

# CHAPTER 151: HISTORIC PRESERVATION AND PROTECTION DISTRICTS

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## **GENERAL PROVISIONS**

### **§ 151.01 PURPOSE.**

In order to promote the economic, educational, cultural and general welfare of the citizens of the city; to ensure the harmonious, orderly, and efficient growth and development of the municipality; and to preserve and protect the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, and neighborhoods of historic districts, it is deemed essential by the city that the qualities relating to the history of the city and a harmonious outward appearance of structures which support and enhance property values and attract residents be preserved. Some of these qualities are the continued existence, restoration and preservation of historic areas and buildings, the construction of compatible new buildings, where appropriate, and general compatibility as to style, form, proportion, texture and material between the buildings of historic design and those of contemporary design. This purpose is advanced through the preservation and protection of the historically or architecturally worthy structures, sites and districts which impart a distinct aesthetic quality to the city and which serve as visible reminders of the historic heritage of the city.

('74 Code, § 14.5-1) (Ord. G-10-84, passed 5-22-84)

### **§ 151.02 DESIGNATED HISTORIC DISTRICTS.**

(A) Preexisting historic districts. The following historic districts established under previous ordinances shall be subject to this chapter but in all other respects shall remain unchanged. All areas within existing districts shall be considered primary areas as defined in this chapter.

- (1) 817 South Barr Street.
- (2) 618-20 South Calhoun Street.
- (3) 916 South Calhoun Street.
- (4) The Canal House, 114 East Superior.
- (5) Chief Richardville Residence, 5705 Bluffton Road.
- (6) Embassy Theatre and Indiana Hotel Building, 121 West Jefferson Boulevard.
- (7) Fire Station No. 13, 226 West Washington Boulevard.
- (8) McCulloch House on Superior Street, 616 West Superior.
- (9) The Landing.
- (10) Trinity Episcopal Church, 611 West Berry Street.

(B) Historic districts established by this chapter. Upon approval of historic district maps by the Common Council in accordance with this chapter, such districts shall be incorporated in this chapter by amendment and listed in this division.

- (1) 231 Baker Street.
- (2) 215 – 219 East Berry Street.
- (3) 814 South Calhoun Street.
- (4) 818 South Lafayette Street.
- (5) West Central Local Historic District, as expanded.
- (6) William-Woodland Park neighborhood.
- (7) 120-122 West Washington Boulevard.
- (8) 207 West Main Street.
- (9) 1405 Broadway.
- (10) 914 South Calhoun.
- (11) 926-930 South Calhoun.
- (12) 112 West Washington Boulevard.
- (13) 114 West Washington Boulevard.
- (14) 1421 Broadway.
- (15) 437-441 East Berry Street.
- (16) 830 South Harrison Street.
- (17) 1717 South Calhoun.
- (18) 1915-1917 South Calhoun.
- (19) 2614-16 South Calhoun.
- (20) 816 South Calhoun Street.
- (21) 420 West Wayne Street.
- (22) 521 West Wayne Street.
- (22) 1928 Reed Road.
- (23) 812 South Calhoun Street.
- (24) 302 East Berry Street.
- (25) 2903-3028 Shawnee Drive and 314 West Wildwood Avenue (known collectively as "Shawnee Place").
- (26) 1245 East State Boulevard.

- (27) Hildebrand Hardware Buildings—2036 and 2042 Broadway.
- (28) The Broadway Theater—2441 Broadway.
- (29) 450 West Oakdale Drive.
- (30) Engine House No. 7, 1716 W. Main Street.
- (31) William D. Bostick House, 533 West Washington Boulevard.
- (32) Wm. Moellering & Sons Building—1301 - 09 S. Lafayette Street.
- (33) Fairfield-Nestel House—815 W. Creighton Avenue.
- (34) J. Ross McCulloch House—334 East Berry Street.
- (35) Hoosier Store #28—3412 Fairfield Avenue.
- (36) Gerding's Drug Store Building—3414 Fairfield Avenue.
- (37) Sophia Dewald House—460 East Dewald Street.
- (38) Henry J. Baker House—1004 - 1008 Delaware Avenue.
- (39) George and Mary Fox House—803 Walnut Street.
- (40) Dryer-Flick-Tieman House—1431 Waldron Circle.
- (41) 426 East Wayne Street.
- (42) 4817 East State Boulevard.
- (43) Fort Wayne Engraving Company Building—120 West Superior Street.
- (44) Italianate Commercial Building—1111 - 1113 Broadway.
- (45) Spiegel Block—1401 Broadway.
- (46) Colonel Sion & Eliza Bass House—509 West Washington Boulevard.
- (47) South Side Farmers Market—3300 Block Warsaw Street.
- (48) Harry A. Keplinger House—125 W. Creighton Avenue.
- (49) Hiram B. Woolsey House—129 W. Creighton Avenue.
- (50) Clyde A. Jackson House—130 W. Creighton Avenue.
- (51) International Harvester Tower - 2701 South Coliseum Blvd.
- (52) Macbeth House and Office - 419 East Wayne Street.
- (53) William and Louise Thiel House - 1522 W. Main Street.
- (54) 1204 Maple Avenue.

('74 Code, § 14.5-14) (Ord. G-10-84, passed 5-22-84; Am. Ord. G-16-85, passed 6-25-85; Am. Ord. G-21-85, passed 8-27-85; Am. Ord. G-27-90, passed 11-13-90; Am. Ord. G-24-93, passed 7-13-93; Am. Ord. G-13-95, passed 4-25-95; Am. Ord. G-18-96, passed 6-25-96; Am. Ord. S-12-97, passed 1-14-97; Am. Ord. S-95-97, passed 10-28-97; Am. Ord. S-13-98, passed 2-10-98; Am. Ord. S-48-98, passed 4-28-98; Am. Ord. S-62-98, passed 6-23-98; Am. Ord. S-87-98, passed 9-22-98; Am. Ord. S-105-98, passed 11-24-98; Am. Ord. S-13-99, passed 1-26-99; Am. Ord. S-24-99, passed 2-23-99; Am. Ord. S-32-99, passed 3-23-99; Am. Ord. S-42-99, passed 4-27-99; Am. Ord. S-102-99, passed 8-24-99; Am. Ord. S-03-00, passed 1-11-00; Am. Ord. S-31-00, passed 4-25-00; Am. Ord. S-54-01, passed 6-26-01; Am. Ord. S-128-01, passed 12-18-01; Am. Ord. S-74-02, passed 6-25-02; Am. Ord. S-98-03, passed 8-26-03; Am. Ord. S-139-03, passed 12-23-03; Am. Ord. S-146-05, passed 9-27-05)

## **ESTABLISHMENT OF HISTORIC DISTRICTS**

### **§ 151.10 INITIATION OF AN HISTORIC DISTRICT RECOMMENDATION.**

A recommendation for establishing an historic district may be initiated from either of the following two sources:

(A) Based on its survey, the Historic Preservation Review Board may draw and submit, in accordance with this chapter, historic district maps for Common Council approval. Such maps shall be submitted to the Plan Commission for its review and comment first.

(B) Owners of property in fee simple wishing to establish an historic district which includes their property may petition the Board to consider drawing and submitting a map of the property to the Common Council for its approval. The Board may establish in its rules the criteria to be met before it considers a petition.

('74 Code, § 14.5-5(a)) (Ord. G-10-84, passed 5-22-84)

### **§ 151.11 PREPARATION OF HISTORIC DISTRICT MAPS.**

In order to establish an historic district, the Historic Preservation Review Board first shall prepare a map describing said district in accordance with the following:

(A) The map shall be based on a survey conducted or adopted by the Board which identifies historic buildings, structures and places located within the city.

(B) A district may be limited to the boundaries of a property containing a single building, structure or site.

(C) The map may divide the district into primary and secondary areas as follows:

(1) Primary area. The principal area of historic and architectural significance.

(2) Secondary area. An area adjacent to a primary area which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.

(D) The Board also shall classify and designate on the map all buildings and structures within each historic district described on the map as follows:

(1) Historic. Such buildings and structures must possess identified historic and architectural merit of a degree warranting their preservation. These may be further classified by any system which the Board devises.

(2) Nonhistoric. Buildings and structures not classified on the map as historic.

('74 Code, § 14.5-5(b)) (Ord. G-10-84, passed 5-22-84)

### **§ 151.12 APPROVAL OF MAPS; PROCEDURE FOR SUBMITTING MAP.**

Before an historic district is established and the building classifications take effect, the map setting forth its boundaries and building classifications must be submitted to, and approved in an ordinance by, the Common Council. The procedure for doing so shall be as follows:

(A) In accordance with [§ 151.55\(B\)](#), the Historic Preservation Review Board must take official action deciding whether or not to submit a map to Common Council for its approval.

(B) Prior to taking action at a meeting, the Board shall hold a public hearing to allow public comment. The public hearing may be held separately or in conjunction with the meeting where action on the district is to occur.

(C) A public hearing held by the Board for the purpose of allowing comment on a proposed historic district designation shall be preceded by public notice as set forth in IC 5-3-1.

(D) Before submitting a map to Common Council, the Board first shall submit it to the Plan Commission for its review and comment.

('74 Code, § 14.5-5(c)) (Ord. G-10-84, passed 5-22-84)

## **§ 151.13 HISTORIC DISTRICT CRITERIA.**

An historic district shall not be established unless the proposed map includes a building, groups of buildings, structures, sites, monuments, streetscapes, or neighborhoods which meet at least one of the following criteria:

(A) *Historic.*

(1) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the city, state or nation; or is associated with the life of a period significant in the past;

(2) Is the site of an historic event with a significant effect upon society; or

(3) Exemplifies the cultural, political, economic, social or historical heritage of the community.

(B) *Architecturally worthy.*

(1) Portrays the environment in an era of history characterized by a distinctive architectural style;

(2) Embodies those distinguishing characteristics of an architectural or engineering type;

(3) Is the work of a designer whose individual work has significantly influenced the development of the community;

(4) Is the work of a designer of such prominence that such work gains its value from the designer's reputation;

(5) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation;

(6) Contains any architectural style, detail or other element in danger of becoming extinct; or

(7) Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city.

('74 Code, § 14.5-5(d)) (Ord. G-10-84, passed 5-22-84)

## **STANDARDS FOR HISTORIC DISTRICTS**

## **§ 151.25 CERTIFICATES OF APPROPRIATENESS; REQUIRED; APPLICATION; APPROVAL OR DENIAL; EXPIRATION; RIGHT TO REVIEW.**

(A) A certificate of appropriateness must be issued by the Historic Preservation Review Board before a permit is issued for, or work is begun on, any of the following:

(1) Within all areas of an historic district:

(a) The demolition of any building;

(b) The moving of any building;

(c) A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building including walls, fences, light fixtures, steps, paving and signs by additions, reconstruction, alteration or maintenance involving exterior color change; or

(d) Any new construction of a principal building or accessory building or structure subject to view from a public way; and

(e) Conspicuous and visible changes within the public right-of-way.

(2) Within a primary area of an historic district:

(a) A change in walls and fences, or the construction of walls and fences, along public ways in a primary area of an historic district; or

(b) A conspicuous change in the exterior appearance of nonhistoric buildings subject to view from a public way in a primary area of an historic district, by additions, reconstruction, alteration or maintenance involving exterior color change.

(B) An application for the certificate of appropriateness may be made in the office of the Department of Community Development and Planning on forms provided by that office and shall be subject to the following requirements:

(1) The Board may adopt, as a part of its rules, filing requirements which it finds reasonable and necessary to expedite the business of the Board. These rules may include, but are not limited to, filing deadlines and application requirements such as sketches, drawings, photographs, descriptions or other information which the Board requires to make a decision;

(2) No fee shall be charged for such application.

(C) The Board may approve certificates of appropriateness for any actions covered by this chapter.

(1) If an application for a certificate of appropriateness is approved by the Board or is not acted on by the Board within 30 days after it is filed, a certificate of appropriateness shall be issued after which required permits and work may proceed as authorized by the certificate of appropriateness.

(2) If the Board denies an application for a certificate of appropriateness within 30 days after it is filed, the certificate may not be issued. In this case, the Board must state its reasons for the denial in writing and advise the applicant.

(3) The Board may grant an extension of the 30-day limit prescribed by divisions (C)(1) and (2) herein, if the applicant agrees to it.

(4) The Board may advise and make recommendations to the applicant before acting on an application for a certificate of appropriateness.

(5) The Board may make the issuance of approved certificates of appropriateness subject to conditions which must be met by the applicant.

(D) At the time a certificate of appropriateness is approved, the Board may set a period, not to exceed 12 months, after which the certificate of appropriateness shall expire. The Board may, at any time, renew a certificate of appropriateness.

(E) In any case where an applicant does not receive a certificate of appropriateness or otherwise feels aggrieved by an action of the Administrator, the applicant shall have the right to a review by the Board.

('74 Code, § 14.5-6) (Ord. G-10-84, passed 5-22-84)

## **§ 151.26 HISTORIC BUILDINGS TO BE MAINTAINED IN CONFORMANCE TO STATUTORY REQUIREMENTS.**

Historic buildings shall be maintained to meet all applicable requirements established under statute for building generally.

('74 Code, § 14.5-7(a)) (Ord. G-10-84, passed 5-22-84) [Penalty, see § 151.99](#)

## **§ 151.27 ORDINARY REPAIRS AND MAINTENANCE; CERTIFICATE OF APPROPRIATENESS NOT REQUIRED.**

(A) Nothing in this chapter shall be construed so as to prevent the ordinary repairs and maintenance of any building, structure or site 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.

(B) (1) Ordinary repairs and maintenance as defined in division (A) herein, may be begun and executed without a certificate of appropriateness issued by the Historic Preservation Review Board.

(2) The Board may adopt as a part of its rules a list of those actions it considers to be ordinary repairs and maintenance and not requiring a certificate of appropriateness.

(3) In determining whether or not specific actions constitute ordinary repairs and maintenance, as defined in this chapter, persons shall consider this chapter and any applicable guidelines adopted by the Board in its rules.

(4) The Board shall review and act upon any case where a question exists as to whether or not a specific action is an ordinary repair or maintenance not requiring a certificate of appropriateness.

('74 Code, § 14.5-7(b), (c)) (Ord. G-10-84, passed 5-22-84)

## **§ 151.28 STANDARDS FOR NONHISTORIC BUILDING WITHIN THE PRIMARY AREA OF THE HISTORIC DISTRICT.**

(A) The construction of a new building or structure and the moving, reconstruction, alteration, major maintenance or repair involving a color change conspicuously affecting the external appearance of any nonhistoric building, structure or appurtenance within the primary area 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 places to which it is visually related.

(B) It is not the intent of this chapter to limit or discourage new construction or other development, nor to limit it to any one period or architectural style, nor to discourage contemporary architectural expression, but rather to preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes and neighborhoods and to ensure their compatibility with any new work.

('74 Code, § 14.5-8(a)) (Ord. G-10-84, passed 5-22-84)

## **§ 151.29 CRITERIA FOR CONSIDERATION OF APPROPRIATENESS OF ALTERATION, MAINTENANCE, AND THE LIKE, OF HISTORIC BUILDINGS.**

The Historic Preservation Review Board, in considering the appropriateness of any reconstruction, alteration, maintenance and moving of an historic building or structure or any part of or appurtenance to such building or structure, including walls, fences, light fixtures, steps, paving and signs, shall require that such work be done in a manner that will preserve the historical and architectural character of the building, structure or appurtenance. In considering historic and architectural character, the Board shall consider, among other things, the following:

- (A) Purposes of this chapter;
- (B) Historical and architectural value and significance of the building, structure or appurtenance;
- (C) Compatibility, and significance of additions, alterations, details, materials, or other nonoriginal elements which may be of a different style and construction data than the original;
- (D) The texture, material, color, style and detailing of the building, structure or appurtenance;
- (E) The continued preservation and protection of original or otherwise significant structure, material and ornamentation;
- (F) The relationship of buildings, structures, appurtenances or architectural features to similar ones within the same historic district, including for primary areas, visual compatibility as defined in [§ 151.31](#); and
- (G) The position of the building or structure in relation to the street, public right-of-way and to other buildings and structures.

('74 Code, § 14.5-8(b)) (Ord. G-10-84, passed 5-22-84)

## **§ 151.30 MOVING HISTORIC BUILDINGS.**

An historic building or structure may be relocated to another site only if it is shown that preservation on its current site is inconsistent with [§ 151.29](#).

('74 Code, § 14.5-8(c)) (Ord. G-10-84, passed 5-22-84)

## **§ 151.31 VISUAL COMPATIBILITY OF BUILDINGS.**

Within the primary area of an historic district, new buildings and structures, as well as buildings, structures and appurtenances that are moved, reconstructed, materially altered, repaired or changed in color, must be visually compatible with buildings and places to which they are visually related generally in terms of the following visual compatibility factors:

- (A) *Height.* The height of proposed buildings must be visually compatible with adjacent buildings.
- (B) *Proportion of building's front facade.* The relationship of the width of a building to the height of the front elevation must be visually compatible with buildings and places to which it is visually related.
- (C) *Proportion of openings within the facility.* The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares and places to which it is visually related.
- (D) *Relationship of solids to voids in front facades.* The relationship of solids to voids in the front facade of a building must be visually compatible with buildings and places to which it is visually related.
- (E) *Rhythm of spacing of buildings on streets.* The relationship of a building to the open space between it and adjoining buildings must be visually compatible with the buildings and places to which it is visually related.

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

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

(H) *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 and places to which it is visually related.

(I) *Scale of the 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 the buildings and places to which it is visually related.

(J) *Directional expression of front elevation.* A building must be visually compatible with the buildings, squares and places to which it is visually related in its directional character, including vertical character, horizontal character or nondirectional character.

('74 Code, § 14.5-8(d)) (Ord. G-10-84, passed 5-22-84) [Penalty, see § 151.99](#)

## **DEMOLITION AND PUBLIC SAFETY**

### **§ 151.40 PURPOSE.**

The purpose of this section is to preserve historic buildings and structures that are important to the education, culture, traditions and economic value of the community by affording the city, preservation organizations and interested persons the opportunity to acquire or arrange for the preservation of these buildings.

('74 Code, § 14.5-9(a)) (Ord. G-10-84, passed 5-22-84)

### **§ 151.41 CERTIFICATE OF APPROPRIATENESS REQUIRED.**

A certificate of appropriateness must be issued by the Historic Preservation Review Board before a demolition permit is issued by other agencies of the city and work is begun on the demolition of any building or structure in any area of an historic district.

('74 Code, § 14.5-9(b)) (Ord. G-10-84, passed 5-22-84) [Penalty, see § 151.99](#)

### **§ 151.42 CRITERIA FOR CONSIDERING DEMOLITION.**

Criteria for the Historic Preservation Review Board to consider in the case of a proposed demolition include the following:

- (A) Effect, detrimental or not, of the demolition to the character of the historic district;
- (B) State of deterioration, disrepair and structural stability of the structure;
- (C) Balance of the public interest in preserving the structure or the integrity of the district with the interest of the owner of the building or structure in the use and utilization of the property; and
- (D) Possible alternatives to demolition.

('74 Code, § 14.5-9(c)) (Ord. G-10-84, passed 5-22-84)

### **§ 151.43 REQUIREMENTS FOR ALLOWING DEMOLITION WITHOUT CERTIFICATE.**

If the Historic Preservation Review Board denies the issuance of a certificate of appropriateness for the demolition of a building or structure, a demolition permit may be issued by other agencies and a building may be demolished, but only after establishing all of the following:

(A) The property owner must demonstrate to the Board that an historic building or structure is incapable of earning an economic return on its value, as appraised by a licensed real estate appraiser.

(B) The property owner shall file with the administrator documented evidence that a good faith effort is being made to sell or otherwise dispose of such property at or below fair market value to any public or private person or agency which gives a reasonable assurance of its willingness to preserve and restore such property. Such documented evidence shall be provided at the property owner's expense and shall include:

(1) Offering price;

(2) Date the offer of sale is to begin;

(3) Name and address of listing real estate agent, if any;

(4) A copy of an advertisement to run in the same manner as the notice in division (C) below, which offers the property for sale; and

(5) An appraisal of the property's fair market value by a licensed real estate appraiser.

(C) (1) Notice of the proposed demolition must be given for a period fixed by the Board, based on the Board's classification on the approved map, but not less than 60 days nor more than one year. Notice must be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice must be published in a newspaper of general local circulation at least three times before demolition, with the first publication not more than 15 days after the application for a permit to demolish is filed, and the final publication at least 15 days before the date of the permit.

(2) The Board may approve a certificate of appropriateness at any time during the notice period described in division (C)(1) above. If the certificate is approved, a demolition permit shall be issued without further delay, and demolition may proceed.

('74 Code, § 14.5-9(d)) (Ord. G-10-84, passed 5-22-84)

## **§ 151.44 PUBLIC SAFETY.**

Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration, or demolition of a structure, building or any part thereof within an historic district when so ordered by an agency of government having jurisdiction thereof provided that the following actions occur first:

(A) The agency having jurisdiction shall determine that a structure or building or any part thereof is immediately hazardous or dangerous to the health and safety of persons or to property;

(B) The agency issuing such an order shall so notify the Board Administrator who in turn shall notify the Board; and

(C) If demolition is ordered, the agency issuing such an order shall make every effort possible to secure the property or otherwise delay demolition until the Board can act as designated in this section. Demolition so ordered may occur prior to Board action only when an immediate hazard or danger to the health and safety of persons or property exists and no reasonable steps can be taken to afford protection to persons or property affected.

('74 Code, § 14.5-10) (Ord. G-10-84, passed 5-22-84)

## **ADMINISTRATION AND ENFORCEMENT**

## **§ 151.55 HISTORIC PRESERVATION REVIEW BOARD.**

(A) *Creation.* There is hereby established an historic district board of review to be known as the historic preservation review board (hereinafter referred to as "the Board").

(B) *Staffing.* The staff of the city Department of Community Development and Planning (hereinafter referred to as "the staff") shall serve as staff to the Board. Each official of the city who has responsibility for building inspection, building permits, planning or zoning shall provide necessary technical, administrative or clerical assistance requested by the Board.

(C) *Composition.*

(1) The Board shall consist of seven voting members who must be residents of the city subject to the approval of the Common Council. Of the members appointed, at least one shall be an architect with the state architectural certification; at least one shall own or lease property in a designated historic district; at least one shall be a contractor licensed by the Fort Wayne/Allen County Building Department; at least one shall be an historian; and all members shall have an interest in the preservation and development of historic buildings and areas.

(2) One nonvoting, advisory member may be appointed to the Board in the same manner as voting members. Such a member shall have recognized expertise in the field of historic preservation. The term of the advisory member shall be for one year commencing on January 1 and expiring on December 31. No voting member shall be employed by the city.

(D) *Terms of office.* Voting members shall each serve for a term of three years. All terms shall commence on January 1 and expire on December 31. A vacancy shall be filled through appointment by the Mayor and approval of the Common Council only for the unexpired duration of the term.

(E) *Serve without compensation.* Members of the Board shall serve without compensation except for reasonable expenses incurred in the performance of their duties.

('74 Code, § 14.5-2)

(F) *Board Administrator.* The Director of the Department of Community Development and Planning or his designee shall serve ex officio as Administrator of the Board. The Administrator shall provide staff assistance to the Board, act as the Board's secretary, and issue certificates of appropriateness as directed by the Board.

(G) *Board officers.* The Board shall elect from its membership a chairperson and vice-chairperson, who shall serve for one year and may be reelected.

(H) *Board meetings.* The Board 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 Board in its rules. All meetings of the Board must be open to the public, and a public record of the Board's resolutions, proceedings and actions must be kept.

(I) *Board rules.* The Board shall adopt rules consistent with this chapter for the transaction of its business. The rules shall include, but not be limited to, the following:

(1) Time and place of regular meetings;

(2) A procedure for the calling of special meetings.

(J) *Quorum.* A quorum of four voting members of the Board must be present at a meeting for the Board to take action.

(K) *Board action.* Any action of the Board taken at a meeting at which a quorum is present shall be determined by a majority of those actually voting.

('74 Code, § 14.5-3)

(Ord. G-10-84, passed 5-22-84)

## **§ 151.56 POWERS OF THE BOARD.**

(A) The Historic Preservation Review Board shall be concerned with those elements of development, redevelopment, rehabilitation and preservation that affect visual quality in the historic district,

(B) The Board may not consider details of design, interior arrangements or building features if those details, arrangements or features are not subject to public view.

(C) The Board 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.

(D) The Board shall conduct a survey or may adopt existing surveys to identify historic buildings, structures and places located within the city.

(E) The Board may draw and submit to the Common Council for its approval a map or maps describing the boundaries of an historic district or historic districts. Any such map first shall be submitted to the Plan Commission for its review and comment.

(F) The Board may issue certificates of appropriateness for any actions required by [§ 151.25](#).

(G) The Board may adopt rules consistent with this chapter designating more specifically situations not requiring a certificate of appropriateness under [§ 151.25](#).

('74 Code, § 14.5-4) (Ord. G-10-84, passed 5-22-84)

## **§ 151.57 RECORD OF HISTORIC DISTRICT.**

The boundaries of any historic district may be recorded in the office of the County Recorder.

('74 Code, § 14.5-13) (Ord. G-10-84, passed 5-22-84)

## **§ 151.58 CONFLICT 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 conflict between the requirements of the zoning district and the requirements of the historic district, the more restrictive requirements apply.

('74 Code, § 14.5-11) (Ord. G-10-84, passed 5-22-84)

## **§ 151.59 ENFORCEMENT OF PROVISIONS.**

This chapter shall be enforced using personnel and policies designated by the Director of the Department of Community Development and Planning.

('74 Code, § 14.5-12(a)) (Ord. G-10-84, passed 5-22-84; Am. Ord. G-27-89, passed 12-12-89)

## **§ 151.60 JUDICIAL REVIEW.**

Any person or party aggrieved by a decision or action taken by the Historic Preservation Review Board shall be entitled to a judicial review thereof in accordance with IC 4-21.5.

('74 Code, § 14.5-12(c)) (Ord. G-10-84, passed 5-22-84; Am. Ord. G-27-89, passed 12-12-89)

## **§ 151.61 VIOLATIONS; SUIT FOR INJUNCTION.**

The erection, construction, enlargement, alteration, repair, demolition, color change, moving or maintenance of any building, structure or appurtenance 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 the county to restrain any person or governmental 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.

('74 Code, § 14.5-12(b)(2)) (Ord. G-10-84, passed 5-22-84; Am. Ord. G-27-89, passed 12-12-89)

## **§ 151.62 REMEDIES.**

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.

('74 Code, § 14.5-12(b)(3)) (Ord. G-10-84, passed 5-22-84; Am. Ord. G-27-89, passed 12-12-89)

## **§ 151.99 PENALTY.**

Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who violates any provision of this chapter

shall pay a fine, as follows, for each offense:

- (A) Not less than \$10 nor more than \$2,500 for demolition.
- (B) Not less than \$10 nor more than \$1,000 for all other offenses.

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

('74 Code, § 14.5-12(b)(1)) (Ord. G-10-84, passed 5-22-84; Am. Ord. G-27-89, passed 12-12-89)

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