the authority to receive funds in order to promote its stated purposes. Any fee schedule shall be approved by Council and shall be amended to this chapter.

(G) The Commission shall promote public interest in historic preservation by initiating and carrying on a public relations and community education program.

(H) Each official of the city who has a responsibility for building inspection, building permits, planning, or zoning shall provide any technical or administrative assistance requested by the Commission. The attorney for the city shall serve as the attorney for the Commission. (Ord. 13-2011, passed 4-18-11)

§ 157.05

HISTORIC DISTRICTS AND GUIDELINES

(A) *City Council approval of maps and historic districts* Before a historic district is established and building classifications take effect, the map described in § 157.04 (B), setting forth the district's boundaries and building classifications, must be approved in an ordinance by the City Council.

(B) In an ordinance approving the establishment of a historic district, once adopted by the City Council, a Certificate of Appropriateness is required for the following activities: the demolition of any building; the moving of any building, and any new construction of a principal building or accessory building subject to view from a public street or road; or a conspicuous change in the exterior appearance of historic buildings by additions, construction, alteration, or maintenance involving exterior color changes.

(C) The objections of a majority of the property owners of the establishment of a historic district must be received by the Commission not earlier than 180 days or later than 60 days before the third anniversary of the adoption of the ordinance.

(D) *Exclusions of paint colors* In an ordinance approving the establishment of a historic district, the city may exclude changes in paint colors from the activities requiring the issuance of a Certificate of Appropriateness, defined in § 157.06 before a permit may be issued or work begun.

(E) *Recording the fact of designation* The map establishing boundaries of a historic district may be recorded in the Office of the Dearborn County Recorder.

(Ord. 13-2011, passed 4-18-11)

§ 157.06

CERTIFICATE OF APPROPRIATENESS

(A) *Certificates of Appropriateness required* A Certificate of Appropriateness must be issued by or on behalf of the Commission before a permit is issued for, or work is begun on the following, within all areas of a historic district:

- (1) The demolition of any building;
- (2) The moving of any building;
- (3) A conspicuous change in the exterior appearance of historic buildings by additions, reconstruction, alteration, or maintenance involving exterior color change; or
- (4) Any new construction of a principal building or accessory building or structure subject to view from a public way.

(B) *Application for Certificates of Appropriateness* Application for a Certificate of Appropriateness shall be made in the office of the Commission on forms provided by that office. Detailed drawings, plans, or specifications are not required. However, to the extent reasonably required for the Commission to make a decision, each application must be accompanied by sketches, drawings, photographs, descriptions, or other information showing the proposed exterior alterations, additions, changes, or new construction.

(C) *Approval or denial of Certificate of Appropriateness* The Commission may advise and make recommendations to the applicant before acting on an application for a Certificate of Appropriateness. If an application for a Certificate of Appropriateness is approved by the Commission, or is not acted on by the Commission within ten days after it is filed, a Certificate of Appropriateness shall be issued. If the certificate is issued, the application shall be processed in the same manner as applications for building or demolition permits required by the city, if any are processed. If no building or demolition permits are required, the applicant may proceed with work authorized by the certificate. If the Commission denies an application for a certificate of appropriateness within ten days after it is filed, the certificate may not be issued. The Commission must state its reasons for denial in writing, and must advise the applicant. An application that has been denied may not be processed as an application for a building or demolition permit and does not authorize any work by the applicant. The Commission may grant an extension of the ten day limit if the applicant agrees to it.

(D) **Criteria for considering effect of actions on historic buildings** The Commission, in considering the appropriateness of any reconstruction, alteration, maintenance, or moving of a historic building or any part of or appurtenance to such building, including walls, fences, light fixtures, steps, paving, and character, the Commission shall consider, among other things, the following:

- (1) Purposes of this chapter;
- (2) Historical and architectural value and significance of the building, structure, site or appurtenance;
- (3) Compatibility and significance of additions, alterations, details, materials, or other non-original elements which may be of a different style and construction date than the original;
- (4) The texture, material, color, style, and detailing of the building, structure, site or appurtenance;
- (5) The continued preservation and protection of original or otherwise significant structure, material, and ornamentation;
- (6) The relationship of buildings, structures, appurtenances, or architectural features similar to one within the same historic district, visual compatibility, as defined in § 157.08 (B); and
- (7) The position of the building or structure in relation to the street, public right-of-way and to other buildings and structures.

(E) *Procedure for demolition upon denial of a Certificate of Appropriateness* The purpose of this division is to preserve historic buildings that are important to the education, culture, traditions and economic values of the city, and to afford the city, historical organizations, and other interested persons the opportunity to acquire or to arrange for the preservation of these buildings. If a property owner demonstrated that a historic building is incapable of earning an economic return on its value, as appraised by a qualified real estate appraiser, and the Commission fails to approve the issuance of a Certificate of Appropriateness, the building may be demolished. However, before a demolition permit is issued or demolition proceeds, the following requirements for notice must be met:

(1) Notice of the proposed demolition must be given for a period fixed by the Commission, based on the Commission's classification on the approved map, but not less than 30 days nor more than 90 days.

(2) Notice must be posted on the premises of the building proposed for demolition in a location clearly visible from the street.

The Commission may approve a Certificate of Appropriateness at any time during the notice period under this division. If the Certificate of Appropriateness is approved, a demolition permit shall be issued without further delay, and demolition may proceed.

(Ord. 13-2011, passed 4-18-11)

§ 157.07 STAFF APPROVALS

(A) The staff of the Commission is authorized to grant or deny a Certificate of Appropriateness in all cases for items listed in § 157.08.

(B) The staff may not grant or deny a Certificate of Appropriateness for the following:

(1) The demolition of a building that is listed as outstanding or notable.

(2) The moving of a building that is listed as outstanding or notable.

(3) The construction of an addition to a building that is listed as outstanding or notable.

(4) The construction of a new building.

(Ord. 13-2011, passed 4-18-11)

§ 157.08 VISUAL COMPATIBILITY

(A) *For new construction* To preserve and encourage the integrity of historic buildings, and neighborhoods and to ensure their compatibility with any new work or the construction of a new building within a historic district must be generally of a design, form, proportion, mass, configuration, building material, texture, color, and location on a lot compatible with other buildings in the historic district, particularly with buildings designated as historic, and with squares and places to which it is visually related.

(B) *Criteria for considering visual compatibility* With the historic district, new buildings, as well as buildings that are moved, constructed, materially altered, repaired, or changed in color, must be visually compatible with buildings to which they are visually related generally in terms of the following visual compatibility factors:

(1) Proportion of building's front façade: the relationship of the width of a building to the height of the front elevation must be visually compatible with buildings, squares, and places to which it is visually related.

(2) Proportion of openings within the facility: the relationship of the width of the windows to the height of the windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.

(3) Rhythm of entrances and porch projections: the relationship of entrances and porch projections of a building to sidewalks must be visually compatible with buildings, squares, and places to which it is visually related.

(4) Relationship of materials, texture, and color: The relationship of the materials, texture, and color of the façade of a building must be visually compatible with the predominant materials used in the buildings to which it is visually related.

(5) Roof shapes: the roof shape of a building must be visually compatible with the buildings to which it is visually related.

(6) Walls of continuity: appurtenances of a building such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings, squares, and places to which it is visually related.

(7) Scale of building: the size of a building, and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with buildings, squares, and places to which it is visually related.

(8) Directional expression of front elevation: a building must be visually compatible with buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or non-directional character.
(Ord. 13-2011, passed 4-18-11)

§ 157.09 PRESERVATION OF HISTORICAL AND ARCHITECTURAL CHARACTER

(A) A historic building or structure or any part of or appurtenance to such building or structure, including stone walls, fences, light fixtures, steps, paving, and signs may be moved, reconstructed, altered, or maintained only in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance.

(B) A historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with division (A).
(Ord. 13-2011, passed 4-18-11)

§ 157.10 MAINTENANCE

(A) Historic buildings shall be maintained to meet the applicable requirements established under state statute for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features.

(B) Ordinary repairs and maintenance: nothing in this section shall be construed to prevent the ordinary repairs and maintenance of any historic building, provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location, or external visual appearance of any structure, or part thereof.
(Ord. 13-2011, passed 4-18-11)

§ 157.11 RELATIONSHIP WITH ZONING DISTRICTS

Zoning districts lying within the boundaries of the historic district are subject to regulations for both the zoning district and the historic district. If there is a conflict between the requirements of the zoning district and the requirements of the historic district, the more restrictive requirements shall apply.

(Ord. 13-2011, passed 4-18-11)

§ 157.12 ENFORCEMENT; PENALTIES; JUDICIAL REVIEW

(A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who violates any provision of the chapter shall be subject to a fine as follows for each offence:

(1) Not less than \$10.00 nor more than \$2,500.00 for demolition; and

(2) Not less than \$10.00 nor more than \$300.00 for all offenses.

(B) Each day of the existence of any violation of this chapter shall be a separate offense.

(C) The erection, construction, enlargement, alteration, repair, demolition, color change, moving or maintenance of any building which is begun, continued, or maintained contrary to any provisions of this chapter is hereby declared to be a nuisance and in violation of this chapter and unlawful. The city may institute a suit for injunction in the Circuit Court or Superior Court of Dearborn County to restrain any person or government unit from violating any provision of this chapter and to cause such violation to be prevented, abated, or removed. Such action may also be instituted by any property owner who is adversely affected by the violation of any provision of this chapter.

(D) The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(E) Any person or party aggrieved by a decision of the Commission shall be entitled to judicial review in accordance with I.C. 4-21.5-1.

(Ord. 13-2011, passed 4-18-11)

§ 157.13 APPEALS

If any applicant believes that any action or lack of action by the Commission has caused an undue hardship, the applicant may file a formal appeal to the Lawrenceburg Plan Commission and follow all procedures thereto.

(Ord. 13-2011, passed 4-18-11)

§ 157.14 UNSAFE STRUCTURES

If the Building Commissioner deems any building or structure within a historic district to be unsafe and in need of demolition, the Building Commissioner shall notify the Commission, Board of Works and City Council of said condition, but will maintain complete jurisdiction over decisions to demolish.

(Ord. 13-2011, passed 4-18-11)

ORDINANCE #20-2011

Passed this 16th. day of November, 2011