

# Appendix 2

## CHAPTER 31 HISTORIC PRESERVATION

### Sec. 31.1. PURPOSE.

The purpose of this Chapter is to promote the educational, cultural, and economic welfare of the public of the City by preserving and protecting historic structures, sites, and neighborhoods which serve as visible reminders of the history and cultural heritage of the city, state, or nation. Furthermore, it is the purpose of this chapter to strengthen the economy of the City by stabilizing and improving property values in historic areas, and to encourage new developments that will be harmonious with the existing historic buildings and squares. Lastly, it is the purpose of the chapter to foster civic pride and to enhance the attractiveness of the community to residents, potential residents, and visitors.

### Section 31.2. DEFINITIONS AND RULES OF CONSTRUCTION.

For the purpose of this chapter, the following words, terms and phrases shall have the meanings set forth. Unless specifically defined, words, terms and phrases shall be construed so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

- (1) Accessory Building: any structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels, which is subordinate to, detached from but located on the same lot as a principal building. The use of an accessory building must be incidental and accessory to the use of the principal building. Accessory Buildings include, but are not limited to, garages and sheds.
- (2) Alteration: Any act or process that changes one or more of the exterior features of a structure, without increasing the amount of gross floor area.
- (3) Baluster: A post or upright supporting a handrail.
- (4) Balustrade: A railing with supporting balusters.
- (5) Certificate of Appropriateness: A certificate issued by the Planning and Housing Director authorizing an alteration, new construction, demolition, or relocation conforming to the requirements of this chapter.
- (6) Character-Defining Features: Distinguishing features of the exterior of a structure which include but are not limited to brackets, chimneys, porches, roof lines, windows and other exterior design elements and materials.
- (7) Commission: The Ames Historic Preservation Commission.
- (8) Compatible: Capable of existing together in harmony.
- (9) Contributing Structures: Structures establishing the architectural character of the area; structures may represent one architectural style or a broad range of architectural styles. To be considered contributing, structures must be at least fifty (50) years old.
- (10) Demolition: Any act that destroys in whole or in part the exterior of a building or structure in a historic district; or, destroys in whole or in part a designated historic landmark.
- (11) Design Criteria: Standards for architectural elements characteristic of specific types of architecture for a particular designated historic district.
- (12) Design Guidelines: Standards intended to preserve the historic and architectural character of the district.
- (13) District: Historic Preservation District.
- (14) Exterior Architectural Features: The exterior architectural character and general composition of a structure, including but not limited to the kind of texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, fences, gates and appurtenant elements.
- (15) Historic District: An area which includes or encompasses such historic sites, landmarks, buildings, structures, or objects as the City Council may determine to be appropriate for historical preservation.
- (16) Historic Landmark: Any building, structure, site, area or land of architectural, landscape architectural, historical, archaeological, or cultural importance or value, as may be designated for preservation by the City Council.
- (17) Historic Materials: Materials that are common to the period of significance for the architectural style of the structure.

- (18) Historic Siding Materials: Siding material added to a structure within the “Period of Significance” for the historic district.
- (19) Massing: The grouping of major architectural volumes.
- (20) Match: Equal or similar to another, nearly the same.
- (21) Mullion: A vertical member that divides a window or separates one window from another.
- (22) Muntin Bar: A strip separating panes of glass in a sash.
- (23) New Construction: The erection of a new principal or accessory structure on a lot or property, or an addition to an existing structure that increases the amount of the gross floor area.
- (24) Noncontributing Structures: Structures that are neither of an architectural style or time period representative of the preservation district.
- (25) Relocation: Any relocation of a structure on its site or to another site.
- (26) Repair: Any change that is not new construction, removal, or alteration. Repair may include patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading historic materials such as masonry, wood and architectural metals according to recognized preservation methods.
- (27) Sanborn Maps: The Sanborn Fire Insurance Maps. These maps were produced in the United States from 1867 to the 1950s. The maps show the size, shape and construction of buildings as well as street names and boundaries.
- (28) Sash: The portion of a window assembly that frames or holds the glass. In the case of operable windows the portion that moves.
- (29) Structure: For the purposes of this ordinance, a structure is defined as a fence, garage, accessory building or house.
- (30) Fence: A man-made barrier used as an enclosure or as a boundary.
- (31) Retaining Wall: A wall built to hold back a bank of soil.
- (32) Visibility Triangle: The area created by the intersection of property lines at the corner of two (2) abutting streets and a line connecting two (2) points on these property lines twenty (20) feet from the point of intersection.

**Sec. 31.3. HISTORIC PRESERVATION COMMISSION ESTABLISHED; TERMS OF OFFICE.**

(1) The Ames Historic Preservation Commission is hereby established. It shall consist of six (6) residents of the city, with a positive interest in preservation, appointed by the Mayor with the approval of the City Council, with due regard to relevant fields of knowledge including but not limited to history, urban planning, architecture, archeology, law, and sociology; plus, one additional member to be appointed from among the residents of each designated historic district as the statutory district representative. At least two members of the Commission will, if feasible, be professionally trained in preservation related fields, with at least one in history or architecture.

(2) The term of office shall be three (3) years, except that the Mayor may prescribe a shorter term for any appointment or reappointment in order to stagger terms. Vacancies shall be filled for any unexpired term in the same manner as original appointments. No member who has served two (2) full consecutive terms is eligible for reappointment.

**Sec. 31.4. RESERVED.**

**Sec. 31.5. COMPENSATION OF COMMISSION.**

All members of the Historic Preservation Commission shall serve without compensation.

**Sec. 31.6. POWERS AND DUTIES OF HISTORIC PRESERVATION COMMISSION.**

The Commission shall have the following powers and duties:

- (1) To adopt its own procedural regulations.
- (2) To accept and review proposals for designating areas as historic districts.

(3) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation as prepared by the proponents of the district under consideration.

(4) To provide information to the owners of landmarks and property or structures within historic districts on preservation, renovation, rehabilitation, and reuse.

(5) To hold public hearings and to review applications for new construction, alteration, demolition or relocation affecting proposed or designated landmarks or structures within historic districts and to approve or deny Certificates of Appropriateness for such actions.

(6) To make recommendations to the City Council on guidelines for the alteration, new construction, demolition, or relocation of landmarks or property and structures within a historic district.

(7) To review proposed zoning amendments that affect proposed or designated landmarks and historic districts.

(8) To testify before boards, commissions, and the City Council on any matter affecting historically and architecturally significant property, structures, and areas.

(9) To periodically review the Zoning Ordinance and to recommend to the Planning and Zoning Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts.

(10) To undertake any other action or activity necessary or appropriate to the implementation of the purpose of this ordinance as directed by City Council.

(11) Provide information regarding historic preservation to the City Council.

(12) Promote and conduct educational and/or interpretive programs on historic properties within its jurisdiction.

(13) To conduct studies for the identification and designation of historic districts, structures, and sites. City staff time and resources to conduct studies must be approved by City Council.

(14) To make recommendations to the State Historic Preservation Officer regarding the listings of districts, structures, or sites to the National Register of Historic Places, and hold public hearings before making recommendations regarding National Register eligibility.

**Section 31.7. CRITERIA FOR CONSIDERATION FOR NOMINATION.**

(1) Before an area, which contains contiguous parcels of diverse ownership, can be designated as a historic district, as evidenced by information provided by the proponents of the district, it must satisfy all of the following criteria:

(a) Properties are significant in national, state or local history, architecture, archeology, and culture, and it must satisfy one or more of the following criteria:

(i) Properties are associated with events that have been a significant contribution to the broad patterns of our history; or

(ii) Properties are associated with the lives of persons significant in our past; or

(iii) Properties embody the distinctive characteristics of a type, period, method of new construction, represent the work of a master, possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; or

(iv) Properties have yielded, or may be likely to yield, information important in prehistory or history; and

(b) Properties possess integrity of location, design, setting, materials, workmanship, feeling and association; and

(c) A minimum of 66% of the principal structures in the proposed district are contributing structures from a historical architecture standpoint; and

(d) The contributing structures in the proposed district are a minimum of 50 years old; and

(e) The proposed district is less than 160 acres but more than 2 acres in size. City Council may waive the 160 acre limitation.

- (2) A building, structure, or site designated as a historic "landmark" shall meet all of the following criteria:
- (a) Properties are significant in national, state or local history, architecture, landscape architecture, archeology, and culture, and it must satisfy one or more of the following criteria:
    - (i) Properties are associated with events that have been a significant contribution to the broad patterns of our history; or
    - (ii) Properties are associated with the lives of persons significant in our past; or
    - (iii) Properties embody the distinctive characteristics of a type, period, method of construction, represent the work of a master, possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; or
    - (iv) Properties have yielded, or may be likely to yield, information important in prehistory or history; and
  - (b) Properties possess integrity of location, design, setting, materials, workmanship, feeling and association.

**Section 31.8. PROCEDURES FOR DESIGNATION OF A HISTORIC DISTRICT OR LANDMARK.**

- (1) Designation of a historic district may only be proposed by an owner or owners of property within the area for which designation is requested. Any such proposal shall be filed with the Planning and Housing Department upon the prescribed form and shall include the following data:
- (a) A map showing Assessor's plat of the area, boundary and boundary description, legal description, and size of area in acres;
  - (b) Photographs and/or other descriptive material;
  - (c) List of all property owners and their addresses;
  - (d) Narrative providing information concerning at least one of the following:
    - (i) Its association with events that have a significant contribution to the broad patterns of community history; or
    - (ii) Its association with the lives of persons significant in the community history; or
    - (iii) Its embodying of the distinctive characteristics of a type, period, method of new construction, etc.
  - (e) Narrative providing information about events or persons that may have a significant relationship to the area and its past;
  - (f) Provide documentation that indicates the structures in the proposed district are a minimum of 50 years old; and
  - (g) Provide information which indicates that a minimum of 66% of the structures in the area are contributing; and
  - (h) Design guidelines proposed as an aid to decisions on Certificates of Appropriateness required by Section 31.10.
- (2) Designation of a historic landmark may be proposed by any person or organization. Any such proposal shall be filed with the Planning and Housing Department upon the prescribed form and shall include the following data:
- (a) A map showing Assessor's plat of the area, boundary and boundary description, legal description, and size of area in acres or square feet;
  - (b) Photographs and/or other descriptive material;
  - (c) List of all property owners and their addresses;
  - (d) Narrative providing information concerning at least one of the following:
    - (i) Its association with events that have a significant contribution to the broad patterns of community history; or
    - (ii) Its association with the lives of persons significant in the community history; or
    - (iii) Its embodying of the distinctive characteristics of a type, period, method of new construction, etc.

- (e) Narrative providing information about events or persons that may have a significant relationship to the area and its past; and
- (f) Design criteria proposed as an aid to decisions on Certificates of Appropriateness required by Section 31.10.

**Sec. 31.9. PUBLIC HEARINGS AND ENACTMENT PROCEDURES.**

(1) Oral and written testimony concerning the significance of the nominated historic district or landmark shall be taken at a public hearing before the Commission. The Planning and Housing Department shall notify, by certified mail, all property owners of a proposed landmark or within a proposed district a minimum of twenty days prior to the public hearing to be held by the said Commission. The Commission upon hearing the proposal will review and make recommendations to the City Council.

(2) The City Council forwards the proposed landmark or historic district designation to the State Historical Department for review and recommendation. Within a reasonable time after receipt of the recommendation from the State Historical Department the Council shall make a final determination on the proposed landmark or district designation. Designation of such an area shall be by enactment of an ordinance to amend the official zoning map of the City to show such designated area in accordance with the hearing, notice and procedure requirement of Chapter 414, Code of Iowa.

**Section 31.10. CERTIFICATE OF APPROPRIATENESS.**

(1) Any act of alteration, demolition, new construction, or relocation, as defined herein, shall require a Certificate of Appropriateness as further described below.

Furthermore, every application for a building permit or a demolition permit affecting the exterior architectural appearance of a designated landmark or of any contributing structure within a designated historic district shall be accompanied by an application for a Certificate of Appropriateness. Applicants shall be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions. The Building Official shall not issue the building or demolition permit until a Certificate of Appropriateness has been approved.

(2) Alteration of an exterior part of a building or a structure. An alteration is any act or process that changes one or more of the exterior features of a structure, without increasing the amount of gross floor area. Alterations to existing structures that are contributing structures or to structures designated as historic landmarks shall require a Certificate of Appropriateness and shall be permitted in the following instances.

- (a) An architectural feature has deteriorated to the point that it must be replaced.
- (b) Architectural features were added which modified the original qualities of the architectural style and the current property owner wishes to restore the structure to the original architectural style.
- (c) An architectural feature can be added as long as the feature is appropriate to the architectural style of the structure.

(3) New Construction. A Certificate of Appropriateness shall be required for construction of

- (a) a new principal structure, or
- (b) an addition to an existing contributing structure or to a designated landmark, or
- (c) a new accessory building on any property with a contributing principal structure or designated landmark.

A new principal structure shall be representative of one of the architectural styles approved in the district. The design for the new principal structure must meet all the design criteria listed for the architectural style selected. Architectural features not specifically listed in the design criteria may be proposed by the applicant. Those features should be incorporated in a manner appropriate with the architectural style.

(4) Consideration of an application for a Certificate of Appropriateness shall apply the Design Guidelines, which shall pertain to all historic preservation districts and historic landmarks; and the Design Criteria, which shall apply only to the particular historic district or historic landmark for which they are enacted.

In each instance the Commission may grant exemptions to the requirements for an alteration if it determines that the cost of replication is prohibitive.

(5) Demolition. Demolition of existing principal structures that are contributing structures or of a historic landmark shall be strictly prohibited except in the following instance:

The structure cannot be used for the original intended purpose and/or no alternative reasonable use can be identified and the property owner can show evidence that an economic hardship will be created if the structure cannot be removed. To prove economic hardship, the applicant may submit where appropriate to the applicant's proposal, the following information to be considered.

(a) Estimate of the cost of the proposed demolition, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a Certificate of Appropriateness.

(b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structures or structures on the property and their suitability for rehabilitation. (This shall be required only when the applicant's proposal is based on an argument of structural soundness.)

(c) Estimated market value of the property in its current condition; after completion of demolition; after any changes recommended by the Commission; and after renovation of the existing property for continued use.

(d) An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(e) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

(f) If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

(g) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

(h) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

(i) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.

(j) Assessed value of the property according to the most recent assessment.

(k) Real estate taxes for the previous two years.

(l) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

**Determination of Economic Hardship.** The Commission shall review all the evidence and information required of an applicant and make a determination whether the denial of a Certificate of Appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. After reviewing the evidence, the Commission may deny the application, may approve a Certificate of Appropriateness for Demolition, or may table the application for a Certificate of Appropriateness for Demolition for a period of time not to exceed 30 days. The 30 day period will permit an opportunity for other alternatives to be evaluated. If a suitable alternative is not presented to the Commission within the 30 day period, the Certificate of Appropriateness for Demolition shall be approved.

In no instance will the Commission approve a Certificate of Appropriateness for demolition without approval of a redevelopment project and submittal by the applicant of a bond or cash escrow to guarantee completion of the approved project.

**(6) Demolition of Contributing Garages.**

No contributing garage structure may be demolished without first receiving approval by the Commission. The Commission may permit the demolition of a contributing garage structure only after considering the following factors and determining that either the garage is not a contributing garage or it is not practicable to be retained on site.

(a) **Historical Significance.** The Commission shall determine whether the garage contributes to the historic character of the house, or district, based upon historical and architectural research.

(b) Architectural Integrity. The Commission will consider if the architectural design of the structure has been altered and/or sufficient historic material has been removed in such a way that it compromises the overall integrity of the building. This may include a combination of the following:

- (i) Removal or alteration of original door and/or window openings;
- (ii) Removal or alteration of original garage/barn/pedestrian doors;
- (iii) Installation of artificial siding;
- (iv) Alteration of the original building footprint and/or roofline; and
- (v) Loss of original materials due to removal and/or deterioration.

(c) Functionality. The Commission will consider whether or not the structure can be put to any reasonable use. For example, a historic one-car garage may be too small to accommodate a modern-day vehicle, but may still function as a place for storage.

(d) Structural Condition. The Commission will consider if one or more significant structural problems exist and whether or not rehabilitation of that structure would result in most of the historic materials being replaced, resulting in essentially a new building. When assessing structural condition, the following factors may be considered:

- (i) Quality of original construction;
- (ii) Bowing walls;
- (iii) Lack of a foundation;
- (iv) Extensive siding repair;
- (v) Termite damage;
- (vi) Rotted wood; and
- (vii) Integrity of roof system.

(e) Location on the Property. The Commission may consider the building's location on the property and whether or not it is visible from the public street, or alley, when assessing the impact that demolition will have on a historic district. However, location alone typically does not justify demolition. If the contributing garage is insufficient in size for modern-day vehicles, efforts should be made to construct a new garage on another portion of the site, to accommodate the vehicles.

(7) Relocation. Relocation of a historic landmark or of an existing contributing structure within or into a historic district shall be strictly prohibited except in the following instances:

- (a) The structure is being relocated to its original site of construction.
- (b) Relocation of the structure is an alternative to demolition of the structure.
- (c) A structure to be moved within or into the district is of an architectural style identified in that district. The structure can be relocated to a vacant parcel or to a parcel occupied by a noncontributing structure which will be removed.

(8) Ordinary Maintenance Permitted; Public Safety.

(a) Ordinary Maintenance Permitted. Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature in a historic district or of any historic landmark which do not involve alterations or changes in the exterior features of a building. For the purposes of this Ordinance, changes made in the color of the exterior surfaces of a building are considered to be ordinary maintenance and repair.

(b) Public Safety. Nothing in this Chapter shall prevent the construction, reconstruction, alteration, restoration, or demolition of any interior or exterior feature which the City Building Official shall certify is required for public safety because of an unsafe or dangerous condition, but any such action shall be, where possible, in accordance with the design guidelines and design criteria set forth in Section 31.13 (Design Guidelines for Alterations) and in Section 31.14 (Design Criteria).

### **Section 31.11. APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS.**

(1) Administrative Approval Process.

(a) A Certificate of Appropriateness for alterations to the principal structure, garages, and other accessory buildings, and the new construction of fences and retaining walls can be approved by the Planning and Housing Director, provided the alterations or new construction meet the adopted Design Guidelines and Design

Criteria, and substitute materials are not proposed, other than those specifically listed in the Design Guidelines. The Planning and Housing Director may refer an application for an alteration to the Commission for approval.

(b) Administrative Approval Procedure. Upon receipt of a fully completed application for a Certificate of Appropriateness, the application materials will be reviewed by staff of the Department of Planning and Housing. The application for a Certificate of Appropriateness may be:

- (i) Approved as presented;
- (ii) Approved with modifications;
- (iii) Denied; or
- (iv) Referred to the Commission.

(c) Applications which have not received final administrative approval within thirty (30) days from the date of acceptance of the application, due to any unresolved dispute as to the administrative interpretation of this Chapter shall be submitted in its entirety to the Commission for their approval.

(2) Historic Preservation Commission Approval Process.

(a) Applications. The Commission shall review the application for a Certificate of Appropriateness and approve or deny the application, except as provided for in Section 31.11(1).

(b) Approval/Denial. Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided by the Department of Planning and Housing to the applicant and the Building Official within seven (7) days following the determination and shall be accompanied by a Certificate of Appropriateness in the case of an approval.

(c) Denial of a Certificate of Appropriateness. A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Commission.

(d) Subsequent Applications. All structures that have once obtained a Certificate of Appropriateness shall be required to obtain a Certificate of Appropriateness for all subsequent alterations, new construction, or demolition.

(3) Other Codes, Regulations, and Ordinances. In granting or denying a Certificate of Appropriateness, the Commission shall not have the power to override housing codes, zoning regulations, or any other Ordinances of the City.

(4) Building Permit. Upon issuance of a Certificate of Appropriateness, the applicant may apply for a building permit, if required and not already submitted.

(5) Effective Period of Approval for a Certificate of Appropriateness. The approval of any application for a Certificate of Appropriateness shall be effective for one (1) year from the date of approval by the Commission, or by the Department of Planning and Housing (in the case of administrative approvals). The Planning and Housing Director may approve a 1 year extension upon finding that the pertinent codes have not changed since the original approval.

#### **Sec. 31.12. THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION.**

The Secretary of the Interior's Standards for Rehabilitation from the U.S. Department of the Interior, National Park Service, shall be followed. The standards described below are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility:

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristic of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.



(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, textures, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

### **Sec. 31.13. DESIGN GUIDELINES FOR ALTERATIONS.**

(1) Use of Substitute Materials. Historic materials shall be used unless otherwise excepted. The Design Guidelines include specific substitute materials for some building elements that are approved as an acceptable alternative to the historic materials for alterations for those building elements. Other substitute materials not listed may be used only if the Commission determines that all of the following conditions are met:

(a) the historic material on the structure is so deteriorated or damaged that it cannot be repaired; and

(b) the historic material on the structure is not readily available; and

(c) the substitute material can be installed without irreversibly damaging or obscuring the architectural features and trim of the building; and

(d) the substitute material matches the historic material in size, design, texture, and other visual qualities.

(2) Chimneys.

(a) Existing brick or stone chimneys shall be retained whenever possible.

(b) Building and fire codes shall be met in regard to proper heights and other requirements.

(c) Chimney alterations shall be consistent with the architectural style.

(3) Decks and Similar Exterior Entrance Features.

(a) Alterations to decks shall follow the design guidelines for the new construction of decks.

(4) Dormers.

(a) Dormers shall be retained whenever possible.

(b) Dormers shall be constructed in the same shape, style, and scale as any historic dormer on the building, or in the same shape, style, and scale of dormers on houses of the same architectural style.

(c) Dormers are not typical on certain styles of historic architecture and adding them in this case shall not be permitted.

(5) Exits, Second and Third Story.

(a) Historic second and third story exits shall be retained whenever possible.

(b) Exit stairs located on the exterior shall be consistent with the architectural styles.

(c) The stairs shall be constructed in the most compact form.

(d) Exit stairs from upper level apartments shall be accommodated inside the existing building whenever possible.

(6) Fences and Retaining Walls.

- (a) Historic retaining walls and perimeter fences shall be retained, whenever possible.
- (7) Foundations.
  - (a) Existing foundations shall be retained whenever possible.
  - (b) Historic door and window openings and storm cellar entrances in the foundation shall be retained.
  - (c) The adjacent grade at a foundation shall not be raised to cover any part of the foundation that was historically exposed. Minimal grade changes necessary to solve destructive drainage problems shall be permitted when no reasonable alternative exists.
  - (d) Masonry and concrete foundations which were never painted shall not be painted.
  - (e) Historic brick, stone, and rusticated masonry foundations shall not be coated with cement plaster or stucco where exposed above grade.
- (8) Garages and Accessory Buildings
  - (a) Garages shall be retained, whenever possible. Demolition is allowed only if it is determined by the Commission that the adopted criteria for demolition of a contributing garage are met.
  - (b) Retain and preserve the character-defining materials, features, and details of historic garages, including foundations, roofs, siding, masonry, windows, doors, and architectural trim, in accordance with Design Guidelines for each exterior feature, and Design Criteria for the architectural type of the principal structure.
    - (i) Exception: that this requirement does not prohibit replacement of a historic garage door with an overhead door that matches the historic garage door in design and dimensions.
  - (c) Replace features in kind that are too deteriorated to repair using physical evidence to guide the new work. Match the original element or detail in design, dimension, texture, and material.
  - (d) Alteration of contributing garages by using materials, configurations, and designs that do not match the design appropriate for the period and the garage is prohibited.
  - (e) Repair of Historic garage door features or portions of features shall utilize the same material and design.
  - (f) If matching the historic door is not possible, the proposed replacement door shall contain as many of the elements of the historic door or of a garage door design appropriate for the period and design of the structure, as is possible.
  - (g) A garage door shall be no larger than necessary to enclose the existing opening.
  - (h) When replacing a non-historic door or replacing a missing door, the new door shall be consistent with doors of the period in design character and dimensions or with the historic character of the building in terms of quantity of doors, height, width, proportion, trim, corner details, pattern of panels, and glass.
  - (j) Garage doors shall be single wide. Double wide garage doors are not permitted.
- (9) Gutters and Downspouts.
  - (a) Built-in gutters and other historic drainage provisions such as wood gutters shall be retained whenever possible.
  - (b) Downspouts and gutters may be added if they have not previously existed.
  - (c) Metal gutters and downspouts shall be permitted when dealing with a building where a water removal system never existed or where repair of the historic system is not possible.
  - (d) Half-round gutters and round downspouts or Roman ogee (K-style) gutters and rectangular downspouts shall be permitted.
  - (e) Downspouts shall be run vertically. Diagonals crossing roof planes and walls shall not be permitted.
- (10) Porches and Similar Exterior Entrance Features.
  - (a) Historic porches, verandas, patios, or similar exterior entrance features shall be retained whenever possible.
  - (b) Alterations to existing porches, verandas, patios, or similar features shall be consistent with the architectural style of the dwelling.
  - (c) Enclosing a porch shall be permitted only if consistent with the architectural style.
  - (d) Second or third story sun porches or balconies, historic in design, shall be retained. Doors leading out to these shall also be retained.

(e) Porch balustrades shall be constructed with materials of the same size, height, detailing, and baluster spacing consistent with the historic architectural style.

Note: It will be necessary to obtain authorization from the City Building Official prior to constructing a balustrade which does not meet the minimum requirements, as specified by the Building Code. When the lower and historically correct height of a porch rail cannot be considered to be life threatening, the Commission shall support the applicant's request for special consideration under the Historic Buildings Section of the currently adopted Building Code.

(f) Handrails required on porch steps, if not of a historic design and materials, shall be a simple metal rail or similar to other balustrade elements on the porch.

(g) When designing enclosures for historic porches, required by the new use, in a manner that preserves the historic character of the building, this can include using large sheets of glass and recessing the enclosure wall behind existing scrollwork, posts, and balustrades.

(h) Composite material is permitted for use on porch floors when not visible from the street or other historic resources.

(i) Fiberglass material is allowed for porch columns, provided the columns have the historically correct proportions to resemble historic wood columns.

(j) Vinyl material is prohibited for porch columns and all other elements of a porch.

(k) Stair risers shall be enclosed.

(l) Locate ramp to minimize its visibility from the public way; to incorporate it behind an existing historic feature; and, if it is providing access to a porch, to enter the porch from the side

(m) Locate and design ramps to minimize damage to existing materials

(n) Locate and design ramps to allow for their removal and for restoration to the historic original appearance with no loss of architectural integrity

(o) Minimize loss of historic features at the point where ramp connects (porch, railings, steps, windows)

(p) Design of ramps shall be simple and non-obtrusive, with historic materials or materials compatible with historic materials

(11) Roofs.

(a) The historic roof shape and roof features, including eaves, shall be maintained.

(b) Historic roofing materials and roof features shall be retained whenever possible.

(c) Asphalt shingles are permitted as a substitute for the historic materials.

(d) Elements of solar design, either active collectors, trombe walls, or passive collectors, shall be kept to the back or a side away from the street and incorporated into the building design to result in site placement, massing, and roof forms which are consistent with the architectural styles in the district. Solar collectors shall be mounted flush to the roof plane and at the same angle as the roof plane.

(e) Skylights, roof windows, wind generators, and radio and television reception equipment and other mechanical equipment which are roof mounted shall be designed in such a way that they are not visible from the street.

(12) Siding/Exterior Materials.

(a) The historic exterior siding material shall be retained whenever possible.

(b) Cementitious siding (smooth finish) of an appropriate profile is permitted for portions of the structure that are not part of the original structure, and on additions that were built after 1941.

(13) Windows and Doors.

(a) Deteriorated historic windows and doors shall be repaired rather than replaced, whenever possible.

(i) In the event replacement is necessary for windows and doors on the original portion of the historic structure, or on any portion of the structure related to the period of significance, the original window materials shall be replaced with historic materials and match the original in design and profile.

(ii) In the event replacement of windows is necessary for a portion of the structure that was added to the original after the period of significance, aluminum clad wood windows, with an anodized or

baked enamel finish may be used as a replacement material in lieu of historic materials and designed to match the original in the design and profile.

(b) New door and window openings shall follow the pattern of door and window openings of the historic architectural style, and shall meet 13(a), above.

(c) The shape of historic window divisions shall not be changed. New muntin bars and mullions shall duplicate the original in size and profile shape.

(d) Replacement frame profiles shall be consistent with those of the historic frame profiles.

(e) Combination aluminum, steel, or vinyl storms may be used as a substitute for wood.

(f) Historic stained glass windows shall be retained. In the case where the window must be replaced, the replacement shall be complementary in design and ornamentation to the historic window.

(g) The addition of stained glass windows into openings which did not historically have stained glass is not permitted.

(h) Historic door and window openings shall not be blocked down to accommodate stock sizes.

(i) Plastic or metal shutters shall not be permitted.

(j) Plastic, metal, or wood awnings shall not be permitted.

### Sec. 31.14 DESIGN CRITERIA.

(1) Design Criteria for the "Old Town" District. All new buildings in the "Old Town" Historic Preservation District shall be representative of one of the following architectural types and have the characteristics hereinafter set out with respect to such architectural types. Alterations and new construction pertaining to Contributing Structures identified by the 2003 Inventory shall be of the same architectural type as said building.

#### (a) Italianate Design Criteria.

(i) Building Height Two or three stories.

(ii) Roof Type Low pitched hipped roof with widely overhanging eaves usually with decorative brackets beneath.

(iii) Roof Pitch 8:12 or less

(iv) Dormers None.

(v) Entry Off-centered door on front facade. Full or partial width porch. Simple, single story porch. Door with large glass panel in upper portion and applied trim below.

(vi) Siding Stucco, brick, or narrow clapboard 2½" to 4" with corner boards 4" to 6". Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original or historic siding material.

(vii) Windows Double hung, tall and narrow with elaborated crowns, commonly arched or curved above. Trim 4" to 6".

(viii) Plan/Footprint Usually a square or rectangular box shape. May have bays.

#### (b) Queen Anne Design Criteria.

(i) Building Height Two to two and one half stories.

(ii) Roof Type Irregular shape with dominant front facing gable. Hipped with lower cross gables. Gabled or crossgabled.

(iii) Roof Pitch 12:12, towers very steep.

(iv) Dormers Wall dormers, Roof dormers. Gabled dormers.

(v) Entry Off-centered door on front facade. Partial or full-width, one-story porch usually along front and one or both side walls. Door with decorative detailing and single large glass pane in upper portion.

- (vi) Siding Avoid smooth walled appearance with patterned shingles, cutaway bay windows, and other devices. Narrow/medium clapboard 2½" to 6". Decorative siding shingles, especially in gables. Corner boards 4" to 6". Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original or historic siding material.
- (vii) Windows Vertical emphasis. Double hung. Window sash with single pane. Trim 4" to 6".
- (viii) Plan/Footprint Most rooms articulated from the exterior with jogs in exterior walls, bays or roof form changes. Irregular form or perimeter.

(c) Colonial Revival Design Criteria.

- (i) Building Height One and one half to two and one half stories.
- (ii) Roof Type Gabled with ridgeboard parallel to street. Gambrel roof.
- (iii) Roof Pitch 8:12
- (iv) Dormers Wall or roof dormers. Pitch consistent with roof.
- (v) Entry Accentuated front door with pediment. Door centered or off centered on front facade. Door with panels and glass. Small entry porch with decorative pediment or arch.
- (vi) Siding Medium clapboard 4" to 6" with 4" to 6" corner boards. Stucco. Shingled. Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original or historic siding material.
- (vii) Windows Symmetrically balanced door and window patterns. Double hung with multi-pane sash, frequently in pairs. Trim 4" to 6".
- (viii) Plan/Footprint Simple rectangular box with porch or entry having a separate roof.

(d) Tudor Design Criteria.

- (i) Building Height One and one half stories.
- (ii) Roof Type Side-gabled with dominating front cross gable.
- (iii) Dormers Wall dormers.
- (iv) Entry Centered, arched door on front facade. Small, partial width entry porch.
- (v) Siding Decorative half-timbering. Stucco. Decorative chimney. Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original or historic siding material.
- (vi) Windows Tall and narrow. Double hung with multi-pane glazing and casement windows. Trim 4" to 6".
- (vii) Plan/Footprint L-shaped plan.

(e) Prairie School/Craftsman/Bungalow Design Criteria

- (i) Building Height One and one half to two and one half stories.
- (ii) Roof Type Low pitched, hipped. Front gabled. Cross-gabled. Side gabled.
- (iii) Dormers Gabled dormers. Hipped dormers. Shed dormers.

- (iv) Entry Door on front facade with panels and glass. Centered door for Prairie School. One story porches or wings. Porch either full or partial width. Massive, square porch supports.
- (v) Siding Narrow clapboard 2½" to 4" with corner boards 4" to 6". Shingled. Stucco. Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original or historic siding material.
- (vi) Windows Double hung, grouped and/or banded. Trim 4" to 6". Multi-paned upper sash.
- (vii) Plan/Footprint Prairie School—simple square or rectangular plan with one story wings or porch subordinate to principal two story mass. Craftsman/Bungalow—rectangular or T shaped with one story porch.

(f) Hipped Cottage (Type I) Design Criteria

- (i) Building Height One and one half to two stories.
- (ii) Roof Type Hipped.
- (iii) Reserved.
- (iv) Dormers Hipped or gabled front dormer. Optional side dormers.
- (v) Entry Off-center entry on front facade. Porch shape varies from small entry porch to full width of front facade.
- (vi) Siding Narrow clapboard 2½" to 4". Corner boards 4" to 6". Often with Prairie School/Craftsman and/or Colonial details. Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original or historic siding material.
- (vii) Windows Double hung. Trim 4" to 6".
- (viii) Plan/Footprint Square or rectangular plan.

(g) Gabled Cottage (Type II) Design Criteria.

- (i) Building Height One and one half to two and one half stories.
- (ii) Roof Type Gabled roof with ridgeboard perpendicular to street with wide overhang.
- (iii) Dormers Shed, gabled or hipped dormers on side facades.
- (iv) Entry Centered or off-centered door on front facade. Porch shape varies from full width of front facade to small entry porch.
- (v) Siding Narrow clapboard 2½" to 4" is principle cladding with brick or stucco as secondary. May have Craftsman detailing such as brackets, exposed rafter tails, window bands, fish-scale shingles. Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original or historic siding material.
- (vii) Windows Double hung. Trim 4" to 6".
- (viii) Plan/Footprint Rectangular plan. Two or three bay width.

(h) Gabled-ElI Cottage (Type III) Design Criteria.

- (i) Building Height Two stories.
- (ii) Roof Type Intersecting gable roof. Hipped with intersecting gables.
- (iii) Reserved.
- (iv) Dormers Gabled dormers.
- (v) Entry Off-center entry on front facade. Porch shape ranges from small entry porch to wrapped porch across front and around corner.
- (vi) Siding Narrow clapboard 2½" to 4". Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original or historic siding material.
- (vii) Windows Double hung. Trim 4" to 6".
- (viii) Plan/Footprint L or T shaped plan.

(i) Colonial Cottage (Type IV) Design Criteria.

- (i) Building Height One and one half to two stories.
- (ii) Roof Type Side gable with ridgeboard parallel to the street.
- (iii) Roof Pitch
- (iv) Dormers Gabled dormers.
- (v) Entry Centered or off-centered entry on front facade. Porch varies from full width to small entry porch.
- (vi) Siding Narrow clapboard 2½" to 4". Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original or historic siding material.
- (vii) Windows Double hung. Trim 4" to 6".
- (viii) Plan/Footprint Rectangular or T-shaped plan.”

(2) Design Criteria for 218 Lincoln Way, known locally as the Martin House.

(a) The Martin House is a strong example of Craftsman Style residential architecture. Details of design and dimensions of distinct architectural elements of the building shall be followed and conformed to for all alterations or new construction of additions to the building.

(b) The Martin House’s relationship to Lincoln Way is an essential aspect of its Landmark status. Alterations of changes in use that alter the visual or spatial appearance or aspect of the House from this public way shall be discouraged.

(c) All alterations and newly constructed additions shall conform to the following characteristics of the building:

- (i) Building Height One and a half stories plus roof pitch.
- (ii) Roof Type/Pitch Strong pitch (9:12 and 7:12) with break at level of upper floor. Single gables with two large dormers on north and south sides.
- (iii) Dormers One at front and back side of roof, with four integral windows in each.
- (iv) Entry Centered door on front facade with panels and glass. One story full width porches. Porch either full or partial width. Massive, square pyramidal porch supports with shallow arches over openings.
- (v) Exterior Materials Narrow (3-1/2") horizontal wood siding with 4" corner boards and painted stucco. Asphalt shingle roof (not original). Wood

- flooring on porch. Alterations, repairs, and renovations shall match patterns of existing siding, trim, and finish material.
- (vi) Windows Double hung, grouped and/or banded. 5-1/2" trim (4-1/2" board with 1" trim piece). Multi-paned upper sashes. Wood only for alterations to match extant trim and muntin patterns.
  - (vii) Plan/Footprints Simple square plan with porch subordinate to principal two story mass. Minor projections (<3'-0") permissible on sides and back only. Extensions to the rear of the house are preferred to maintain original appearance of front and side elevations, especially from Lincoln Way.

(3) Design Criteria for Lot 1, Mary Adams Subdivision, known locally as the Adams House, 1013 Adams Street and Lot 2, Mary Adams Subdivision, known locally as the Adams Memorial Greenway, 1025 Adams Street.

(a) The Adams House is a mixture of late Prairie School and Postwar Modern styles of architecture. Details of design and dimensions of distinct architectural elements of the building as shown on the building plans prepared by the builder, Bertrand Adams, shall be followed and conformed to for all alterations or new construction of additions to the building.

(b) The Adams' House relationship to its knoll is an essential aspect of its Landmark status. Alterations or changes to the vegetation that reflect the historic, visual or spatial relationship of the house to its grounds shall be encouraged, but not required.

(c) All alterations and newly constructed additions to the house on Lot 1 shall conform to the following characteristics of the building:

- (i) Building Height The building height shall be limited to one-and-a-half stories, not including the basement.
  - (ii) Roof Type/Pitch The roof line of the building shall be nominally flat with a slight slope to the clerestory that opens up toward the south.
  - (iii) Roof Projections The central clerestory is an integral element of the building's massing and primary elevation, and shall be retained.
  - (iv) Entry The primary entrance to the building is under a porch on the south side, with an alternate entry toward driveway on east. These entry features shall be retained.
  - (v) Exterior Materials Acceptable building materials are as follows:
    - Brick and/or concrete masonry walls. Alterations and/or repairs should match color and pattern of existing brick.
    - Built-up roofing with metal edge/parapet.
    - Concrete paving to front porch, walkway and driveway.
    - Steel pipe columns supporting roof over porch.
  - (vi) Windows Windows shall be narrow sash steel windows with predominantly horizontal muntin pattern and metallic finish. If window replacements are necessary, corner windows should be restored, as possible, to their original, more open configuration.
  - (vii) Solid/Void Ratio Maintain position and size of all large-scale openings (doors, windows, etc.) Additional openings as required for accessibility or egress improvements should coordinate with the existing rhythm and pattern of voids.
  - (viii) Plan/Footprints Rooms have a predominantly east-west orientation with windows along the south side. Retention of these features is encouraged, but not required.
- (d) Topography: Topography to be maintained on both lots.



(4) Design Criteria for the 1915 City Hall Landmark.

(a) The 1915 City Hall Landmark is of the Classical Revival style of architecture. Details of design and dimensions of distinct architectural elements of the building, as shown on the building plans prepared by the architectural firm of Liebke, Nourse and Rasmussen shall be followed and conformed to for all alterations or new construction of additions

(b) Substitute materials may be allowed if they are consistent with the historic materials in size, design and texture. Proposals for substitute materials must be expressed with specificity in the application for Certificate of Appropriateness.

(c) All alterations and newly constructed additions shall conform to the following characteristics of the building:

(i) Building Height: Two (2) stories, not including the basement.

(ii) Roof Type: Nominally flat - no pitched roof will be allowed.

(iii) Roof Pitch: Not applicable.

(iv) Dormers: None

(v) Entry:

Front facade -

- . Centered on the front facade
- . Limestone frame and cornice with dentils
- . Recessed doors
- . Double doors 7'6" tall
- . Doors with glass - 20" x 64" glass size
- . Transom with wood grill above double doors
- . Limestone stairs and stoop with matching limestone buttresses on each side of the entry or concrete to match limestone in color and texture.
- . Treads of variable widths

North Side Basement -

- . Single panel wood door with a single light
- . Side light
- . Transom above door
- . Iron railing for this entrance

Fire Station Doors (North Side) -

- . Two pairs of hinged, bifold, wood, three-panel doors or similar architectural feature
- . Center row of door panels are glazed
- . Six-light arched transom in each of two arched openings

Fire Station Doors (South Side) -

- . Sliding wood door or similar architectural feature
- . Three-light (42" x 26") windows over four vertical wood panels
- . Six-light rectangular transom above the door

Fire Station Second Story Door (South Side) -

- . An architectural feature similar to a six-light, single-panel, wood passage door

(vi) Siding:

City Hall Portion of the Building -

- . Brick walls above a limestone basement
- . Limestone cornice
- . Square limestone ornaments between second story windows
- . All windows recessed in two-story brick panels
- . Recessed spandrel panels between first and second-story windows on the City Hall portion of the building

- . Mitered brick window frames on the City Hall portion of the building
  - Fire Station Portion of the Building -
  - . Keystone and impost blocks on the north fire station door arches
  - . Common bond brick without decorative detail
  - . No limestone cornice on the south and east sides
- (vii) Windows:
- City Hall Portion of the Building -
  - . Wood single or double casement windows with transoms above
  - . Retention of existing iron grates is preferred
  - Fire Station Portion of the Building -
  - . Hollow metal double-hung windows with a divided light sash
  - . Retention of existing iron grates is preferred
  - Basement -
  - . Wood double-hung windows on the City Hall portion of the building
  - . Hollow metal double-hung windows on the fire station portion of the building
- (viii) Roof Features:
- City Hall Portion of the Building -
  - . Stepped parapet with a limestone cap
  - Fire Station Portion of the Building -
  - . Level parapet with a limestone cap on the north side
  - . Level parapet with a terra cotta cap on the south and east sides
  - . Chimney with a limestone cap
- (ix) Solid/void Ratio:
- Maintain the solid/void ration established by the existing building
- (x) Plan/Footprints:
- Simple rectangular plan, with a slight offset on the fire station portion of the building
- (xi) Window Wells:
- Gray brick areaways with cement coping

**Sec. 31.15. DESIGN GUIDELINES FOR NEW CONSTRUCTION.**

(1) Materials. Historic materials shall be used unless otherwise excepted. The Design Guidelines include other specific materials for some building elements that are approved as acceptable for new construction of those elements. Other materials not listed may be used only if the Commission determines that the size, design, texture and other visual qualities of the substitute materials are compatible with the historic materials of the particular architectural style.

(2) Chimneys.

(a) Chimney construction shall be consistent with the architectural style.

(3) Decks.

(a) Decks shall be located at the rear, or opposite the street-facing side of principal buildings. Decks shall be built on the side of a building only if the deck is screened from street view with fencing and/or appropriate plant materials that will provide screening during all seasons.

(b) Exposed materials shall be stained, or painted, to match or blend with the colors of the house.

(c) Lattice, or foundation materials that are consistent with the foundation materials of the historic structure, shall be installed in the opening between the piers and between the deck floor and the ground.

(d) The historic fabric of the building and its character defining features shall not be damaged, destroyed or obscured.

(e) The deck shall be self-supporting, so that it may be removed in the future, without damage to the historic structure.

(f) Design and detailing, including the deck railings and steps, shall reflect the historic architecture and proportions of the principal building.

(g) Align decks generally with the height of the principal building's first-floor level.

(h) Wood materials shall be used for all exposed parts of a deck, with the exception that composite material is permitted for the deck floor and steps providing direct access to the deck.

(4) Dormers.

(a) Dormers shall be constructed of a design and scale that is consistent with the architectural style.

(b) Dormers are not typical on certain styles of historic architecture and using dormers on new construction, in such cases, shall not be permitted.

(5) Egress Windows.

(a) Below-grade egress windows, and associated window wells shall be designed to be as unobtrusive as possible. Landscape, and/or fence screening may be required if the egress window and/or window well is visible from the street.

(b) Wood windows, or aluminum clad wood windows, with an anodized or baked enamel finish are permitted.

(6) Exits, Second and Third Story.

(a) Exit stairs for newly constructed buildings shall be accommodated inside the building.

(7) Fence and Retaining Wall Height and Materials.

(a) Fence Height.

(i) Fences shall comply with the height standards as described in Section 29.408 (Other General Development Standards).

(b) Retaining Wall Height.

(i) The height of the retaining wall is limited to the height of the bank of soil being retained by the wall.

(c) Fence Materials

(i) Permitted Fence Materials:

a. Wood;

b. Masonry (for fence posts, only);

c. Iron;

d. Stone;

e. Stucco Walls;

f. Cast Stone;

g. Metal construction fabricated of visually and structurally substantial heavy gauge or cast components; and

h. Other fence materials for which historic evidence can be shown that the material has been used historically on properties in the historic district.

(ii) Fence Materials Not Permitted:

a. Vinyl;

b. Metal Panels;

c. Plastic;

d. Plywood;

e. Solid Masonry;

f. Concrete, including poured concrete to imitate brick;

g. Metal construction fabricated of light tubular stock or sheet metal; and

h. Any other materials not listed as "permitted".

(d) Retaining Wall Materials.

(i) Permitted Retaining Wall Materials:

a. Stone (Mortared or Dry-laid);

- b. Poured Concrete;
    - c. Brick;
    - d. Combination of Brick and Stone; and,
    - e. Other retaining wall materials for which historic evidence can be shown that the material has been used historically on properties in the historic district.
  - (ii) Retaining Wall Materials Not Permitted;
    - a. Wood Design, including railroad timbers, landscape timbers and landscape logs;
    - b. Concrete Block;
    - c. Imitation Brick or Stone;
    - d. Metal; and,
    - e. Any other material not listed as “permitted”.
- (8) Fence and Retaining Wall Design.
  - (a) New construction shall be consistent with the architectural style.
  - (b) Fence Design.
    - (i) Permitted Fence Designs:
      - a. Wood Picket;
      - b. Wood Slat;
      - c. Solid Wood;
      - d. Woven Wire;
      - e. Ornamental Iron;
      - f. Heavy Gauge Metal;
      - g. Alternating Board;
      - h. Solid Wood Board fence with lattice comprising approximately the top one-third of the total fence height; and,
      - i. Other fence designs for which historic evidence can be shown that the design has been used historically on properties in the historic district.
    - (ii) Fence Designs Not Permitted.
      - a. Basket-Weave;
      - b. Chain Link;
      - c. Split Rail;
      - d. Horizontal Board;
      - e. Stockade;
      - f. Post and Rail;
      - g. Lattice, exceeding one-third of the total fence height; and,
      - h. Any other design not listed as “permitted”.
  - (c) Retaining Wall Design.
    - (i) Permitted Retaining Wall Designs:
      - a. Brick Wall in combination with concrete caps;
      - b. Cast Stone/Cast-in-Place Concrete; and,
      - c. Other retaining wall designs for which historic evidence can be shown that the design has been used historically on properties in the historic district.
    - (ii) Retaining Wall Designs Not Permitted:
      - a. Hollow, or Solid Interlocking Concrete Block;
      - b. Faced Concrete Block; and,
      - c. Any other design not listed as “permitted”.
- (9) Foundation.
  - (a) Foundation construction shall be consistent with the architectural style.
  - (b) Brick used on foundations for additions shall be either reclaimed old brick or

new brick which matches in size, color, and texture as closely as possible the brick used on the building.

(c) The amount of exposed foundation on additions shall match that of the existing building.

(d) Foundations using modern materials shall be permitted if the materials are veneered on the exterior with the appropriate historical materials above grade.

(e) Openings in the foundation shall be consistent with the architectural style of the building being added to.

(f) The height of the exposed foundation shall be consistent with that of the particular architectural style.

(10) Garages and Accessory Buildings.

(a) Garage and accessory building construction shall be consistent with the architectural style.

(b) Garages and accessory buildings shall not exceed the height or bulk of the principal building.

(c) Metal accessory buildings are not permitted.

(d) Accessory buildings shall use window design and materials that follow that of the principal structure.

(e) Aluminum or steel garage doors may be used as a substitute for wood.

(f) Double garages shall have two single doors rather than one double wide door.

(g) The roof form of a garage or accessory building shall be similar to the roof form of the principal structure.

(h) An accessory building shall not attempt to mimic the house or look like a barn or other non-historic building.

(i) Cementitious siding (smooth finish) of an appropriate profile may be used for the new construction of garages and other accessory buildings.

(j) Accessory buildings that are 120 square feet or larger are required to meet

Design Guidelines.

(11) Gutters and Downspouts.

(a) Downspouts shall be run vertically. Diagonals crossing roof planes and walls shall not be permitted.

(b) Metal gutters and downspouts shall be permitted when dealing with a building where a water removal system never existed or where repair of the historic system is not possible.

(12) Massing.

(a) The height of new construction shall be consistent with the height of historic buildings of the same architectural style.

(b) New construction shall be an appropriate height and massing when it is viewed in relation to historic buildings in the district.

(c) Additions shall not exceed the height of the historic building and shall be compatible with the massing of the historic building.

(d) The floor-to-floor heights of new construction shall be consistent with the floor-to-floor heights of historic buildings of the same basic architectural style.

(e) Additions shall have a floor-to-floor height the same as the historic building.

(13) Moved Buildings.

(a) Infill buildings shall be placed on a foundation exposed similarly to that of other buildings of the same architectural style.

(b) Buildings moved into a district shall be consistent with the massing, architectural style, height, and materials of buildings in the district.

(c) Historic porches, chimneys, or architectural features that were removed during the moving process shall be replaced when the building is at its new location.

(14) Porches and Similar Exterior Entrance Features.

- (a) A porch or similar entrance feature is required where it is necessary to meet the elements of the particular architectural style.
  - (b) Construction shall be consistent with the architectural style.
  - (c) Porches or similar entrance features shall have a connection to the interior by the use of windows and doors.
  - (d) A porch or similar entrance feature is permitted on a particular structure if the porch is consistent with the architectural style of the structure.
  - (e) When designing and constructing a new entrance feature or porch, if the historic entrance or porch is completely missing, the new one may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historical character of the building.
  - (f) The location of porches on new structures, or as additions to historic structures, shall be consistent with the architectural style of the structure.
  - (g) Composite material is permitted for use on porch floors, when not visible from the street, or other historic resources.
  - (h) Fiberglass material is allowed for porch columns, provided the columns have the historically correct proportions to resemble historic wood columns.
  - (i) Vinyl material is prohibited for porch columns and all other elements of a porch.
  - (j) Locate ramp to minimize its visibility from the public way; to incorporate it behind an existing historic feature; and, if it is providing access to a porch, to enter the porch from the side
  - (k) Locate and design ramp to minimize damage to existing materials
  - (l) Locate and design ramp to allow for its removal and for restoration to the historic original appearance with no loss of architectural integrity
  - (m) Minimize loss of historic features at the point where ramp connects (porch, railings, steps, windows)
  - (n) Design of ramps shall be simple and non-obtrusive, with historic materials or materials compatible with historic materials
- (15) Roofs.
- (a) Roof pitch and roof shape shall be the same as that of historic structures, repeating basic roof forms consistent with architectural styles in the district.
  - (b) Asphalt shingles are permitted as a substitute for the historic materials.
  - (c) Construction shall be consistent with the architectural style.
  - (d) Elements of solar design either active collectors, trombe walls, or passive collectors shall be kept to the back or a side away from the street and incorporated into the building design to result in site placement, massing, and roof forms which are consistent with the architectural styles in the district.
  - (e) Solar collectors shall be mounted flush to the roof plane and at the same angle as the roof plane.
  - (f) Skylights, roof windows, wind generators, and radio and television reception equipment and other mechanical equipment which are roof mounted shall be designed in such a way that they are not visible from the street.
  - (g) Additions shall have a roof pitch compatible with the building being added to.
  - (h) The roofs of additions shall not interfere with the original roof form by changing its basic shape.
  - (i) The roof of an addition shall not be higher than the main roof of the existing building.
- (16) Siding/Exterior Materials.
- (a) Construction shall be consistent with the architectural style.
  - (b) Cementitious siding (smooth finish) of an appropriate profile may be used for the new construction of stand-alone primary buildings, garages and other outbuildings. It may also be used for new additions to historic structures.
- (17) Site Features and Relationships.
- (a) The general historical setback pattern for the design of historic building fronts shall be incorporated into new construction of similar architectural styles.

(b) Additions, other than porches shall not be constructed on any building façade that faces the street. Additions may be constructed on any building façade that does not face the street, provided that the addition does not radically change, obscure, damage or destroy character defining features. Additions shall not protrude in front of the historic street façade.

(18) Windows and Doors.

(a) Construction shall be consistent with the architectural style.

(b) The windows and doors of new construction shall follow the rhythm (spacing pattern) and the size and shape of windows and door openings found in the walls of similar historic buildings.

(c) Horizontal windows, small windows, and modern picture windows shall not be used when vertically oriented and larger windows are used on the historic structure.

(d) Window trim elements shall be used in a manner similar to the architectural styles.

(e) Large areas of solid blank wall shall not be created on any highly visible elevations in the historic district.

(f) The use of smoked, mirrored, or tinted glass is not permitted in the district.

(g) Exposed metallic frames shall be baked enamel or painted.

(h) Combination aluminum, steel, or vinyl storms may be used as a substitute for wood.

(i) Aluminum clad wood windows, with an anodized or baked enamel finish may be used for the new construction of stand-alone primary buildings, garages and other outbuildings. They may also be used for new additions to historic structures.

(j) Fiberglass material is permitted for doors on new structures, or additions to existing structures.

**Sec. 31.14. APPEALS.**

Any person aggrieved by or adversely affected by a decision of the Commission may, within thirty (30) days of that decision, appeal the Commission's actions to the City Council. The Council shall determine whether the commission exercised its powers in accordance with the applicable laws and ordinances, and whether the commission's action was patently arbitrary.

**Sec. 31.15. ENFORCEMENT.**

It shall be the duty of the Zoning Enforcement Officer to enforce this chapter and to bring to the attention of the City Council any violations or lack of compliance herewith.

**Sec. 31.16. PENALTIES FOR OFFENSES PERTAINING TO HISTORIC PRESERVATION DISTRICTS.**

A violation of any provision of Chapter 31, Historic Preservation Districts, shall be a municipal infraction punishable by a penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation.

*(Ord. No. 4206,1-27-15)*