

## Huntington, IN Code of Ordinances

### CHAPTER 153: HISTORIC DISTRICTS

#### Section

#### *General Provisions*

- 153.01 Definitions
- 153.02 Purpose
- 153.03 City Council to approve historic district boundaries
- 153.04 Relationship to zoning districts
- 153.05 Establishment of Historic Districts

#### *Construction, Demolition, or Repairs*

- 153.20 Certificate of appropriateness required
- 153.21 Application for certificate
- 153.22 Development standards
- 153.23 Demolition procedure
- 153.24 Maintenance
- 153.25 Visual compatibility

#### *Interested Parties*

- 153.30 Interested parties

#### *Conservation Districts*

- 153.40 Conservation districts

#### *Administration*

- 153.50 Historic Review Board
- 153.51 Powers and duties
- 153.99 Penalty

## GENERAL PROVISIONS

### § 153.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BOARD." The Historic Review Board of the City of Huntington, Indiana.

"CONSERVATION DISTRICT." A continuous and distinctive urban area where a majority of the buildings retain an adequate amount of historic character for interpretation, although some alterations may have occurred. A conservation district may be limited to the boundaries of a property containing a single building, structure, object or site and have been designated by ordinance by the Common Council.

"GOVERNING BODY." The Common Council of the City of Huntington, Indiana.

"GOVERNMENTAL UNIT." The City of Huntington, Indiana.

"HISTORIC DISTRICT." A specifically defined area retaining a high level of historic integrity (architecturally and/or local, state, or national significance) and deemed worthy of preservation that may include a concentration of buildings, structures, objects or sites. A historic district may be limited to the boundaries of a property containing a single building, structure, object or site and have been designated by ordinance by the Common Council.

## Huntington, IN Code of Ordinances

### § 153.02 PURPOSE.

(A) The historic district regulations provided in this chapter are intended to preserve and protect historic or architecturally significant buildings, structures, sites, monuments, streetscapes, squares and neighborhoods of historic districts.

(B) The conservation district regulations provided in this chapter are intended to provide a means for accommodating new buildings and structures which are compatible with the overall physical dimensions of a specific area through appropriately scaled and site new construction, as well as sensitive rehabilitation of existing structures.

(C) It is the intent of this chapter to promote and protect the health, safety, and general welfare of the public through:

(1) The enhancement of property values, the protection of property rights of all citizens, and the stabilization and revitalization of distinctive areas of the city through the establishment of historic and conservation districts;

(2) The protection, enhancement, and use of structures, sites, and neighborhoods which have an urban character unique within the city; and

(3) The recognition of the need to conserve certain unique city area by focusing on how each structure and element of the area blends and fits with the other features of the area.

### § 153.03 CITY COUNCIL TO APPROVE HISTORIC DISTRICT BOUNDARIES.

(A) The map setting forth the historic district boundaries and building classifications must be submitted to, and approved in an ordinance by, the Common Council before the historic district is established and the building classifications take effect.

(B) The Historic Review Board may conduct additional surveys, and draw and submit additional maps for approval of the Common Council as it considers appropriate.

### § 153.04 RELATIONSHIP TO ZONING DISTRICTS.

The historic and conservation district regulation provided in this chapter is intended to preserve and protect the historic architecturally worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods of the historic and conservation districts. Zoning districts lying within the boundaries of the historic and conservation district are subject to the regulations for both the zoning district and the historic and conservation district. If there is a conflict between the requirements of the historic and conservation district, the more restrictive requirements shall apply.

### § 153.05 ESTABLISHMENT OF HISTORIC DISTRICTS.

The Common Council shall designate following buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods as Historic Districts:

<i>ORD.</i>	<i>DA</i>	<i>DESCRIP</i>
<i>NO.</i>	<i>TE</i>	<i>TION</i>

6-C-91	5-14-91	The Lewis Block Building shall be established as a single-site Historic District.
7-C-91	5-14-91	The Samuel Purviance Home, commonly known as 326 South Jefferson Street, shall be established as a single-site Historic District.
31-C-92	11-10-92	The LaMont-Runyan House, located at 550 West State Street shall be established as a single-site Historic District.
3-C-97	5-13-97	The A.C. and Margaret Beeson House located at 1118 Warren Street shall be established as a single-site Historic District.
4-C-97	5-13-97	The Frank and Catherine Book House located at 1070 Warren Street shall be

Updated: 7/29/2014

Effective: 9/1/2014

## Huntington, IN Code of Ordinances

		established as a single-site Historic District.
20-C-97	2-10-97	The Clarence and Betrix Juillerat House, commonly known as 868 William Street, shall be established as a single-site Historic District.
1-C-99	4-13-99	The house located at 426/428 West Park shall be established as a single-site Historic District.
6-C-99	7-13-99	The Young House located at 551-553 West Park Drive is established as a single-site Historic District.
9-C-01	8-14-01	Establishing the properties commonly known as 315 (the Samuel Morgan/S.H. Lipinsky House), 325, 326 (the Samuel Purviance House), 327, 337 and 404 South Jefferson Street, and 445 and 503 Henry Street, as part of the Drover Town Historic District.
23-C-04	10-26-04	The Neuer House located at 1013 Poplar street shall be established as a single-site Historic District.
24-C-04	12-14-04	The Beaver-King House located at 541 Byron street shall be established as a single-site Historic District.
9-C-06	9-12-06	The properties at 520 Henry Street and 517-519 Henry Street shall be designated and amended to the Drover Town Historic District.
34-C-07	10-9-07	Establishing McLin's Jefferson Street Covered Bridge Houses, commonly known as 664, 668, 670 and 674 East Market Street, as a single-site Historic District.
35-C-07	10-9-07	Establishing the Kindler House as a single-site Historic District.
36-C-07	10-9-07	Amending properties commonly known as 532 Henry Street and 547 Henry Street in the Drover Town Neighborhood as a local Historic District.

## CONSTRUCTION, DEMOLITION, OR REPAIRS

### § 153.20 CERTIFICATE OF APPROPRIATENESS REQUIRED.

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

- (A) Within all areas of the historic district:
- (1) The demolition of any building;
  - (2) The moving of any building;
  - (3) A conspicuous change in the exterior appearance of existing buildings by additions, reconstruction, alteration, or maintenance involving exterior color changes; or
  - (4) Any new construction of a principal building or accessory building or structure subject to view from a public way.
- (B) Within a primary area of the historic district:
- (1) A change in walls and fences or construction of walls and fences, if along public ways; or
  - (2) A conspicuous change in the exterior appearance of nonhistoric buildings subject to view from a public way by additions, reconstruction, alteration, or maintenance involving exterior color change.

### § 153.21 APPLICATION FOR CERTIFICATE.

(A) Application for a certificate of appropriateness shall be made in the office of the Huntington Countrywide Department of Community Development on forms provided by the Department. Detailed drawings, plans, or specifications are not required. However, to the extent reasonable required for the Historic Review Board to make a decision, each application must be accompanied by such sketches, drawings, photographs, descriptions, or other information showing the proposed exterior alterations, additions, changes, or

## Huntington, IN Code of Ordinances

new construction.

(B) The Board may advise and make recommendations to the applicant before acting on an application for a certificate of appropriateness. Application for a certificate of appropriateness shall be evaluated according to specific guidelines established by the Board for the assigned Historic or Conservation District.

(C) A certificate of appropriateness is not required for the following:

- (1) Replacement of foliage up to four feet full grown height;
- (2) Landscape maintenance, pruning, or replacement of foliage with plants of similar type and size;
- (3) Removal of trees smaller than eight inches in diameter for shade and evergreen trees and four inches in diameter for ornamental trees;
- (4) Repair or replacement of existing sidewalks, driveways, and steps not attached to a building;
- (5) Any work, visible from the street, that does not change the present form of the property and is done as normal maintenance of the property;
- (6) The removal of inappropriate fences:
  - (a) Chain-link fences (once removed, they cannot be replaced); and
  - (b) Board-on-board, board and batten, basket weave, louver, split rail and stockade.
- (7) The installation of a single, wall-mounted mailbox near the main entrance on the front of the structure;
- (8) Approval is not required for the following roofs and gutter repairs and maintenance:
  - (a) Repair of storm damaged roof areas if the surface matches the existing;
  - (b) Replacement of up to 50% of deteriorated roof shingles on any roof surface if they match the existing roof shingles;
  - (c) Repair or re-roofing of any flat roof provided it is not visible from the ground and its shape is not altered;
  - (d) Repair or relining of built-in gutters provided no portion of the gutter visible from the ground is altered;
  - (e) Replacement of deteriorated portions of existing gutter if the replacements match that of the portions removed; and
  - (f) Replacement or installation of mechanical equipment, skylights, or vents on flat roofs provided the new element is not visible from the ground.

(D) If an application for 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. If the certificate is issued, the application shall be processed in the same manner as applications for building permits required by the city, if any, are processed. If no building permits are required by the city, the applicant may proceed with the work authorized by the certificate.

(E) If the Board denies an application for a certificate of appropriateness within 30 days after it is filed, the certificate may not be issued. The Board 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 permit and does not authorize any work by the applicant.

(F) The Board may grant an extension of the 30-day limit prescribed by divisions (D) and (E) above if the applicant agrees to it.

### **§ 153.22 DEVELOPMENT STANDARDS.**

(A) An 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) An historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with division (A) above.

## Huntington, IN Code of Ordinances

### § 153.23 DEMOLITION PROCEDURE.

(A) The purpose of this section is to preserve historic and conservation districts 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.

(B) If a property owner shows that an historic building is incapable of earning an economic return on its value, as appraised by a qualified real estate appraiser, and the Historic Review Board fails to approve the issuance of a certificate of appropriateness, the building may be demolished. However, before a demolition permit is issued or demolition proceeds, notice of 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 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.

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

(D) A decision of the Board is subject to judicial review under IC 4-22-1 as if it was a decision of a state agency.

### § 153.24 MAINTENANCE.

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

### § 153.25 VISUAL COMPATIBILITY.

(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 buildings in the historic district (particularly with buildings designated as historic) and with squares and places to which it is visually related.

(B) Within the primary area of the historic and conservation 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, 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 to 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 to the buildings, squares, and places to which it is visually related.

(6) Rhythm of entrances and porch projections. The relationship of entrances and porch projections to sidewalks of a building must be visually compatible to the buildings, squares, and places to which it is visually related.

## Huntington, IN Code of Ordinances

related.

(7) 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.

(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 insure 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 the buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or nondirectional character.

(12) Exterior paint colors. In an ordinance establishing an historic or conservation district, an individual district may exclude changes in paint colors from the activities requiring the issuance of a Certificate of Appropriateness.

## INTERESTED PARTIES

### § 153.30 INTERESTED PARTIES.

(A) An "interested party" means one of the following:

(1) The Mayor of the city;

(2) The Common Council of the city;

(3) The Historic Review Board of the city;

(4) A neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents under this chapter;

(5) An owner or occupant owning or occupying property in an historic or conservation district established by an ordinance adopted under this chapter;

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

(7) The state Historic Preservation offices designated under IC 14-21-1 et seq., as may be amended from time to time.

(B) Every interested party has a private right of action to enforce and prevent violation of a provision of this chapter or an ordinance adopted by a unit under this chapter, and with respect to any building, structure or site within an historic district, has the right to restrain, enjoin, or enforce by restraining order of injunction, temporarily or permanently, any person from violating a provision of this chapter or an ordinance adopted by a unit under this chapter.

(C) 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.

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

(E) The interested party that brings an action under this section is not liable to any person for damages resulting from bringing or prosecuting the action was brought without good faith or without a reasonable belief that a provision of this chapter, or an ordinance adopted by a unit under this chapter, had been, or was about to be violated or breached.

## Huntington, IN Code of Ordinances

(F) An interested party who obtains a favorable judgment in an action under this section may recover reasonable attorneys' fees and court costs from the person whom judgment was rendered.

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

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

## CONSERVATION DISTRICTS

### § 153.40 CONSERVATION DISTRICTS.

(A) In an ordinance approving the establishment of an historic district, the city may provide that the establishment occur in two phases. Under the first phase, which lasts three years from the date the ordinance is adopted, a Certificate of Appropriateness is required only for the activities described in § 153.20(A)(1), (A)(2) and (A)(4). At the end of the first phase, the district becomes fully established and, subject to division (B) below, a Certificate of Appropriateness must be issued by the Board before a permit may be issued for work or work may begin on an activity described in § 153.20.

(B) The first phase described in division (A) of this section continues and the second phase does not become effective if a majority of the property owners in the district object to the Board, in writing, to the requirement that Certificate of Appropriateness be issued for the activities described in § 153.20(A)(3), (B)(1) and (B)(2). The objections must be received by the Board not earlier than 180 days or later than 60 days before the third anniversary of the adoption of this chapter.

## ADMINISTRATION

### § 153.50 HISTORIC REVIEW BOARD.

(A) There is hereby established the Historic Review Board of the city. The Board of Review shall consist of seven voting members. The voting members shall be appointed by the Mayor, subject to the approval of the Common Council. Voting members shall serve for a term of three years; however, the initial terms of members shall be for one year, two years, and three years in order for the terms to be staggered. A vacancy shall be filled for the duration of the term of the member who is being replaced. Voting members shall be residents of the city who are interested in the preservation and development of historic areas.

(B) The Mayor may, with the approval of the Common Council, appoint such advisory members as the Common Council considers appropriate.

(C) The Historic Review Board may act without the services of an administrator.

(D) Members of the Board shall serve without compensation but may be paid for reasonable expenses incurred in the performance of their duty.

(E) The Board shall elect from its membership a Chairperson, Vice-Chairperson, and Secretary who shall serve for one year and who may be re-elected. The Board shall adopt rules for the transaction of its business not inconsistent with this chapter. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings. All meetings of the Board must be open to the public and a public record shall be kept of the Board's resolutions, proceedings, and actions.

(F) The Board shall hold regular meetings, at least monthly except when it has no business pending.

## Huntington, IN Code of Ordinances

(G) Each official of the city who has responsibility for building inspection, building permits, planning, or zoning shall provide such technical, administrative, and clerical assistance as may be requested by the Board.

### **§ 153.51 POWERS AND DUTIES.**

(A) The Historic Review Board shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in an historic or conservation district. However, 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, and may not make any requirement except for the purpose of preventing development, alteration, or demolition in the historic or conservation district obviously incongruous with the historic or conservation district.

(B) The Board shall conduct a survey to identify historic buildings, structures, and places located within the city; however, neither the survey nor any other action of the Board shall affect any property not located within the city limits.

(C) Based on its survey, the Board shall submit to the Common Council a map describing the boundaries of an historic district(s) or historic district(s). A district may be limited to the boundaries of a property containing a single building, structure, or site. The map may divide a district into primary and secondary areas.

(D) The Board shall also classify and designate on the map all buildings and structures within each historic district described on the map. Buildings and structures shall be classified as historic or nonhistoric, in the following manner.

(1) Historic buildings and structures must possess identified historic or architectural merit of a degree warranting their preservation. They may be further classified as:

- (a) Outstanding;
- (b) Significant; or
- (c) Contributing.

In lieu of the further classifications set forth in divisions (a) through (d), the Board may devise its own system of further classification of historic buildings and structures.

(2) Non-historic. Those buildings and structures classified on the map as non-contributing.

### **§ 153.99 PENALTY.**

A person who does any of the following commits a Class B infraction.

- (A) Issues a permit or begins work in violation of § 153.20.
- (B) Moves, reconstructs, alters, or maintains an historic building or structure in violation of § 153.22.
- (C) Demolishes an historic building in violation of § 153.23.
- (D) Fails to maintain an historic building as required by § 153.24.
- (E) Performs any construction, reconstruction, moving, alteration, major maintenance, or repair in violation of § 153.25(A).
- (F) Performs any construction, reconstruction, moving, alteration, repair, or color change in violation of § 153.25(B).