

Public Hearing Date: 8 / 17 / 2010

**ORDINANCE AMENDING SECTION 5-17-2 AND REPEALING AND RECREATING
SECTION 5-17-5 OF THE MONROE CITY CODE:
POWERS AND DUTIES OF THE HISTORIC PRESERVATION COMMISSION**

THE COMMON COUNCIL of the City of Monroe do ordain as follows:

SECTION 1. The following definitions are hereby added to Section 5-17-2 of the Monroe City Code:

- ALTER OR ALTERATION:** means any act or process that materially changes one or more of the architectural features of a structure, other than a temporary sign, including but not limited to, erection, construction, reconstruction, removal, or a material change to the color or texture.
- ARCHITECTURAL FEATURE:** means the architectural elements embodying style, design, general arrangement and components of all of the visible surfaces of a structure, including but not limited to the type of building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such structure.
- CERTIFICATE OF APPROPRIATENESS:** means a certificate issued by the Building Inspector authorizing alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
- SIGN:** means any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, by which anything is made known and which is used to advertise or promote an individual, firm, association, company, profession, business, commodity, event or product.
- STRUCTURE:** means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, including but not limited to, roofed and walled buildings, signs, gas or liquid storage tanks and culverts.
- TEMPORARY SIGN:** means any sign, handbill, or poster that is placed for a limited period of time to advertise or announce a specific event or occurrence, or that pertains to a specific event or occurrence. Examples of temporary signs include, but are not limited to signs, handbills or posters relating to civic or athletic events, concerts, special events or products or services offered for sale at a reduced price or on special terms.
- VISIBLE SURFACE:** means any part of the exterior surface of a structure or a sign that is clearly visible from any public sidewalk, street or highway, including signs or architectural features located on the inside of a transparent surface, such as a window, that are positioned in a manner that is clearly designed to be observed from the a public sidewalk, street or highway.

SECTION 2. Section 5-17-5 of the Monroe City Code is hereby repealed and recreated to read as follows:

5-17-5: POWERS AND DUTIES:

- (A) **Designation:** The Commission shall have the power, subject to Section 5-17-6 of this Chapter, to designate historic structures and historic sites and to recommend designation of historic districts within Monroe's limits. Such designations shall be made based on Section 5-17-4 of this Chapter. Historic districts shall be approved by the Common Council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this Chapter.

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(B) Regulation of Construction, Reconstruction, Alteration and Demolition:

1. **Certificate of Appropriateness.** No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the visible surface of such property or construct any improvement having a visible surface upon such property or cause or permit any such work to be performed upon such property unless a certificate of appropriateness has been issued authorizing such work. The Building Inspector shall establish procedures to monitor alterations to the visible surface of a historic structure, historic site or structure within a historic district and shall report all such alterations to the Commission.

(a) **Approval by Commission.** Except as provided in subsection (b), no certificate of appropriateness shall be issued until the issuance thereof has been approved by the Commission.

(b) **Administrative Authority of Building Inspector.** The Commission may by resolution delegate to the Building Inspector authority to administratively issue a certificate of appropriateness for an alteration if such alteration falls within a class of work that has been clearly identified and appropriately defined by the Commission as work that may be approved administratively by the Building Inspector. Issuance of a certificate of appropriateness for such work by the Building Inspector shall be deemed for all purposes to be approval thereof by the Commission.

2. **Criteria for Approval of Certificate of Appropriateness.** Upon filing of any application for a certificate of appropriateness, the Commission, or the Building Inspector in a case falling within the administrative approval authority of the Building Inspector, shall within 45 days determine if the proposed changes are consistent with the character and features of the property or district, and approve the issuance of the certificate of appropriateness unless:

(a) In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;

(b) In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;

(c) In the case of any property located in a historic district, the proposed construction, reconstruction, alteration or demolition does not conform to the purpose and intent of this Chapter and to the objectives and design criteria of the historic preservation plan for said district;

(d) The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State;

(e) In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

3. **Other Approvals.** Issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building or other City permit needed to perform work on the visible surface of a historic structure, historic site or structure within a

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historic district shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.

4. **Maintenance and Repairs.** Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided that the work does not alter a historic structure or site and does not require the issuance of a building permit.

5. **Issuance.** Upon approval of an alteration and fulfillment of all conditions placed upon such approval the Building Inspector shall issue a certificate of appropriateness.

6. **Fees.** The fee for issuance of a certificate of appropriateness and for actions required to comply with this chapter shall be established from time to time by resolution of the common council.

(C) **Appeals:** Should the Building Inspector, in a case falling within the administrative approval authority of the Building Inspector, fail to approve a certificate of appropriateness, the applicant may appeal such decision to the Commission within 30 days. Should the Commission fail to approve a certificate of appropriateness, the applicant may appeal such decision to the common council within 30 days. In addition, if the Commission fails to approve a certificate of appropriateness, the Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this Chapter.

(D) **Recognition of Historic Structures, Sites and Districts:** At such time as a historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property at the City's expense, a suitable plaque declaring that such property is a historic structure, site or district.

SECTION 3. This ordinance shall be in full force the day following its passage and official publication.

Dated this 17th day of August, 2010.
Passed this 17th day of August, 2010.
Published this _____ day of _____, 2010.

W. Ross

Mayor

Carol J. Stamm

City Clerk