
Sec. 114-177. Landmark and historic district designation—Procedures.

- (1) Application.
 - (a) Any person, group of persons or association, may apply for historic structure, site, district or neighborhood designation for property and improvements located within the corporate limits of the city. The owner of any property that is currently designated may apply for a rescission of that dedication following the same procedures. Where this section refers to procedures applicable to the nomination and designation of properties, those procedures also apply to the rescission of dedication unless otherwise stated. When rescission is requested for economic reasons it shall only be considered in accordance with parameters established under subsection 114-182(2).
 - (b) Nominations shall be made to the preservation commission on forms provided for that purpose. The application shall include or be accompanied by the following:
 1. The name and address, as shown on the tax assessor's rolls of the owner of property proposed for designation.
 2. The legal description and common street address of property proposed for designation.
 3. A map delineating the boundaries and location of property proposed for designation.
 4. A written statement describing the property and setting forth reasons in support of the designation proposed.
 5. An indication of whether or not the owner(s) consents to the proposed designation.
 6. Such other information as may be required by the preservation commission.
- (2) Notification of nomination and preliminary review. Upon receipt of an application for designation or rescission, the chairman of the preservation commission shall schedule a preliminary review to be held within 45 days. He shall notify the applicant and the property owner(s) of the time and place of the preliminary review. The city tax assessor, public works department, parks division, fire and police departments, health officer, building inspector and plan commission shall also be notified with the request that they each report to the preservation commission in a timely manner on any matters affecting the subject property or surrounding area.
- (3) Public hearing and decision.
 - (a) Scheduling of the public hearing. If the preservation commission finds at the time of the preliminary review that an application merits further consideration, then a public hearing shall be scheduled to be held within the next 60 days. The preservation commission shall notify the city tax assessor, public works department, parks division, fire and police departments, health officer, building inspector and plan commission. Each such department shall respond to the commission within 30 days of notification with its comments on the proposed designation or rescission.
 - (b) Notice of the public hearing. In cases of a nomination of a structure or site, notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent to the owners of record of the nominated property, to the nominator(s), and to the owners of record as listed in the office of the city assessor of all property in whole or in part situated within 200 feet of the boundaries of the nominated property at least ten days prior to the date of the hearing. In cases of a nomination of an area as a historic district or historic neighborhood, notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent to the owners of record of each property located within the boundaries of the nominated historic district or historic neighborhood and to the nominator(s), at least ten days prior to the date of the hearing. Notice of such hearing shall also be published as a Class 1 notice under state statutes stating the

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- common street address and legal description of a nominated structure or site or legal description and boundaries of a nominated district along with the date, time, place and purpose of the public hearing. Requirements set forth in this subsection also apply to applications for rescission.
- (c) Required materials. The applicant shall produce at the time of the hearing such information as the preservation commission may require including, but not limited to, the following:
1. All information required with the application.
 2. A visual presentation of the significant improvements on the subject property, together with information as to the age, condition and use of each.
 3. Proposals for preservation and enhancement of the property proposed for designation or a detailed explanation of the reason rescission is requested.
- (d) Conduct of the hearing. The preservation commission shall conduct such public hearing. The applicant and the owners of subject property shall be entitled to speak at the public hearing and the preservation commission will accept comments from all other interested parties. In addition to notified persons and members of the general public, the preservation commission may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The preservation commission may conduct an independent investigation into the proposed designation or rescission. The preservation commission shall review and evaluate all available information according to the applicable standards set forth herein. A record of the proceedings shall be made and retained as a public record.
- (e) Approval timeline. The preservation commission shall approve, approve with modifications or deny the requested designation within ten days after the public hearing; provided, however, that the preservation commission may not modify a designation to extend beyond the property described in the application unless a new application is filed and the procedure repeated. Rescission of designation for economic reasons is subject to timelines as specified under subsection 114-182(2). A majority vote of the entire preservation commission is required for approval.
- (f) Informing parties of interest. Following the public hearing, the secretary of the preservation commission shall prepare a report on the outcome of the preservation commission's action including all available information for submission to the city council within 30 days, as an information item. The owner(s) of record and parties who spoke at the public hearing shall be notified promptly by a letter containing information on the preservation commission's decision. Notification shall also be given to the city clerk, building inspector and the city assessor. The preservation commission shall cause the designation or rescission to be recorded at city expense in the county register of deeds' office.
- (g) Effect of denial. If the preservation commission denies the petition, no petitioner or applicant can file for 90 days to the secretary of the preservation commission to consider this same request.
- (h) Effect of approval. Properties approved for designation as historic structures, sites, districts or neighborhoods become subject to all provisions of this division. Properties approved for a rescission of dedication are no longer subject to the provisions of this division.
- (i) Voluntary restrictive covenants. The owner of any historic structure or site may at any time following such designation of his property enter into a restriction covenant on the subject property after negotiation with the commission. The commission may assist the owner in preparing such covenant in the interest of preserving the historic property. The owner shall record such covenant in the county register of deeds office and shall notify the city assessor of such covenant and the conditions thereof.
- (4) After the date of filing an application, as outlined above, until the date of a final decision by the preservation commission no building permit shall be issued for the alteration, construction, demolition, or removal of the

nominated property except as permitted under the provisions of section 114-179. In no event shall the delay so imposed exceed 210 days.

(Ord. No. 643-09, §§ I, II, 4-8-09)