Submitted by Councilor Bunder

ORDINANCE NO. 19-13

HISTORIC PRESERVATION COMMISSION:
BOUNDARIES, POWERS, DUTIES, GUIDELINES AND PROCEDURES

WHEREAS, the Common Council of the City of West Lafayette passed Ordinance 09-11 (Third Amended) which established an Historic Preservation Commission which had an initial purpose to solicit public input and formulate a draft of an Historic Preservation Ordinance for recommendation and submission to the Council; and

WHEREAS, the initial purpose of the Historic Preservation Commission has been fulfilled and the following is recommended by the Commission to the Council for its consideration and action.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE THAT:

First, attached hereto is a map showing the boundaries of the Historic District to be established by this ordinance.

Second, there is added to the West Lafayette City Code Chapter 24, Article XI to read as follows:

Article XI. Historic Preservation Commission

Section 24.180. Establishment and Purpose

The West Lafayette Historic Commission is established for the purpose of historic preservation and protection:

a. Purpose of Historic Preservation and Protection

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

(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 West Lafayette;

(5) It is deemed essential by the City of West Lafayette 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 and insurance of 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 of West Lafayette through this ordinance to preserve and protect historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and neighborhoods of the historic districts created in accordance with this ordinance.

Section 24.181. Definitions.

The following terms shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Words in the present tense include the future tense. The singular number includes the plural, and the plural, the singular. The word "shall" is always mandatory. The word "person" includes a firm, a partnership, a limited liability company, or a corporation, as well as an individual. Terms not defined in this section shall have the meanings customarily assigned to them.

a. **Alteration**: a material change in the external architectural features of any building, structure, or site within a historic district.

b. **Certificate of Appropriateness** (COA): a document, similar to a building permit, issued by the Historic Preservation Commission to individuals or entities proposing to make exterior alteration to any property located within a Local Historic District.

c. **City**: the City of West Lafayette, Indiana.

d. **Classifications**:

(1) Outstanding: the "O" classification means that the property has sufficient historic or architectural significance such that it is listed, or is eligible for individual listing, 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. A notable

structure may be eligible for the National Register.

(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. Contributing properties can be listed in the National Register only as part of a historic district.

(4) Non-Contributing: property classified as "NC" is not included in a historic sites and structures 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. These properties are not eligible for listing in the National Register.

e. **Commission**: the historic preservation commission established by this ordinance.

f. **Demolition**: the complete or substantial removal of any building or structure located in a local historic district.

g. **Historic Building or Structure**: refers to those buildings which are listed in the Tippecanoe County Interim Report (May 1990), and those buildings which are at least 50 years old and possessing identified historic or architectural merit.

h. **Interested Party**: means one of the following:

(1) the Mayor.

(2) the City Council.

(3) the Area Plan Commission or other agency having land use planning jurisdiction over the local historic district designated by ordinance.

(4) a neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents of a historic district designated by an ordinance adopted by the City Council.

(5) an owner or occupant of property located in a historic district established by an ordinance adopted by the City Council.

(6) Historic Landmarks Foundation of Indiana, Inc., or any of its successors.

(7) the state historic preservation officer designated under I.C. 14-21-1-19.

i. **Interim Protection**: may be exercised to protect a historic building, structure, object or site from alteration or demolition. A historic building, structure, object or site under Interim Protection is subject to all regulations pertaining to buildings, structures, objects or sites located within established Historic Districts.

j. **Local Historic District**: a single building, structure, object, or site or a concentration of buildings, structures, objects, spaces, or sites, the boundaries of which are described or delineated on a map approved in an ordinance adopted under this title.

k. **National Register District:** a historic district listed on the National Register of Historic Places. It includes individual buildings, structures, districts, sites and objects that are considered to be significant in American history, architecture, engineering, archeology and/or culture. The National Register makes available specific federal and state tax incentives for preservation purposes, provides a limited degree of protection from the effects of federally assisted undertakings, and qualifies property owners for federal and state grants for preservation purposes, when funds are available.

l. **Preservation Guidelines**: criteria, locally developed and adopted by the West Lafayette Historic Preservation Commission, which identify local design concerns in an effort to assist property owners in maintaining the character of the designated district or buildings during the process of rehabilitation or new construction.

m **Public Way:** any avenue of public travel or right of way. This includes alleys, sidewalks, streets, and any public facility or property owned or with an easement or similar rights by the City of West Lafayette, Tippecanoe County, the State of Indiana, or the Federal Government.

n. **Routine Maintenance**: work for which no Certificate of Appropriateness is required.

o. **Streetscape**: appearance from a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of the street furniture (e.g., street lights, trash receptacles, benches, etc.) use of plant materials such as trees and shrubs, and the setback, mass, and proportion of those buildings which enclose the street.

p. **Visual Compatibility**: those elements of design that meet the guidelines set out in Section 24.188 of this ordinance.

Section 24.182. Historic Preservation Commission Establishment and Organization

a. **Establishment**.
There is hereby established the Historic Preservation Commission of the City of West Lafayette, Indiana (hereinafter referred to as the "Commission").

b. **Composition; Appointment**.
The Commission shall consist of nine (9) voting members. The voting members shall be appointed by the Mayor subject to the approval of the City Council 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 one (1) voting member of the Commission may include a member of the Common Council. Up to three (3) nonvoting, advisory member(s) may be appointed to the Commission by the Mayor with approval by the City Council. Commission members shall serve without compensation, except for reasonable expenses incurred in the performance of their duties.

c. **Term**.
Voting members shall each serve for a term of three (3) years; however, the terms of original voting members shall be for one (1) year, two (2) years, and three (3) years in order for the terms to be staggered. The term for nonvoting, advisory members shall be for three (3) years. A vacancy shall be filled within ninety (90) days for the duration of the term.

d. **Commission Administrator**.
A City administrator designated by the Mayor shall serve as the Commission Administrator. The administrator shall provide staff assistance to the Commission, and issue Certificates of Appropriateness as directed by the Commission.

e. **Officers**.
The Commission shall elect from its members a President, Vice-President, and Secretary who shall serve for one (1) year and who may be re-elected no more than three (3) consecutive times for the same position.

f. **Rules**.
The Commission shall adopt rules for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings. All rules shall be submitted to the Common Council for approval.

g. **Meetings**.
Commission meetings must be open to the public in accordance with Indiana's Open Door Law and a 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.

Section 24.183. Powers and Duties of the 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. The Commission shall conduct a survey to identify historic buildings, sites and structures located within the City. Based on its survey, the Commission shall submit to the City Council a map describing the boundaries of a historic district or districts. A district may be limited to the boundaries of a property containing a single building, structure, or site.

c. The Commission shall also classify and designate on the map all buildings, structures, and sites within each historic district described on the map. Buildings, structures and sites shall be classified as historic or non-historic in the manner set forth in subsections (d) and (e) below.

d. Buildings, structures and sites classified as historic must possess identified historic or architectural merit of a degree warranting their preservation. They may be further classified as Outstanding, Notable, or Contributing (as defined in Section 24.181of this ordinance). In lieu of these further classifications, the Commission may devise its own system of further classification for historic buildings, structures, sites and districts.

(1) Historic district criteria. An historic district shall include a building, groups of buildings, structure(s), site(s), monument(s), streetscape(s), or neighborhood(s) which meet at least one of the following criteria:

A. 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 a person who played a significant role in local, state, or national history.

B. Is the site of an historic event; or exemplifies the cultural, political, economic, social, or historic heritage of the community.

(2) Architecturally worthy.

A. Embodies distinguishing characteristics of an architectural or engineering type.

B. Is the work of a designer whose individual work has significantly influenced the development of the community.

C. Is the work of a designer of such prominence that such work gains its value from the designee's reputation.

D. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation.

E. Contains any architectural style, detail, or other element in danger of being lost.

F. Owning to its unique location or physical characteristics represents an established and familiar visual feature of the neighborhood or the city.

G. Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

e. Non-historic buildings and structures are those not classified on the map as historic under 24.181 d.

f. The Commission may conduct additional surveys, and draw and submit additional maps for approval of the City Council, as the Commission considers appropriate.

g. The Commission shall adopt preservation guidelines for review. When adopted, preservation guidelines shall be published and made readily accessible to the general public.

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

i. Each official of the City who has responsibility for building inspection, building permits, planning, or zoning shall provide any technical, administrative, or clerical assistance requested by the Commission. The attorney for the City shall serve as the attorney for the Commission. However, the Commission may employ other legal counsel authorized to practice law in Indiana if it considers it necessary or desirable.

Section 24.184. Historic Districts and Guidelines

a. Before a historic district is established and the building classifications take effect,

the map described in Section 24.183 of this ordinance, setting forth the district's boundaries and building classifications, must be submitted by the Commission to, and approved in an ordinance by, the City Council.

b. The establishment of a historic district shall occur in two (2) phases.
During the first phase, which continues for a period of three (3) years from the date any map of the Local Historic District is adopted, a certificate of appropriateness is required for only the following activities: the demolition of any building; the moving of any building; and any new construction of a principal building or accessory building or structure subject to view from a public way.

(1) At the expiration of the initial three (3) year period, the first phase of the designation of the district continues and the second phase does not become effective if a majority of the property owners in the district object to the Commission, in writing, to the requirement that Certificates of Appropriateness be issued for the following activities:

A. a conspicuous change in the exterior appearance of historic buildings subject to the view from a public way by additions, construction, alteration, or maintenance involving exterior changes;

B. a change in walls and fences or construction of walls and fences, along public ways;

C. a conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration, or maintenance involving exterior change.

(2) The objections of a majority of the property owners must be received by the Commission not earlier than one hundred eighty (180) days or later than sixty (60) days before the third anniversary of the adoption of the said map.

(3) If the requisite objections are not received in a timely fashion, the second phase shall become effective as described above.

c. **Exclusion of paint colors**: In an ordinance approving the establishment of a historic district, changes in color of existing paint shall be excluded from the activities requiring the issuance of a Certificate of Appropriateness, defined in Section 24.186.

d. **Recording the Map of designation**: The map establishing boundaries of a historic district may be recorded in the Office of the Tippecanoe County Recorder.

Section 24.185. Interim Protection

a. When submitting a map to the City Council to create a historic district under this ordinance, the Commission may declare one (1) or more buildings or structures that are classified and designated as historic on the map to be under interim protection.

b. Not more than two (2) working days after declaring a building or structure to be under interim protection under this section, the Commission shall, by personal delivery or first class mail, provide the owner or occupant of the building or structure with a written notice of the declaration. The written notice must:

(1) Cite the authority of the Commission to put the building or structure under interim protection under this section

(2) Explain the effect of putting the building or structure under interim protection; and,

(3) Indicate that the interim protection is temporary.

c. A building or structure put under interim protection under subsection (a) remains under interim protection until the map is:

(1) Submitted to; and

(2) Approved in an ordinance or rejected by the City Council.

d. While a building or structure is under interim protection:

(1) The building or structure may not be demolished or moved; and

(2) The exterior appearance of the building or structure subject to view from a public way may not be conspicuously changed by:

A. Addition;

B. Reconstruction; or

C. Alteration.

Section 24.186. Certificates 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, any of the following:

(1) Within the first phase of a two-phase establishment of a local historic district:

A. The moving of any building;

B. The demolition of any building; or

C. Any new construction of a principal building or accessory building or structure subject to view from a public way.

(2) Within the second phase of a two-phase establishment of a local 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.

b. **An application for a Certificate of Appropriateness** shall be made in the Community Development or Redevelopment Departments of the City of West Lafayette on forms provided by that office. All applicants shall be subject to the rules and requirements established by the Commission. Rules may include, but are not limited to, filing deadlines and application requirements. Detailed drawings, plans, or specifications shall be submitted 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 Certificates 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 thirty (30) 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 the work authorized by the Certificate. If the Commission denies an application for a Certificate of Appropriateness within 30 days after it is filed, the Certificate may not be issued.

The Commission must state its reasons for the 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 thirty-day limit if the applicant agrees to it. Where an applicant does not receive a Certificate of Appropriateness, the applicant shall have the right to one rehearing by the Commission upon submission of significant additional evidence or new information within 30 days of the Commission issuing reasons for denial.

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 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 Commission shall consider, among other things, the following:

(1) Purposes of this ordinance;

(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, 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, including for primary areas, visual compatibility as defined in Section 24.188 of this ordinance

(7) The position of the building or structure in relation to the street, public right-of-way and to other buildings and structures.

e) On a granted Certificate of Appropriateness, a Certificate of Appropriateness shall be posted on the front of the building during the time the authorized work is being done.

Section 24.187. Staff Approvals

a. 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.

b. 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. The staff may not be authorized to grant or deny an application for a Certificate of Appropriateness for the following:

(1) The demolition of a building, structure, or site.

(2) The moving of a building or structure.

(3) The construction of an addition to a building or structure.

(4) The construction of a new building or structure.

c. 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.

Section 24.188. Visual Compatibility

a. For new construction, contemporary design, and non-historic buildings: to preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes, and neighborhoods and to ensure their compatibility with any new work, the construction of a new building or structure, and the moving, reconstruction, alteration, major maintenance, or repair affecting the external appearance of any non-historic building, structure, or appurtenance within the area of a historic district must be generally of a design, form, proportion, mass, configuration, building material, texture, 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: within the area of a historic district, new buildings and structures, as well as buildings, structures, and appurtenances that are moved, reconstructed, materially altered, or repaired, must be visually compatible with buildings, squares and places to which they are visually related generally in terms of the following visual compatibility factors:

(1) Height: the height of proposed buildings must be visually compatible with adjacent buildings.

(2) 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, squares, and places to which it is visually related.

(3) 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.

(4) Rhythm 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, squares, and places to which it is visually related.

(5) 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 buildings, squares, and places to which it is visually related.

(6) 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.

(7) Building Facade: the facade of a building must be visually compatible with the predominant materials used in the buildings to which it is visually related.

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

(9) 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.

(10) Scale of a 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, squares, and places to which it is visually related.

(11) 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.

Section 24.189. Preservation of Historical and Architectural Character upon Alteration or Relocation Mandated

a. A historic building or structure or any part of or appurtenance to such a 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 subsection (a).

Section 24.190. 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, location, or external visual appearance of any structure, or part thereof.

Section 24.191. 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.

Section 24.192. Enforcement by Interested Parties

a. An interested party (as defined in Section 24.181) has a private right of action to enforce and prevent violation of this Ordinance or an ordinance adopted by the City under this Ordinance, and with respect to any building, structure, or site within a historic district, and has the right to restrain, enjoin, or enforce by restraining order or injunction, temporarily or permanently, any person from violating this ordinance or an ordinance adopted under this ordinance.

b. The interested party does not have to allege or prove irreparable harm or injury to any person or property to obtain relief under this section.

c. The interested party bringing an action under this section does not have to post a bond unless the court, after a hearing, determines that a bond should be required in the interest of justice.

d. The interested party who brings an action under this section is not liable to any person for damages resulting from bringing or prosecuting the action unless the action was brought without good faith or without a reasonable belief that a provision of this ordinance, or an ordinance adopted by the City Council pursuant to this ordinance, had been, or was about to be violated.

e. An interested party who obtains a favorable judgment in an action under this section may recover reasonable attorney fees and court costs from the person against whom judgment was rendered.

f. An action arising under this section must be brought in the circuit or superior court of the county in which the historic district lies and no change of venue from the county shall be allowed in the action.

g. The remedy provided in this section is in addition to other remedies that may be available at law or in equity.

Section 24.193. Enforcement, Penalties, and Judicial Review

a. Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who violates any provision of this ordinance shall be subject to a fine, as follows, for each offense:

(1) Twenty-five hundred dollars ($2,500.00) for demolition in part or in total; and

(2) Fifty dollars ($50.00) for all other offenses.

b. Fines shall accrue daily for each offense, beginning on the day the offense is reported and documented by Commission Administrator, with a maximum accrued fine of seven-thousand five hundred dollars ($7,500) per parcel. Fines will not accrue until 60 days after violator has received notification of violations. If violator cures said violations within the 60 day period, no fines will be issued.

c. Any and all fines collected from violations of this ordinance must be used to benefit historic buildings and structures located within established historic districts.

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.

Section 24.194. Appeal Provisions

a. There is hereby created an "Appeals Board" to review the decisions of the Commission, which Appeals Board shall consist of the following:

(1) The Mayor of the City of West Lafayette;

(2) Two Common Council members from different political parties, appointed by the Common Council of the City of West Lafayette or two members of the Common Council if no members from different political parties exist;

(3) The City Engineer; and

(4) Two members of the Commission. One shall be the president and the other shall be appointed by the Commission from another political party.

b. In the event any party receives a decision from the Commission which they desire to appeal, they may initiate an appeal with the Appeals Board as follows:

(1) Within thirty (30) days after receiving the decision of the Commission as set forth in this Chapter, the applicant shall file with the Appeals Board a written explanation of why the applicant believes the decisions of the Commission erroneous.

(2) Within sixty (60) days after the request for review by the Appeals Board is filed, a decision shall be issued which shall either affirm the decision of the Commission or reverse the decision. Should the decision of the Appeals Board be in favor of the applicant, the Commission shall then issue the Certificate of Appropriateness.

c. Procedure for demolition upon denial of a Certificate of Appropriateness.
The purpose of this subsection 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.

When the decision of the Commission is denial of the demolition of a building, the same appeals procedures shall be followed. However, if the property owner shows to the Appeals Board that a historic building is incapable of earning an economic return on its value, as appraised by a certified real estate appraiser, the Appeals Board shall grant the Certificate of Appropriateness upon the following terms and conditions:

(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 sixty (60) days nor more than one (1) year.

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

(3) Notice must be published in a newspaper of general local circulation at least three (3) times before demolition, with the first publication not more than fifteen (15) days after the application for a permit to demolish is filed, and the final publication at least fifteen (15) days before the date of the permit.

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

(4) 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.

Section 24.195. Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

INTRODUCED ON FIRST READING ON THE 5 DAY OF August, 2013.

MOTION TO ADOPT MADE BY COUNCILOR Keen, AND SECONDED BY COUNCILOR Burch.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 3 DAY OF September, 2013, HAVING BEEN PASSED BY A VOTE OF 5 IN FAVOR AND 2 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch		✓		
Dietrich	✓			
Hunt	✓			
Keen		✓		
Thomas	✓			
VanBogaert	✓			

Presiding Officer

Attest:

Judith C. Rhodes, Clerk-Treasurer

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 4 DAY OF September, 2013, AT THE HOUR OF 9:00 A.M.

Judith C. Rhodes, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 4 DAY OF September, 2013, AT THE HOUR OF 9:00 A.M.

John R. Dennis, Mayor

Attest:

Judith C. Rhodes, Clerk-Treasurer

CITY OF WEST LAFAYETTE

NEW CHAUNCEY LOCAL HISTORICAL DISTRICT JULY 8TH 2013 VERSION

Plot Date: 7/9/2013

The City of West Lafayette, State of Indiana, disclaim any responsibility for the accuracy or correctness of any data, or representation of data, provided to others. In no event shall the City of West Lafayette become liable to users of the data, or any other party. In using the data, users further agree to indemnify, defend, and hold harmless the City of West Lafayette for any and all liability of any nature arising out of or resulting from the use of this data. To assist the City of West Lafayette in the maintenance of the data, users shall provide the GIS Manager information concerning errors or discrepancies found in using the data. THIS DATA IS FOR DELIBERATIVE PURPOSES ONLY.

West Lafayette GIS

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