

Sec. 47-24.11. - Historic designation of landmarks, landmark site or buildings and certificate of appropriateness.

*B. Historic designation.*

1. *Applicant.* For the purpose of this section, an applicant may be the property owner, any person residing in the city or any legal entity in the city, including the city.

2. *Application.* An application for an historic designation shall be made to the department which shall also include the following information:

- a. A written description of the architectural, historical, or archeological significance of the proposed landmark and landmark site, or buildings in the proposed historic district, and specifically addressing and documenting those items contained in this section;
- b. Date of construction of the structure(s) on the property, and the names of its current and all past owners and, if possible, their dates of ownership;
- c. Photographs of the property;
- d. Legal description as a landmark, landmark site, historic building or historic district;
- e. Applications for the designation of historic district shall contain a written description of the boundaries of the district.

3. *Review process—Historic preservation board.*

- a. An application for an historic designation shall be submitted to the historic preservation board for review.
- b. Within sixty (60) days of submission of a complete application, after notice given in accordance with [Sec. 47-27.7](#), Notice Procedures for Public Hearings, the board shall hold a public hearing to consider the application and the record and recommendations forwarded by the department and shall hear public comment on the application.
- c. The board shall review the application and decide if it meets the criteria for designation as provided in this section.
- d. The board shall forward its record and recommendations to the city commission for consideration.
- e. The board may vote to defer its decision for an additional thirty (30) days based on a need for further information or other grounds relevant to making a proper decision.
- f. If the board recommends a designation, it shall explain how the proposed landmark or historic district qualifies for designation under the criteria contained in this section. This evaluation may include references to other buildings and areas in the city and shall identify the significant features of the proposed landmark, historic buildings or historic district. The board evaluation shall include a discussion on the relationship between the proposed designation and existing and future plans for the development of the city.

4. *Review process—Planning and zoning board.* If the application is for designation of an historic district, the application shall be forwarded to the planning and zoning board for review simultaneous with review by the historic board and the recommendation of the planning and zoning board shall be forwarded to the city commission for consideration.

5. *Review process—City commission.*

- a. Within ninety (90) days of the historic preservation board and planning and zoning board recommendation, where required, the department shall forward the board's recommendation to the city commission. The city commission shall hold a public hearing to consider the application and the record and recommendations of the planning and zoning board and historic preservation board, and shall hear public comment on the application.
- b. If the city commission determines that the proposed designation meets the criteria for designation as provided in this section, the city commission shall approve the designation as requested in the application or approve a designation with conditions necessary to ensure that the criteria will be met. If the city commission determines that the proposed designation does not meet the criteria for designation, the city commission shall deny the designation application.
- c. Approval of a designation for individual landmarks, specific interiors, landmark sites and buildings as historic shall be by resolution adopted by the city commission.
- d. Approval of a designation for an historic district shall be by adoption of an ordinance.

6. *Criteria.* The criteria for the designation of property as a landmark, landmark site or historic district shall be based on one (1) or more of the following criteria:

- a. Its value as a significant reminder of the cultural or archeological heritage of the city, state, or nation,
- b. Its location as a site of a significant local, state or national event,
- c. Its identification with a person or persons who significantly contributed to the development of the city, state, or nation,
- d. Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state, or nation,
- e. Its value as a building recognized for the quality of its architecture, and sufficient elements showing its architectural significance,
- f. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials,
- g. Its character as a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development, or
- h. Its character as an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.

7. *Approval.* Each designation of a landmark shall automatically include the designation of the site upon which the landmark exists as a landmark site. The provisions of this section shall not relieve the property owner of the duty to comply with the zoning district regulations in which the designated property is located. If the designation is made, the supporting documents of the comprehensive plan shall be amended to contain the designation. The city clerk shall notify each applicant and property owner of the decision relating to his property within thirty (30) days of the city commission action, and shall arrange that the designation of a property as a landmark or as a part of a historic district be recorded in the public records of the county.

8. *Successive applications.* Upon denial of the application for designation, there shall be a twelve (12) month waiting period before any applicant may resubmit the proposal. An applicant shall be required to submit new evidence in his application, unless the application is accepted pursuant to this section.

9. *Amendments and rescissions.* The designation of any landmark and landmark site, historic building or historic district may be amended or rescinded through the same procedure utilized for the original designation.

10. *Appeal.* Appeal of a denial of an application for designation by the city commission shall be by writ of certiorari to the circuit court.