

Bylaws and Rules of Operation for the West Lafayette Historic Preservation Commission

I. PURPOSE:

The purpose of these bylaws and rules is to establish procedures for organizing the business of the West Lafayette Historic Preservation Commission (HPC), including the process of applications for the historic designation of sites, buildings, structures, objects, or districts, and for Certificates of Appropriateness for resources within the historic district as described in the ordinance and the official maps.

II. GENERAL RULES:

The HPC shall be governed by the terms of the Historic District Ordinance, as contained in the City of West Lafayette Code of Ordinance 19-13, which is in turn based on the State of Indiana enabling Act, IC 36-7-11.

III. BOARD OF REVIEW:

The HPC shall consist of nine (9) members appointed by the Mayor, subject to the approval of the West Lafayette Common Council. The members of the Board shall include professionals or those who have a demonstrated interest in or knowledge of the disciplines of architectural history, planning, and other disciplines related to historic preservation. All HPC openings shall be publicly advertised at least two weeks prior to selection. All applications shall be submitted in writing through the Mayor's office in a matter determined by the HPC. Except for the initial Board, the term of office shall be three years. Members must be residents of the city and fulfill other requirements as stated in the City of West Lafayette Ordinance 19-13. Members of the HPC serve without compensation.

IV. OFFICERS STAFF AND DUTIES:

1. President: Every year in August, the HPC shall elect from its membership a president who shall preside at all meetings and decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the HPC in session at the time. The president shall be a voting member and eligible for re-election.
2. Vice-President: Every year in August, the HPC shall elect from its membership a vice-president who shall perform the duties of the president in the absence or disability of the president. The vice-president shall be a voting member and eligible for re-election.
3. Secretary: Every year in August, the HPC shall elect from its membership a secretary who shall record the minutes for all HPC meetings. The secretary shall be a voting member and eligible

for re-election. The Secretary may designate a member of city staff to record the minutes at their discretion.

4. The President, Vice President, and Secretary may serve no more than three consecutive terms.
5. Staff: Relevant city employees shall serve in a staff capacity to the HPC. The staff shall consult with applicants for Certificates of Appropriateness prior to their appearance before the commission and certificate of appropriateness committee, and shall present written analyses to the board. The staff shall make presentations and reports to the HPC and follow up on other actions as determined by the HPC. The staff shall not be eligible to vote on matters which come before the HPC in any regular or special meeting.

V. MEETINGS:

1. Regular Meetings: The HPC shall hold meetings once during each calendar month to entertain matters presented to the board. Meetings shall be held in City Hall or at such other place and on such date and at such time as shall be publicly announced. Meetings shall be scheduled no less than fifteen (15) days after the filing date for applications as stated in the ordinance. All such meetings are open to the public and shall conform to the requirements of the Indiana Open Door Meeting Law. Applicants and remonstrators may be heard in accordance with these rules.
2. Special Meetings: The HPC may schedule a special meeting of the board at any time, subject to the provisions required by Indiana's Open Door Meeting Law. According to these provisions, notice of such a meeting shall be given by the staff, or by the president to each member of the HPC and the general public at least 48 hours prior to the meeting.
3. Committees: The HPC may establish committees with a majority vote. All committee membership shall be decided by appointment by the HPC President and confirmed by a majority vote of the commission.
4. Quorum: A majority of the voting members of the HPC shall constitute a quorum.
5. Cancellation of Meetings: Whenever there is no regular business for the HPC, the president may dispense with a regular meeting by giving notice to all the members and the public (via a legal notice) with the goal of at least 48 hours prior notice of cancellation.
6. Meeting Agenda: The Commission Agenda shall be compiled by relevant city staff. Approval by the HPC President is required before the draft agenda is sent to all members and made available to the public. The President has 48 hours to approve or reject the agenda. If the agenda is not acted upon by the President, the agenda shall stand approved. The agenda may be amended by a majority vote by the HPC.
7. Notice: Regular meetings shall be normally held on the second Tuesday of each month at City Hall at a time set by the HPC. Before meetings are held, which can be considered public hearings, notice must be made through local media at least 48 hours before the hearing. The

notice shall include the time and place of the meeting as well as the applications which are on the agenda for that meeting.

8. Unanimous Consent: All motions may be accepted by unanimous consent of the HPC, excluding the approval for a certificate of appropriateness, amending, or establishing a new Historic Preservation District, for which a roll call vote must be made. Further, public comment, staff reports, and applicant reports during Certificate of Appropriateness hearings cannot be waived by unanimous consent.
9. Absence: The HPC may excuse absent members for reasons including, but not limited to, illness, personal emergency, sabbatical, weather, or transportation restrictions.

VI. CERTIFICATE OF APPROPRIATENESS COMMITTEE

1. The HPC shall appoint a Certificate of Appropriateness Committee. The Certificate of Appropriateness Committee shall make recommendations to the HPC on whether or not to approve Certificate of Appropriateness applications and to review COA application procedures. The Certificate of Appropriateness Committee shall include three members of the HPC.
2. The Certificate of Appropriateness Committee shall choose a president each January, who shall be responsible for presiding over all meetings of the committee. The president will also be responsible for informing the Historic Preservation Commission of all the committee's recommendations on certificate of appropriateness applications.
3. The Certificate of Appropriateness Committee shall meet no later than one week before the regularly scheduled HPC meeting, if a COA application will be under final consideration. The primary purpose of this meeting shall be to decide on a recommendation to the HPC on if the COA should be approved.

VII. HISTORIC PRESERVATION DISTRICT REVIEW COMMITTEE

1. The Historic Preservation Commission shall appoint a Historic Preservation District Review Committee. The Historic Preservation District Review Committee shall make recommendations to the Historic Preservation Commission on amending or creating new historic preservation districts. The Historic Preservation District Review Committee shall consist of three members of the Historic Preservation District Commission.
2. The Historic Preservation District Review Committee shall choose a president each January, who shall be responsible for presiding over all meetings of the committee. The president will also be responsible for informing the Historic Preservation Commission of all the committee's recommendations on amending or creating new historic preservation districts.
3. The Historic Preservation District Review Committee shall also seek to educate the citizens of West Lafayette on Historic Preservation.

VIII. CERTIFICATE OF APPROPRIATENESS APPLICATION PROCEDURES

1. The HPC shall enact procedures governing how COA applications shall be submitted by a majority vote.
2. These procedures shall include, but are not limited to, the COA application format, filing deadlines, and application requirements.
3. The Certificate of Appropriateness Committee shall review any proposed changes to the COA application procedures before final action by the HPC.
4. All COA application procedures shall be included in the appendix of these rules and made available to the public at all times.
5. The HPC shall maintain standards used to guide the decision process for COA applications. These standards shall be made available to the public at all times.

IX. CONSIDERATION OF CERTIFICATE OF APPROPRIATENESS APPLICATIONS IN PHASE 1 DISTRICTS

1. Owners wishing to make changes to their property within a local historic district must under phase 1 must complete a COA application. The COA application shall be made available online at the West Lafayette Community Development Department.
2. A COA is not required for ordinary maintenance or repair of any external elements of any structure or building within the historic district. Painting shall be treated as ordinary maintenance and repair. Paint color shall not require review by the Historic Preservation Commission.
3. For Phase 1 Districts, a COA may be issued by the Historic District Board of Review and shall be required before a building permit is issued and before any work is commenced, for any of the following within all areas of the historic district:
 - a) Demolition of any building;
 - b) Moving any building;
 - c) Any new construction of a principal building or accessory building or structure subject to view from a public way.

X. CONSIDERATION OF CERTIFICATE OF APPROPRIATENESS APPLICATIONS IN PHASE 2 DISTRICTS.

1. Owners wishing to make changes to their property within a local historic district must under phase 2 must complete a COA application. The COA application shall be made available online, at the West Lafayette Community Development Department.
2. A COA is not required for ordinary maintenance or repair of any external elements of any structure or building within the historic district. Painting shall be treated as ordinary

maintenance and repair. Paint color shall not require review by the Historic Preservation Commission.

3. For Phase 2 Districts, a COA may be issued by the Historic District Board of Review and shall be required before a building permit is issued and before any work is commenced, for any of the following within all areas of the historic district:
 - a) The demolition of any building.
 - b) The moving of any building;
 - c) A conspicuous change in the exterior appearance of historic buildings subject to view from public way by additions, reconstruction, alteration, or maintenance involving exterior change.
 - d) Any new construction of a principal building or accessory building or structure subject to view from a public way.
 - e) A change in walls and fences, or the construction of walls and fences along public ways;
 - f) A conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration and/or maintenance involving exterior change.

XI. RULES FOR COA APPROVAL

1. Relevant City Staff, the President of the Certificate of Appropriateness Committee (or their designee), and the COA applicant shall be given no less than four minutes to present their recommendation to the HPC before final action is taken on the respective COA.
2. Each member of the public shall be allowed to present their recommendation to the HPC before final action is taken on any COA following a period of debate by the HPC. Each member of the public shall be given no less than two minutes and may speak once.
3. If the Historic Preservation Commission votes in favor of granting a COA, the President, relevant West Lafayette Staff, or their designee will sign the COA and a copy of it will be forwarded to the applicant. The reasons for the decision should be noted in the motion and recorded in the minutes.
4. If the Historic Preservation Commission votes against approving a COA, the factual basis for the denial will be recorded in the minutes. If possible, the commission should also explain how the applicant can change the project so the application complies with HPC and ordinance standards.

XII. STAFF APPROVALS

1. The Commission may authorize the staff of the Commission, on behalf of the Commission, to grant or deny an application for a Certificate of Appropriateness via an adopted resolution, as recommended by the Certificate of Appropriateness Committee.

2. The Commission shall specify by resolution the types of applications for Certificates of Appropriateness that the staff of the Commission is authorized to grant or deny.
3. The adopted resolutions shall be included in the appendix of these rules and shall be made available to the public.
4. The staff may not be authorized to grant or deny an application for a Certificate of Appropriateness for the following:
 - a) The demolition of a building, structure, or site.
 - b) The moving of a building or structure.
 - c) The construction of an addition to a building or structure.
 - d) The construction of a new building or structure.
5. If any applicant is aggrieved by staff's denial of a Certificate of Appropriateness, within seven (7) days of notice of the denial, the Applicant may request in writing that the application for a Certificate of Appropriateness be heard by the Historic Preservation Commission at the next regularly scheduled meeting.

XIII. COA DECISION APPEALS

1. Decisions of the HPC may be appealed in a manner consistent with Section 24.194 of the West Lafayette Historic Preservation Ordinance.
2. Further appeals from the actions of the HPC shall be made as provided by Indiana law.

XIV. HISTORIC PRESERVATION DISTRICT ESTABLISHMENT

1. New Historic Preservation Districts may be established in a manner consistent with Section 24.184 of the West Lafayette Historic Preservation Ordinance.
2. The Historic Preservation District Review Committee shall be charged with initiating the process in establishing a new Historic Preservation.
3. The Historic Preservation District Review Committee will consider a proposed historic district in no fewer than two (2) meetings. Following these meetings, the committee will present its findings on the proposed historic district to the HPC for approval.
4. The Historic Preservation District Review Committee will draw up a map of the boundaries that will delineate the proposed historic district, to be included in the ordinance that will go before the Council. Factors to be considered when delineating boundaries are:
 - a. Natural Features - rivers, creeks, lakes, marshland, hills, etc.
 - b. Physical Features - railroads, highways, or major streets, walls, embankments, parks, cemeteries, and fence lines.
 - c. Visual Features - density for historic structures, change in building forms, styles, materials, setbacks, rhythm or design features (from one block to

the next); similar dates of construction; change in land use (e.g. from residential to commercial).

d. Sense of Place - a "feeling" of a particular neighborhood, perceived as such by the area's residents and by the community as a whole.

6. The HPC will hold a public hearing on the ordinance at its regularly scheduled meeting after a recommendation has been made by the Historic Preservation District Review Committee. All property owners within the proposed district will be notified by the HPC of the hearing date, time and place by mail to each residence, business, or mailing address.

7. The HPC will file an ordinance for Common Council action. A map outlining the proposed district boundaries and including all buildings, structures and sites within the district and preservation guidelines will be submitted with the ordinance. The ordinance must be consistent with the Secretary of the Interior's Standards for Rehabilitation, Indiana Law, and the West Lafayette Historic Preservation Ordinance.

8. The Council will have two readings of the ordinance at its regularly scheduled public meetings, one of which shall be a public hearing.

XV. CERTIFIED LOCAL GOVERNMENT STATUS

1. Historic Preservation Commission members must abide by expectations consistent with Certified Local Government status once the status has been granted by the State of Indiana.

XVI. AMENDMENTS

1. Amendments may be made to these bylaws by a two-thirds vote by the Commission.
2. Once approved by the Commission, the President shall sign and present the proposed amendment to the West Lafayette Common Council for action.

XVII. VACANCIES

1. Vacancies shall be filled through an appointment by the Mayor and approval by the Common Council.
2. Members wishing to resign shall submit written notice to the HPC President and Secretary.
3. A member's seat shall be declared vacant by the HPC President if they have more than four unexcused absences in a calendar year.

XVIII. ROBERTS RULES OF ORDER

1. Robert's Rules of Order may be used as a guide by the commission for any rules not covered in these bylaws.